EXPLANATORY MEMORANDUM TO

THE ZOONOSES (AMENDMENT) ORDER (NORTHERN IRELAND)

2021 No. 044

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 by Articles 5(1), 7(1) to (3), 12(1), 14, 16(1), (2) and (3), 19(h) and (i) 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 25 February 2021.

2. Purpose of the instrument

2.1 The Statutory Rule makes Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), the virus that causes COVID-19, notifiable when it is detected in animals. This ensure that the Department can take appropriate control measures if required to protect human health.

3. Background

3.1 While COVID-19 is primarily driven by human to human transmission, there is evidence that some animals can become infected with SARS-CoV-2 following close contact with infected humans. In several countries in the world, incidents of infections in animals have been reported in companion animals, in a limited number of zoo animals and on mink farms. The majority of these animals had contact with infected humans, or humans introduced the infection that then spread among animals such as has happened in some farmed mink. In the UK, there is no evidence of the virus circulating in livestock, cases in pet animals are very rare and there are no mink farms.

3.2 Nevertheless, there is a possibility for new variants of the disease to arise in animals, particularly in those kept in high density settings, with potential risks to human health. Therefore, the Statutory Rule;

- requires the Department to be notified when the SARS-Cov-2 is detected in animals in Northern Ireland; and
- provides the Department with powers to pay compensation to owners of affected animals in the unlikely event that it is necessary to cull animals to protect public health.

3.3 The Statutory Rule ensures that the disease can be monitored in animals and any early warning signs of possible outbreaks can be identified. Once notified, the Department is able to notify the Public Health Agency, provide biosecurity advice and take any necessary control measures (for example, to isolate infected animals and restrict their movements).

3.4 The Statutory Rule requires anyone in Northern Ireland that detects SARS-Cov-2 in animals to notify the Department. In practice, its impact is on laboratories that detect the virus in samples submitted to them for analysis from veterinarians. To ensure traceability, the Statutory Rule requires that details of the keeper of the animal or carcase from which the sample derives be sent to the Department.

3.5 Making SARS-Cov-2 notifiable automatically provides the Department with the power to cull animals affected or suspected of having been affected by the virus as well as animals that have been in contact with an affected animals or appear to have been exposed to infection. It is anticipated that this power to cull would only be exercised in exceptional circumstances. The Statutory Rule ensures that the Department has the power to pay compensation to animal owners, at full market value, should it consider it necessary to exercise its power to cull.

4. Consultation

4.1 Given the rapidly evolving global situation during the COVID-19 outbreak and the need to protect public health, there has been no public consultation in relation to the Statutory Rule.

5. Equality Impact

5.1 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.

6. Regulatory Impact

6.1 It is not envisaged that the Statutory Rule would have any significant regulatory impact. Animal keepers would only be affected in the unlikely event that there is the requirement to cull their animals. In those circumstances, there would be no financial loss as the full market value will be paid for the animals.

7. Rural Needs Impact

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

8. Financial implications

8.1 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.

9. Section 24 of the Northern Ireland Act 1998

9.1 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.

10. EU Implications

10.1 Not applicable.

11. Parity or Replicatory Measure

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

12. Additional Information

12.1 N/A

13. Contact

13.1 Darrin Fullerton at the Department of Agriculture, Environment and Rural Affairs: Telephone: 02877442310 or email: darrin.fullerton@daera-ni.gov.uk can be contacted with any queries regarding the instrument.

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