

EXPLANATORY MEMORANDUM TO

The Scrapie (Fees) (Amendment) Regulations (Northern Ireland) 2013

S.R. 2013 No. 118

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 by –
 - (a) section 2(2) of the European Communities Act 1972 in relation to the Common Agricultural Policy of the European Community; and
 - (b) section 56(1), (2) and (5) of the Finance Act 1973 with respect to the consent of the Department of Finance and Personnel.
- 1.3 The Statutory Rule is subject to the negative resolution procedure.
- 1.4 The Statutory Rule complies with the 21 day rule, and will come into operation on 1 June 2013.

2. Purpose

- 2.1 The Scrapie (Fees) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 456) provide a legal basis for the Department of Agriculture and Rural Development to charge a fee to meet costs incurred by it for inspections for scrapie as required by Community TSE Regulation (EC) No. 999/2001, which lays down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies in sheep and goats. The Regulations provide that the Department is the competent authority for the purposes of the Community TSE Regulation.
- 2.2 The inspections carried out by the Department under the Scrapie Monitored Flocks Scheme (SMFS) are operated on a full cost recovery basis in compliance with government policy. The existing legislation needs to be amended to enable the Department to update the fees to a level that will achieve full cost recovery in the 2013/14 financial year.
- 2.3 The new Statutory Rule substitutes the Schedule to the Scrapie (Fees) Regulations (Northern Ireland) 2008 No. 456, as replaced by The Scrapie

(Fees) (Amendment) Regulations (Northern Ireland) 2010 No. 57, setting out the new fees.

3. Background

- 3.1 The Scrapie Monitored Flocks Scheme (SMFS) was introduced in August 1993 to facilitate those sheep and goat owners who wish to maintain a breeding flock or herd for EU intra-Community trade purposes. Participation in the SMFS is a pre-requisite for farmers in the north who wish to trade with other Member States, including the Republic of Ireland. The Scheme provides a system of approval for flocks to meet Community TSE Regulation (EC) No. 999/2001. Under the Scheme, participants are required to pay an initial registration / flock inspection fee and an annual membership / flock audit fee.
- 3.2 A new fee charging regime was introduced on the 1 January 2009 under The Scrapie (Fees) Regulations (Northern Ireland) 2008. To enable the Department to continue to recover full costs for the operation of the SMFS, revised fees were introduced on 1 April 2010 for the 2010/11 financial year under the Scrapie (Fees) (Amendment) Regulations (Northern Ireland) 2010. The fees have remained at the same level since.

4. Consultation

- 4.1 A consultation exercise on the proposed legislation commenced on 17 September 2012 and closed on 10 December 2012. A total of seven responses to the consultation were received and a consultation response document was prepared.

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. A screening exercise was carried out on the proposed legislation. The outcome was that an Equality Impact Assessment was not considered necessary and 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.
- 6.2 The businesses affected are those to whom the fees set out in the legislation are directly applicable. The requirements apply to all Northern Ireland flock owners who wish to export sheep or goats to another

Member State. In Northern Ireland there are currently 237 members in the Scheme.

6.3 The fees apply equally across the industry and the Regulations do not introduce any new procedures or regulatory requirements with which the relevant businesses are not already complying. Fees are levied through existing mechanisms.

6.4 The Department is content that the legislation meets commitments to Better Regulations.

7. Financial Implications

7.1 The amending legislation enables the Department to uplift the fees charged for the operation of the SMFS in order to comply with government policy of full cost recovery.

7.2 The Department of Finance and Personnel has considered and agreed the fees uplift.

8. Section 24 of the Northern Ireland Act 1998

8.1 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.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 In Britain, a different trade scheme for scrapie monitoring is operated by the Scottish Agricultural College on behalf of DEFRA. This allows Private Veterinary Practitioners to check eligibility of animals for export and issue certification. Consequently, legislation is not required to implement the GB Scrapie Monitored Scheme.

10.2 The Department of Agriculture, Food and the Marine in the Republic of Ireland operates a similar scrapie monitored flocks scheme to that offered by DARD.

11. Additional Information

11.1 Not applicable.

12. Contact

- 12.1 Thomas Craig at the Department of Agriculture and Rural Development.
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