EXPLANATORY MEMORANDUM TO

THE POULTRY HEALTH SCHEME (FEES) REGULATIONS 2011

2011 No. 1194

1. This explanatory memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.

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

2. Purpose of the instrument

2.1 To put in place a new legal base for the fees which are charged in association with the implementation of Council Directive 2009/158/EC via the Poultry Health Scheme. Membership is mandatory for those wishing to export poultry and hatching eggs within the EU and to certain third countries.

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

3.1 The fees included in the SI are those currently being charged, this SI does not introduce a rise in fees.

4. Legislative Context

4.1 Setting the legal base for fees charged in association with implementation of Council Directive 2009/158/EC.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

- ***What is being done and why***

7.1 The Poultry Health Scheme (PHS) has operated since 1990 to implement the requirements of Council Directive 90/539/EEC (now superseded by Council Directive 2009/158/EC). Fees are currently charged in relation to the Poultry Health Scheme a) by Animal Health to approve and annually check members and b) by Veterinary Laboratories Agency to run proficiency tests on the laboratories which carry out the sampling which member are required by law to carry out. The domestic legal base for these fees is currently set out in the Animals and Animal Products Regulation 2008 (AAP). The AAP will shortly be replaced by the Trade in Animals and Related Products Regulation 2011 (TARP) and will be the subject of a separate submission. To aid the required annual adjustment of PHS fees, they will be transferred to a standalone Fees SI.

- ***Consolidation***

8. Consultation outcome

8.1 The scheme and the fees being charged are already operating. This SI will not bring about a rise in fees at this time.

9. Guidance

9.1 Documentation and publicity relating to the scheme exists and will not change. The creation of this SI will have no impact on current or future members of the Poultry Health Scheme.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies because the requirement to subscribe to the Poultry Health Scheme for export purposes already exists.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument because the scheme for which the fees are chargeable already exists and the introduction of the SI will make no difference to existing or future members.

11. Regulating small business

11.1 The legislation applies to small business, but this SI will not affect them, it is a background change to the legal base for the charging which is already in place for a scheme which is already in place.

12. Monitoring & review

12.1 Fees will be revised annually.

13. Contact

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