EXPLANATORY MEMORANDUM TO

THE ENVIRONMENT AND RURAL AFFAIRS (MISCELLANEOUS REVOCATIONS) REGULATIONS 2015

2015 No. 639

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to revoke 12 regulations relating to animals, agriculture, environmental protection and water which are spent or otherwise superseded.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument will revoke 12 instruments relating to animals, agriculture, environmental protection and water

4.2 The Animals and Animal Products (Import and Export) (England) (Laboratories, Circuses and Avian Quarantine) Regulations 2007/1621 is redundant because it only made amendments to the Animals and Animal Products (Import and Export) (England) Regulations 2006 (S.I. 2006/1471) which was revoked by the Trade in Animals and Related Products Regulations 2011.

4.3 The Milk Marketing Boards (Special Conditions) Regulations 1981 implement obligations created by Commission Regulation (EEC) No. 1565/79 which lays down rules for implementing Council Regulation (EEC) No. 1422/78 concerning the grant of certain special rights to milk producer organisations in the UK. As the Milk Marketing Boards were abolished this is no longer relevant.

4.4 The Older Cattle (Disposal) (England) Regulations 2005 are now redundant as the work related to the Older Cattle Disposal Scheme and Over Thirty Months Scheme are completed.

4.5 Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996: The Selective Cull was introduced in Great Britain in 1996 to enable the killing and destruction of, and compensation for, cattle most at risk of BSE. This measure was implemented as part of the UK's response to the five pre-conditions of the Florence Agreement to lift the export ban on British beef. The Selective Cull ended in 2000 but this legislation was not repealed at the time in case it was needed again in the future. The export ban has been lifted in 2006. The legislation is therefore obsolete and can be repealed.

4.6 Bovine Hides Regulations 1997: Underpinned Commission Regulation No 716/96 permitting the hides of cattle slaughtered under the Over Thirty Months Scheme (OTMS) which

lasted until 2005 and then the Older Cattle Disposal Scheme (OCDS) which lasted until 2008 to be used, providing they were processed for leather. The OCDS closed at the end of 2008, so this legislation has been rendered obsolete.

4.7 BSE Monitoring (England) (Amendment) Regulations 2001: The BSE Monitoring (England) Regulations 2001 were revoked by the TSE Regulations 2002 but the Amendment Regulations were retained at that time because they included amendments to the definitions of "notifiable bovine animal" in the Cattle Identification Regulations 1998 and the Cattle (Identification of Older Animals) Regulations 2000, both of which were subsequently revoked by the Cattle Identification Regulations 2007. This SI is now obsolete and should be revoked.

4.8 Water (Compensation) Regulations 1983 (SI 1983/1267) transfers liabilities from National Water Council to Severn Trent Water Authority. As both the National Water Council and Severn Trent Water Authority are defunct, the Water (Compensation) Regulations 1983 (SI 1983/1267) are now obsolete.

4.9 Under the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2000 (SI.2000/1043) equipment containing PCBs could not be held after 31 December 2000 without a direction from the Environment Agency. The amendment Regulations (2000/3359) provided for a temporary extension where a holder had made an application but it had not yet been determined or confirmed by the deadline. This concerned a one-off situation in 2001 so they are now redundant.

4.10 The regulations relating to Countryside Access Scheme are now redundant as the Scheme, to which the Regulations refer, closed in 1999 with the ending of set-aside.

4.11 Dairy (Specific Market Support Measure) Regulations 2010 - Provide for the distribution of monies in the United Kingdom for the purposes of Commission Regulation (EU) No 1233/2009 laying down a specific market support measure in the dairy sector. This action has already taken place so the instrument is now redundant.

5. Territorial Extent and Application

5.1 This Instrument extends to England and Wales

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for natural environment and science has made the following statement regarding Human Rights:

In my view the provisions of the Environment and Rural Affairs (Miscellaneous Revocations) Regulations 2015 are compatible with the Convention rights.

7. Policy background

7.1 As part of Defra's commitment to the Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. This instrument is being made to revoke 12 instruments relating to animals, agriculture, environmental protection and water.

8. Consultation outcome

8.1 These are legislative functions which require no outside consultation.

9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument simply revokes redundant legislation.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 There is no impact on small businesses as this instrument revokes redundant legislation.

12. Monitoring & review

12.1 No monitoring will be conducted.

13. Contact

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