

EXPLANATORY MEMORANDUM
TO
The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern
Ireland) 2011

S.R. 2011 No. 435

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development 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 Statutory Rule is reliant upon the making of a different rule which is subject to a European Union legislative date requirement of 1st January 2012. Regrettably it has been decided that on this occasion the Department is unable to comply with the 21 day rule. The Regulations will come into operation on 1st January 2012.

2. Purpose

2.1 The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2011 makes provision for the Department to charge fees for activities required under Council Directive 2009/158/EC (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs).

2.2 The approval and monitoring of poultry establishments engaging in intra-Community trade is a requirement of Council Directive 2009/158/EC and the Northern Ireland Poultry Health Assurance Scheme is the means whereby the Department approves and monitors the EU requirements.

3. Background

3.1 This Rule makes provision for the Department to charge fees for activities required under Council Directive 2009/158/EC (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs). The activities and fees are listed in the Schedule.

3.3 The Scheme is in operation and the fees are being charged. The Rule will not bring about a rise in fees at this time.

4. Consultation

4.1 No formal consultation has been carried out. The changes do not impose new burdens on industry as this process is simply to introduce into domestic legislation EU legislation that is already in place.

5. Parity or Replicatory Measure

5.1 Defra has made the Secretary of State the competent authority for their Poultry Health Scheme and the scheme is implemented administratively. Defra implement the charging aspect of the scheme legislatively. DAFM operates a similar Poultry Health Scheme to ensure compliance with Council Directive 2009/158/EC.

6. Equality Impact

6.1 Consideration has been given to compliance with section 75 of the NI Act 1998 and screening exercises have been carried out on the proposed legislation. The outcome was that an Equality Impact Assessment on the proposed Statutory Rule was not considered necessary.

7. Regulatory Impact and Financial Implications

7.1 A Regulatory Impact Assessment is not required on the Northern Ireland Poultry Health Assurance Scheme (Fees) Order 2011 as the fees concerned are already in operation. The Statutory Rule does apply to small businesses but this legislation will not affect them as it is a background change to the legal base for charging (which is already in place).

8. Section 24 of the Northern Ireland Act 1998

8.1 The Rule deals with animal disease control and does not have any human rights implications, nor are they incompatible with EU law. The Rule is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. Contact

9.1 Thomas Craig at the Department of Agriculture and Rural Development.
Telephone: 028 90524395 or e-mail: Thomas.Craig@dardni.gov.uk.