EXPLANATORY MEMORANDUM TO

The Zoonoses (Fees) (Amendment) Regulations (Northern Ireland) 2012

S.R. 2012 No. 158

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the above-named Statutory Rule ("the Regulations") which is laid under the negative resolution process before the Northern Ireland Assembly.

1.2. The Department of Agriculture and Rural Development proposes to make the above named Statutory Rule under powers conferred on it by section 2(2) of the European Communities Act 1972 and will come into operation on 30th April 2012.

2. Purpose

2.1. EU Regulation (EC) No 2160/2003 requires all Member States to implement National Control Programmes (NCPs) in the poultry and pig sectors. The objective of the NCPs is to improve public health through the detection and control of salmonellas of human health significance in primary production.

2.2. The sampling and testing regime required by the NCP has been implemented by the Control of Salmonella in Poultry Scheme Order (NI) 2008, the Control of Salmonella (Broiler Flocks) Scheme Order (NI) 2009 and The Control of Salmonella in Turkey Flocks Scheme Order (NI) 2010.

3. Background

3.1. Under the 1987 Policy agreement with the Department of Finance and Personnel, DARD is obliged to recover the full costs of services, which includes the full costs of statutory sampling and testing work carried out under the NCPs. The proposed Zoonoses (Fees) (Amendment) Regulations (NI) 2012 allow DARD to recover costs associated with the Control of Salmonella in Poultry Regulations (NI) 2008, the Control of Salmonella (Broiler Flocks) Scheme Order (NI) 2009, and the Control of Salmonella in Turkey Flocks Scheme Order (NI) 2010 from owners of breeding, layer, broiler and turkey flocks.

3.2. The current fees Regulations now need to be amended to enable the Department to reduce the current fees for the routine sampling and testing carried out by DARD and the Agri-Food and Biosciences Institute (AFBI) in the breeder, broiler and turkey sectors and increase the current fees for official sampling and optional operator sampling and testing in the layer sector. Improved work recording and more efficient use of testing consumables by AFBI now allow for more precise calculations of the laboratory element of the costs associated with tests carried out in each of the poultry sectors.

4. Consultation

4.1. A 12 week public consultation was carried out from 7 October 2011 to 30 December 2011.

4.2. The consultation was issued to a wide range of stakeholders including the commercial egg layer sector.

4.3. Nine responses were received (from Disability Action, NI Courts & Tribunals Service, Equality Commission for NI, PSNI Wildlife Liaison Office, Rare Breeds Survival Trust, Northern Ireland Judicial Appointments Commission, Ulster Farmers Union, Moy Park and Northern Ireland Agricultural Consultants Association).

4.4. Responses express either no comment or support for sector specific charging.

5. Equality Impact

5.1. Under Section 75 of the Northern Ireland Act 1998 DARD has considered and assessed the Regulations for any equality implications. An Equality Impact Assessment has not been carried out as the policy has been screened out. No equality differentials are foreseen on Section 75 groups. A copy of the Equality Screening Out Template has been placed on the DARD website at: http://www.dardni.gov.uk/index/publications/pubs-dard-animal-health/consultation-dogs-licensing-responses.htm

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was carried out and published as part of the 12 week public consultation. If the current fees were not updated, most charges would be in excess of the actual costs incurred by the Department in

relation to official tests but for optional tests would not meet full cost of testing. Cost recovery is a long standing DFP requirement.

6.2. This legislation has been drafted in accordance with the five principles of Better Regulation in that the amended charges are transparent, accountable, proportionate, consistent and targeted.

7. Financial Implications

7.1. Changing from a flat rate fee to sector-specific charging would mean that the charge reflects to the work actually undertaken in each area. Such a change would result in charging differentials between sectors, ranging from £76.12 for layers (11.9% increase) to £64.03 for broilers (5.8% decrease). Overall, 324 out of the 422 official tests conducted will see a modest reduction in cost.

7.2. The poultry industry have been aware that charging all sectors the same fee for official controls involved a degree of cross-subsidy by one sector to another. We consulted on 3 options, with the Department's preferred option being to have sector specific fees which reflect the full cost of carrying out the required testing.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations deal with charges for animal disease control and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. DEFRA intend to update their fees for the financial year 2012/13 and are considering both flat rate and sector specific charges. They are not yet ready to go out to consultation with specific proposals.

10.2. The Department of Agriculture Food and Marine (DAFM) have official controls in place but they do not pass on the associated costs to industry.

11. Additional Information

11.1. Not applicable.

12. Contact

Anne-Maire McConn at the Department of Agriculture and Rural Development.
Telephone: 02890 525079 or
e-mail: anne-maire.mcconn@dardni.gov.uk
Room 720, Dundonald House, Ballymiscaw, Upper Newtownards Road, Belfast, BT6 9SB.