

EXPLANATORY MEMORANDUM  
TO  
The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern  
Ireland) 2012

S.R. 2012 No. 305

**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 Rule complies with the customary 21 day rule and will come into operation on 27th August 2012.

**2. Purpose**

2.1 The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2012 specifies the fees Department charges 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 The Northern Ireland Poultry Health Assurance Scheme (Fees) Order (Northern Ireland) 2011 No. 435 (“the 2011 Order”) came into operation on 1st January 2012. After consideration and comment by the Examiner of Statutory Rules that the Order required clarification the Department agreed to make a new rule clarifying the order.

3.2 This Rule revokes and remakes the 2011 Order. The activities and fees payable to the Department 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 change is technical in nature and does not impose new burdens on industry.

#### **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 for the Northern Ireland Poultry Health Assurance Scheme (Fees) Order 2012 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](mailto:Thomas.Craig@dardni.gov.uk).