

**EXPLANATORY MEMORANDUM
TO
THE SWINE VESICULAR DISEASE REGULATIONS (NORTHERN IRELAND) 2009**

S.R. 2009 No. 223

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) and is laid before The Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The rule will come into operation on 30th June 2009.

2. Purpose

- 2.1 The Swine Vesicular Disease Regulations (Northern Ireland) 2009 transposes into domestic law European Union legislation for the control of Swine Vesicular Disease (SVD) i.e. Council Directive 92/119. Domestic legislation must conform to the European legislation for the control of SVD and the Department aims to ensure that there are in place proportionate and streamlined legislative measures to control outbreaks of Swine Vesicular Disease.

3. Background

- 3.1 The previous SVD legislation (Swine Vesicular Disease Order (Northern Ireland) 1973) applied Foot and Mouth Disease (FMD) legislation to the disease. This was not entirely appropriate for the control of SVD. The new Statutory Rule provides appropriate free-standing legislation in the event of an outbreak of the disease.

4. Consultation

- 4.1 The 12 week consultation period ended on 27 January 2009. Responses were received from the NI Grain trade Association (NIGTA) and a joint response from the North of Ireland Veterinary Association (NIVA), the Society for General Microbiology and the Association of Veterinary Surgeons practicing in Northern Ireland (AVSPNI). All responses were supportive of the powers contained within the legislation.

5. Equality Impact

- 5.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Department considers that the regulations will not result in any equality differentials amongst Section 75 groups.

6 Regulatory Impact

- 6.1 A regulatory impact assessment has been carried out. Current legislation already imposes costs on businesses in the event of a suspected or confirmed case of disease and these would continue under the new legislation.
- 6.2 Costs are difficult to quantify and depend very much on the nature of the outbreak. As well as the cost of the loss of pigs if disease is confirmed and the restriction on movements, there may be costs in housing and isolating pigs, cleansing and disinfecting holdings and additional requirements for biosecurity of vehicles. Controls over a suspect case would be of limited duration, but may nevertheless have some cost impact.
- 6.3 The range of different scenarios for a confirmed case of disease is wide. A confirmed case of disease contained on one holding would impose restrictions on pig and livestock premises in a 10 km zone for a minimum of 30 days after the infected holding had undertaken preliminary cleansing and disinfection plus wider controls. A rapid spread of disease across the country with multiple infected areas would involve a more widespread imposition of restrictions on pig and livestock premises.

7. Financial Implications

- 7.1 The transposition reduces the costs to some businesses, by removing unnecessary controls for SVD that would apply if current legislative powers continue.
- 7.2 The new Statutory Rule maintains the current compensation arrangements as detailed in the Diseases of Animals Order (Northern Ireland) 1981.
- 7.3 Increased biosecurity requirements, during an outbreak, would generate costs. These however would be the same as at present but the benefits of this as a disease control measure significantly outweigh costs.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Regulations deal with animal health and 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 The Statutory Rule transposes into domestic law European Union legislation for the control of SVD i.e. Council Directive 92/119 as amended by Commission Directive 2007/10.

9.3 Additionally, the following measures which are not provided for in the EU legislation have been provided for in the SVD Regulations:

- the use of a Movement Restriction Zone, which is a feature of other epizootic disease control legislation; and
- permissive powers to exempt from slaughter for certain categories of susceptible animals such as rare breeds, if that is possible, without jeopardising the control of the disease.

Any use of these powers would be informed by a Veterinary Risk Assessment.

10. Parity or Replicatory Measure

10.1 Due to a similar legislative position in GB, equivalent legislation is being introduced by Defra and the Scottish and Welsh administrations. The requirement to introduce new SVD legislation is a UK only issue due to the previous legislative link to FMD legislation.

11. Additional Information

11.1 The Rule complies with the 21 day rule.