EXPLANATORY MEMORANDUM TO

THE WATER, ANIMALS, MARINE POLUTION AND ENVIRONMENTAL PROTECTION (MISCELLANEOUS REVOCATIONS) ORDER 2015

2015 No. 663

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to revoke 5 instruments related to water, animals and environmental protection which are spent or otherwise superseded.

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

3.1 None.

4. Legislative Context

4.1 This instrument will revoke 5 regulations relating to water, animals and environmental protection.

4.2 The Sheep and Goats Spongiform Encephalopathy (England and Wales) (Compensation) (Amendment) Order 2001: This Order amended the Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998, S.I. 1998/1646, which was revoked by the TSE Regulations 2002. The Amendment Order was not revoked at that time, apparently due to administrative oversight. It is obsolete and should be revoked.

4.3 Fur farming has been banned in England and Wales for the last 14 years by the Fur Farming (Prohibition) Act 2000. The Fur Farming (Compensation) (England) Order 2001 (S.I. 2001/3853) set up the compensation scheme in England to compensate former fur farmers affected by the ban and commenced on 1 January 2002. This Order was revoked by the Fur Farming (Compensation Scheme) (England) Order 2002 which itself was later revoked by the Fur Farming (Compensation Scheme) (England) Order 2004. The last payment to former fur farmers was in 2012 and as a result the scheme is no longer required

4.4 The deposits in the Sea (Exemptions) (Amendment) (England and Wales) order 2010 was introduced to amend the exemption relating to the deposit of cable and associated equipment so as to remove the exemption from the requirement for a licence under section 5 of the Food and Environment Protection Act 1985. It was replaced by Marine and Coastal Access Act 2009 provisions for marine licensing (Part 4) and respective exemptions Orders for England and Wales.

4.5 The Code of Practice on Environmental Procedure for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996 can now be revoked as the guidance is now embedded in good practice and revoking the codes is unlikely to lead to any reduction in environment standards.

4.6 The Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) Order 1989 ("the 1989 Order") approved a code of practice ("the 1989 Code") that has been replaced in relation to the Environment Agency (in England), and the areas of appointment of water undertakers and sewerage undertakers that are either wholly in England, or mainly in England but partly in Wales. . It was replaced, for these areas, by the code of practice approved by the Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) Order 2000. The 1989 Order can, therefore, be revoked for those areas. The Welsh Government does not wish the 1989 Order to be revoked in relation to the National Resources Body for Wales, or for water undertakers and sewerage undertakers whose areas of appointment are wholly in Wales, or are partly in England but mainly in Wales, as the 1989 code is still used in those areas.

5. Territorial Extent and Application

5.1 This Order extends to England and Wales. The revocation of The Water and Sewerage (Conservation, Access and Recreation) (Code of Practice) Order 1989 applies to England and Wales. This is because the revocation also applies in respect of the appointment areas of water and sewerage undertakers that are mainly in England but partly in Wales. The other revocations apply to England only.

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for natural environment and science has made the following statement regarding Human Rights:

In my view the provisions of the Water, Animals, Marine Pollution and Environmental Protection (Miscellaneous Revocations) Order 2015 are compatible with the Convention rights.

7. Policy background

7.1 As part of Defra's commitment to the Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. This instrument is being made to revoke 5 of these relating to water, animals, marine pollution and environmental protection.

8. Consultation outcome

8.1 These are legislative functions which require no outside consultation.

9. Guidance

9.1 No guidance or any other form of publicity is required as this instrument simply revokes redundant legislation.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 There is no impact on small businesses as this instrument revokes redundant legislation.

12. Monitoring & review

12.1 No monitoring will be conducted.

13. Contact

Miles Kane-Smith, at the Department for Environment Food and Rural Affairs Tel: 020 7238 3167 or email: miles.kane-smith@defra.gsi.gov.uk can answer any queries regarding the Order.