EXPLANATORY MEMORANDUM TO

THE SPECIFIED DISEASES (NOTIFICATION) (AMENDMENT) ORDER (NORTHERN IRELAND) 2023

2023 No. 179

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred on it by Articles 10(6), 12(1), 16(2) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981 and is subject to the negative resolution procedure. It will come into operation on ***.

2. Purpose of the instrument

2.1 The Statutory Rule makes a number of animal and avian diseases notifiable to the Department when they are detected. It also extends the slaughter and compensation powers currently available for animals affected by pleuro-pneumonia and glanders to additional species. These changes are required to support the implementation of EU Regulation No. 2016/429, known as the Animal Health Law.

3. Background

3.1 EU Regulation No. 2016/429, applies from 21 April 2021. The Animal Health Law is listed in Annex 2 of The Windsor Framework, and therefore, it automatically applies to Northern Ireland. The Animal Health Law provides a new EU governance framework for the surveillance, detection, and control of animal diseases with an objective to strengthen the enforcement of health and safety standards for the whole agri-food chain. It sets out specific rules for the prevention and control of diseases for the protection of both human and animal health. The Animal Health Law places 63 animal diseases into different categories dependent on the level of control required to manage them and the species affected. The level of controls required by the Animal Health Law range from a minimum obligation to notify relevant authorities when diseases are detected to extensive surveillance and eradication measures.

3.2 For most animal and avian diseases, the Animal Health Law does not make any changes to the level of controls currently required and supporting legislation is, therefore, unnecessary. It does, however, introduce new requirements to notify the existence of eleven different animal diseases. The Statutory Rule makes the changes needed to reflect these notification requirements in domestic law. It requires anyone in Northern Ireland that detects, or in respect of certain diseases suspects, the presence of these diseases to notify the Department. The Statutory Rule will ensure that the diseases can be monitored in Northern Ireland in line with Animal Health Law requirements and any early warning signs of possible outbreaks or disease trends can be identified and monitored.

3.3 Under the Animal Health Law, pleura-pneumonia and glanders are considered to be higher priority or what are termed ‘category A’ diseases. Category A diseases do not normally occur in the European Union and, therefore, the Animal Health Law requires

immediate eradication measures to be taken as soon as they are detected. Pleura-pneumonia and glanders are already notifiable when detected in any animal species in Northern Ireland. Slaughter and compensation powers are already available to the Department when pleura-pneumonia is detected in cattle and when glanders is detected in horses. The Animal Health Law provides that eradication measures must now be taken when pleura-pneumonia is detected in sheep and goats and for glanders when confirmed in goats and camelidae. To align with the Animal Health Law, the Statutory Rule extends the existing slaughter and compensation powers available to the Department to these other species.

3.4 Compensation in respect of an animal affected by pleuro-pneumonia is currently paid by the Department at three quarters of its value or, in respect of glanders, at one half of the animal's value immediately before it became infected by the disease. The Statutory Rule provides that the same level of compensation would be available on the slaughter of these additional animal species.

Consultation

3.5 No public consultation is required to support the implementation of the Animal Health Law; the European Commission has already consulted on the Animal Health Law and the tertiary legislation made under it.

4. Equality Impact

4.1 The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain if an Equality Impact Assessment is required. A screening exercise was, therefore, carried out on the Statutory Rule. No equality issues were identified.

5. Regulatory Impact

5.1 A Regulatory Impact Assessment was not completed for this SR, as no significant impact on business, charities, social economy or voluntary bodies is anticipated.

6. Rural Needs Impact

6.1 A screening exercise has been carried out and no rural needs implications associated with the Statutory Rule were identified.

7. Financial Implications

7.1 In the unlikely event that the Department exercise its powers to cull, the financial implications for the Department would depend on species and number of animals culled.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Statutory Rule does not have any human rights implications nor is it incompatible with EU law. It, therefore, complies with the requirements of section 24 of the NI Act 1998.

9. EU Implications

9.1 The Animal Health Law automatically applies to Northern Ireland because it is listed in Annex 2 to The Windsor Framework. The Statutory Rule supports the implementation of the Animal Health Law.

10. Parity or Replicatory Measure

10.1 The Statutory Rule is not necessary for parity elsewhere. Similar instruments have, however, been made in other parts of the UK.

11. Additional Information

11.1 N/A

12. Contact

12.1 Jim Blee at the Department of Agriculture, Environment and Rural Affairs: Telephone: 02877442074 or email: jim.blee@daera-ni.gov.uk can be contacted with any queries regarding the instrument.

12.2 Neal Gartland at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.