

EXPLANATORY MEMORANDUM TO
THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2010

S.R. 2010 No. 380

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) which is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred on it by the European Communities Act 1972; and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 17th December 2010.

2. Background

2.1 The Northern Ireland Poultry Health Assurance Scheme (NIPHAS) was introduced in 1999 and its main aim is to implement a system of approval for establishments officially recognised as meeting the requirements of Council Directive 1990/539/EEC (now codified in 2009/158/EC) on animal health conditions governing intra-Community trade in, and imports from third countries of, live poultry and hatching eggs. Participation in the Scheme is therefore a pre-requisite for intra-Community trade.

2.2 The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 provide a statutory basis for the Scheme. The existing legislation needs to be amended in order to enable the Department to update the fees to ensure that they are at a level to achieve full cost recovery in respect of the inspection and administrative tasks carried out under NIPHAS. The revised fees will be set out in a schedule to the Regulations and will be £209.24 for registration and 1st year membership (increase of 1.12%), £9.36 for an annual inspection (increase of 8.8%) and £13.48 for a re-inspection (decrease of 1.5%).

3. Consultation

3.1 A consultation with interested parties was carried out between 22 January 2010 and 22 March 2010. There were four responses to the consultation (see Annex A), including one nil return. One respondent had no comments while one other accepted option 1 of the consultation which was to amend legislation and

uplift fees to allow full cost recovery. Two of the respondents however suggested that there should be improved efficiency which would lead to a reduction in charging. DARD sets the fees to achieve full cost recovery based on the cost of necessary travel and administrative time and every effort is made to ensure that processes are as efficient as possible.

4. Equality Impact

4.1 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 outcome was that an Equality Impact Assessment on the proposed legislation was not considered necessary.

5. Regulatory Impact and Financial Implications

5.1 A Regulatory Impact Assessment has been carried out.

5.2 The amending legislation will enable DARD to uplift the fees charged under NIPHAS in order to comply with government policy of full cost recovery.

6. Section 24 of the Northern Ireland Act 1998

6.1 The Regulations deal with 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.

7. EU Implications

7.1 Not applicable.

8. Position in GB and ROI

8.1 Britain operates an equivalent Poultry Health Scheme to ensure compliance with Directive 2009/158/EC. DAFF operates a Poultry Health Scheme but does not charge their operators any fees.

9. Contact

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