EXPLANATORY MEMORANDUM TO

THE FOOD PROTECTION (EMERGENCY PROHIBITIONS) (LEAD IN DUCKS AND GEESE) (ENGLAND) (REVOCATION) ORDER 2015

2015 No. 300

1. This explanatory memorandum has been prepared by the Food Standards Agency (FSA) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Food Protection (Emergency Prohibitions) (Lead in Ducks and Geese) (England) (Revocation) Order 2015 will revoke in its entirety The Food Protection (Emergency Prohibitions) (Lead in Ducks and Geese) (England) Order 1992 ("the1992 Order) (SI 1992 No. 2726).

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

3.1 None.

4. Legislative Context

4.1 This Instrument revokes The Food Protection (Emergency Prohibitions) (Lead in Ducks and Geese) (England) Order 1992.

5. Territorial Extent and Application

5.1 This instrument extends to England and Wales, but in practice applies to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 1992 Order was directed at banning the movement from a designated place of any poultry of a specified type or any food or feeding stuff derived from that poultry. In more detail, the Order prohibited the movement from a particular farm in Shropshire of drakes, ducks, ganders and geese and any meat or other product derived from those birds or any feeding stuffs for animals intended for human consumption derived from those birds. The 1992 Order was designed to prevent the movement off the holding of anything likely to create a hazard to human health because of lead contamination.

7.2 It is considered by the Food Standards Agency (FSA) that the risk to human health which the 1992 Order was intended to prevent is no longer present and in consequence that the Order is no longer necessary and can be revoked

8. Consultation Process

8.1 A shortened consultation period of two weeks was undertaken to provide stakeholders with the opportunity to comment on the proposed revocation and to meet parliamentary deadlines. The FSA considers the revocation of the 1992 Order to be beneficial as it removes redundant legislation and is non-controversial in terms of food safety. A shortened consultation was therefore considered to be proportionate.

8.2 No comments were received from stakeholders on the proposed revocation of the 1992 Order.

9. Guidance

9.1 No specific guidance has been prepared to accompany the new Regulations.

10. Impact

10.1 The FSA does not envisage that this Instrument will have any impact on food businesses or enforcement authorities, as the revocation merely removes redundant legislation.

10.2 There is no impact on the public sector as there are no new provisions.

10.3 An Impact Assessment was not produced for the revocation, as the Order is redundant and the impact is therefore negligible.

11. Regulating small business

11.1 Not applicable

12 Monitoring & review

12.1 A review of this Instrument is not required.

13. Contact

13.1 Nasreen Shah at the Food Standards Agency, Tel: 020 7276 8538, Email: nasreen.shah@foodstandards.gsi.gov.uk, can answer any queries regarding the instrument.