EXPLANATORY MEMORANDUM TO

THE SPECIFIED DISEASES (NOTIFICATION) (AMENDMENT) (ENGLAND) ORDER 2015

2015 No. 2023

1. Introduction

This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra).

2. Purpose of the instrument

2.1 This instrument amends the Specified Diseases (Notification) Order 1996, a GB-wide Order, to make Porcine Epidemic Diarrhoea (PED) a notifiable disease in England. This means that any suspicion or confirmation of the onset of this disease in pigs must be reported to the Secretary of State.

2.2 Defra's Animal and Plant Health Agency (APHA), acting on behalf of the Secretary of State, will share notification details with the Agriculture and Horticulture Development Board (AHDB), which in relation to the pig industry in England has statutory responsibilities and carries out functions using its pig levy. AHDB may offer guidance and advice relating to the control of PED to pig keepers and the wider pig industry.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 This entire instrument applies only to England.

3.3 As this instrument is not subject to any parliamentary procedure, as there is no parliamentary procedure required for such an instrument under the Animal health Act 1981, consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

This instrument is made under the Animal Health Act 1981 c.22. The powers are conferred by section 1, which is the general Order-making power for the purpose of preventing the spread of disease, and section 88(2) that extends the definition of disease under the Act to include PED. No parliamentary procedure applies to the making of this instrument.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England only.

5.3 Policy on disease notification is a devolved issue that the Devolved Administrations for Wales, Scotland and Northern Ireland decide independently in respect of their own territories.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

7.1 Porcine Epidemic Diarrhoea (PED) is caused by a coronavirus that leads to severe intestinal disease in pigs. It is highly infectious but its spread can be controlled through scrupulous biosecurity measures. Infected herds subsequently develop natural immunity, the duration of which is unknown at present.

7.2 Since 2012 a new highly pathogenic virulent strain, causing death in up to 80-100 percent of infected suckling piglets and production losses in older pigs, has spread from China to the USA, Canada, some Central and South American countries, Asia and the Ukraine. Other virulent strains of PED are also circulating within the EU.

7.3 The UK is currently free of these harmful virulent strains. Government and the pig industry want to take a novel partnership approach to help prevent any disease occurrence from taking hold in England. This involves Government legislating to make it mandatory to report suspicion or confirmation of detection of PED and to permit data sharing with the pig industry's own public levy board. Should samples submitted by pig keepers or by their vets for testing prove positive affected pig keepers and others at risk would receive advice about appropriate control and eradication measures. This approach builds on evidence from Canada where a legal requirement to notify led to slower disease spread and better control. In contrast, the United States failed to prevent extensive disease spread with a voluntary approach to reporting disease and subsequently made notification compulsory.

Consolidation

7.4 Defra considered making a consolidation of this Order for England only, but due to substantial progress of negotiations within the European Union over a new directly applicable EU animal health Regulation that will in due course render most Orders made under the Animal Health Act 1981 redundant, it has been decided not to consolidate.

8. Consultation outcome

8.1 Since 2013 Defra, Devolved Administrations and industry have collaborated in response to the global spread of virulent PED. In May 2014 Defra set up and led a PED Core Group to identify policy options for the emerging threat. This comprised industry and veterinary representatives. Independently, AHDB led on developing a contingency plan to reduce the risk of introducing virulent strains into the UK. This has helped to increase the probability of detecting any infection and to develop advice and actions to control the disease and spread of infection should it be detected.

8.2 Early in 2015 Defra set up a joint Working Group with industry to take forward the PED Core Group recommendations. In view of existing industry support for

notification and sharing information on disease status of suspect farms, the Working Group agreed that formal consultation was not necessary. However, as the proposal involved a novel partnership approach between Government and industry, Defra agreed to host a four week online "conversation" in August 2015 on its 'Dialogue App' site to give pig keepers and others the opportunity to comment on the proposals.

8.3 The 'Dialogue App' conversation highlighted the joint Government and industry proposal for Defra to legislate to make PED notifiable and for the AHDB to take the lead in helping the industry deal with the consequences of such outbreak of PED. Defra's executive agency, APHA, tweeted the link widely and distributed information throughout its veterinary network. Key pig industry and veterinary representatives promoted the link extensively through websites and the specialist farming press to encourage members and others to join in the discussion. Therefore all pig keepers and allied industry bodies were given an opportunity to voice their views.

8.4 The 'Dialogue App' site received 81 page views and the response was generally very positive, with significant support for notification of suspect or confirmed disease and sharing of information on the disease with the AHDB. The reference to the relatively low cost to industry to familiarise themselves with the new requirements and to take advice on how to protect their pig herds against PED did not receive adverse comment or challenge.

9. Guidance

9.1 Defra and industry bodies will provide brief guidance on the "case definition" of virulent strains of PED to ensure it is widely understood by farmers and veterinarians to help them identify clinical signs of virulent strains at the earliest opportunity.

10. Impact

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment is submitted with this memorandum and is published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 Making PED notifiable confers low costs on the affected businesses: reporting PED in the event of an outbreak will require a straightforward telephone call to APHA. There will be a cost to affected producers in taking protective measures to get their herd back to good health. However, this is not directly related to making PED notifiable.

12. Monitoring & review

12.1 If a PED outbreak occurs Defra and APHA will seek regular updates from the AHDB to monitor how their support measures are working. The listing of PED as a notifiable disease will be reviewed within 5 years of this instrument coming into force.

13. Contact

13.1 John Allsopp at the Department for Environment, Food and Rural Affairs (Defra) Tel: 020 7238 5311 or email: john.allsopp@defra.gsi.gov.uk can answer any queries regarding the instrument.