

**EXPLANATORY MEMORANDUM TO
THE PRODUCTS OF ANIMAL ORIGIN (DISEASE CONTROL) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2009**

S.R. 2009 No. 229

1. This explanatory memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.
2. **Description**
 - 2.1 The Department of Agriculture and Rural Development intends to make the above named Statutory Rule under powers conferred by section 2(2) of the European Communities Act 1972. The Regulations are required to be laid before the Assembly under the negative resolution procedure.
3. **Background**
 - 3.1 The Swine Vesicular Disease Regulations (Northern Ireland) 2009 will transpose into domestic law European Union legislation for the control of Swine Vesicular Disease (SVD) i.e. Council Directive 92/119. Our legislation must conform to the European legislation for the control of SVD and we aim to ensure that we have in place proportionate and streamlined legislative measures to control outbreaks of Swine Vesicular Disease.

The present legislation (Swine Vesicular Disease Order (Northern Ireland) 1973) applies Foot and Mouth Disease legislation to Swine Vesicular Disease, which is not entirely appropriate for the control of that disease. The new SVD Regulations will provide appropriate free-standing legislation in case of an outbreak of SVD.

Council Directive 92/119/EEC requires that pigs that have been slaughtered in a slaughterhouse following the identification of antibodies to swine vesicular disease in which disease has not been confirmed be slaughtered separately from other pigs and that the meat from such pigs to be restricted to the national market. Legal advice received following Committee pre-consultation approval for the SVD Regulations advised that the implementation of this requirement was necessary via a technical amendment to the Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008 rather than in the main SVD Regulations. The Products of Animal Origin (Disease Control) (Amendment) Regulations (Northern Ireland) 2009 requires the separation of such pigs at slaughter and requires the marking of their meat with a national mark. Reference to this technical amendment was included in the consultation document prior to issue.

4. Consultation

- 4.1 A separate consultation was not carried out for these regulations as the amendments are mainly technical.

5. Position in GB

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

6. Section 24 of the Northern Ireland Act 1998

- 6.1 The Regulations deal with animal disease control and do not have 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.

7. Regulatory Impact and Financial Implications

- 7.1 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. 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, but would remain the same as they are at present. 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 pigs 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. At the other end of the scale would be rapid spread of disease across the country with multiple infected areas.

The transposition reduces the costs to some businesses, by removing unnecessary controls for Swine Vesicular Disease that would apply if current legislative powers continue.

The new legislation maintains the current compensation arrangements as detailed in the Diseases of Animals Order (Northern Ireland) 1981.

Increased biosecurity requirements, during an outbreak, would generate costs. However, these are the same as at present and the benefits of this as a disease control measure significantly outweigh any costs.

8. Matters of special interest to the Agricultural and Rural Development Committee

8.1 The printed Rule together with an Explanatory Memorandum will be submitted to the Committee at the same time as the Rule is sent to the Assembly Business Office.

8.2 Contact

8.3 Christine Henderson at the Department of Agriculture and Rural Development, Telephone: 028 90524824 or e-mail: Christine.Henderson@dardni.gov.uk