EXPLANATORY MEMORANDUM TO

THE NON-COMMERCIAL MOVEMENT OF PET ANIMALS (AMENDMENT) (ENGLAND) REGULATIONS 2022

2022 No. 420

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument amends retained direct EU legislation to authorise the use of an additional rabies antibody titre test for pet animals entering England. Permitting the use of an additional test will significantly speed up the rabies testing process for pet animals entering England at a time when the system faces a significant backlog due to pet animals entering with their owners fleeing from Ukraine. This will reduce the overall burden on quarantine spaces and enable people being reunited with their pets earlier, while also protecting UK biosecurity. The instrument will cease to have effect on 1 October 2022.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument has been made to address a shortage of quarantine places to accommodate pet animals accompanying people fleeing Ukraine. The Department recognises the importance of there being a 21-day period between the making and coming into force of an S.I. This S.I. however comes into force a day after it is laid to urgently address an expected shortfall in capacity for quarantining pet animals from early April 2022 and to enable alternative testing to take place straightaway to prevent a significant backlog developing.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 This instrument is being made under Article 38 of Regulation (EU) No 576/2013 ("the Pet Travel Regulation") which forms part of the UK statute book as retained direct EU legislation under the European Union (Withdrawal) Act 2018. The Aquatic Animal

Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 made amendments to this and other retained direct EU legislation, which included transferring the power of the Commission in Article 38 to amend Regulation (EU) No 576/2013 to the Secretary of State, Scottish Ministers and Welsh Ministers.

6.2 Ukraine is an unlisted country under the Pet Travel Regulations which means that certain pets (dogs, cats and ferrets) are subject to stringent rabies requirements to protect domestic animal and human health (see paragraph 7.3 below). Where pets from Ukraine or other unlisted countries are not compliant with the animal health requirements under the Pet Travel Regulation, they may be permitted to enter Great Britain if the Minister authorises their entry by licence under Article 4 of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, and required to be isolated in quarantine until these animal health requirements are met.

6.3 This instrument will allow an alternative antibody titre test to be used when administered by the Secretary of State, to demonstrate compliance with the animal health requirements. This is principally because the test has a much quicker turnaround than existing antibody testing and will allow quarantine space to be freed up as a result of the significant backlog due to pets arriving from Ukraine.

7. Policy background

What is being done and why?

7.1 This instrument will ensure that the legislation permits an additional type of antibody titre test to be used, to indicate if the animal has been successfully vaccinated in the past with a quicker turnaround than the existing permitted antibody test. There is currently one type of antibody titre test that can be used for entry into Great Britain and to authorise the release from quarantine if the animal is non-compliant on entry. The fluorescent antibody virus neutralisation (FAVN) test is currently used for the 30-day titre test and has a turnaround time of up to two weeks.

7.2 The Animal and Plant Health Agency (APHA) will be permitted, on a case-by-case basis, to use an enzyme linked immunosorbent assay (ELISA) test to determine whether a Ukrainian pet has been vaccinated for rabies and is still benefitting from this vaccination. This will mean that the animal is at lower risk of contracting or passing on rabies and can move through the quarantine process without being unnecessarily revaccinated and reducing the overall time in quarantine. The use of this quicker test will therefore be an essential tool in maintaining the flow of people fleeing Ukraine with their pets. The use of this test does not mean that these animals will be free to leave isolation after successfully completing the alternative test, but it does mean that their overall quarantine period should be reduced if a positive result is received, and it will allow us to assess on a risk basis what quarantine facilities would be most appropriate for that animal.

Explanations

What did any law do before the changes to be made by this instrument?

7.3 Those wanting to bring animals into GB from any unlisted countries need to have their animals vaccinated after 12 weeks of age, pass a blood titre test that detects neutralising antibodies 30 days later to show that vaccination has been successful, and

then not move to GB or leave quarantine until at least three months after a successful blood test. Under normal circumstances, those travelling from unlisted countries will have taken the necessary steps to vaccinate their animals before travelling and ensure that they have the necessary documentation with them upon arrival into GB.

Why is it being changed?

7.4 Current estimates are that 1,000 to 2,000 pets might be brought into GB by around 100,000 people fleeing from Ukraine, compared to fewer than 150 available quarantine spaces. This will put a considerable strain on existing quarantine facilities (most of which are in England) because it is unlikely that most of those people will have managed to bring relevant documentation with them. This could be particularly problematic for the owners that have passed their border checks and have been granted permission to enter GB. The regulations are one solution within a wider package of measures to expand quarantine capacity.

What will it now do?

7.5 The regulations will permit the Secretary of State to temporarily use an additional prescribed antibody test that has a turnaround of 2-3 days (as opposed to a 2-week turnaround under the FAVN test permitted under retained direct EU legislation). This will reduce the time for animals in quarantine and enable the Department to quickly triage those animals that have been vaccinated.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

10.1 Article 39(7) of the Pet Travel Regulations require the Secretary of State to consult such bodies and persons that represent the interests of those likely to be substantially affected by amendments to the above Regulations and other bodies or persons as the Secretary of State considers appropriate.

10.2 The Department has consulted the APHA, devolved administrations and members of the GB Exotic Disease Core Group for Rabies, which includes those representing the interests of veterinarians, pet charities and public health bodies. These consultees were supportive of the deployment of the ELISA test to relieve pressure on quarantine facilities.

11. Guidance

11.1 No guidance has been produced to accompany this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The impact on the public sector is that the Department and its agencies will be able to manage expected backlogs and get animals out of the quarantine system more quickly.

12.3 A full Impact Assessment has not been prepared for this instrument because no impact, or significant impact, on the private, voluntary or public sector is foreseen.

13. Regulating small business

13.1 No specific action is proposed to minimise regulatory burdens on small businesses as this instrument only applies to non-commercial movements of pet animals.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that the Department will monitor and assess the effectiveness of the introduction of an alternative antibody test on the number of quarantine spaces available, however the changes are temporary in light of the Ukraine crisis and the S.I. will expire 6 months after it comes into force.

14.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 the Parliamentary Under Secretary of State (Minister for Rural Affairs and Biosecurity) at the Department for Environment, Food and Rural Affairs, Lord Benyon, has made the following statement:

"In my view the provisions of the Non-Commercial Movement of Pet Animals (Amendment) (England) Regulations 2022 have no net impact on business".

15. Contact

15.1 Rhian Mewis at the Department for Environment, Food and Rural Affairs Telephone: 07557 823 895 or email: rhian.mewis@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Marc Casale, Deputy Director for Animal Welfare, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 Lord Benyon, Parliamentary Under Secretary of State (Minister for Rural Affairs and Biosecurity) at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.