

EXPLANATORY MEMORANDUM TO

The African Horse Sickness Regulations (Northern Ireland) 2013

S.R. 2013 No. 244

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 section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The African Horse Sickness Regulations (Northern Ireland) 2013 will implement provisions of Council Directive 92/35 EEC for the Control of African Horse Sickness
- 2.2. Powers to deal with African Horse Sickness are presently contained within the Specified Diseases (Notification) Order (NI) 2004. This order was made under the Diseases of Animals Order (NI) 1981 and the offences and penalties reflected the relevant provisions of that order. This order will be revoked insofar as it applies to African Horse Sickness once the new legislation comes into force.

3. Background

- 3.1. African Horse Sickness is an exotic disease that is fatal to horses and also affects mules, donkeys and zebras. There is a high mortality rate. The disease is carried and spread by *Culicoides* midges influenced by weather and wind conditions. While it has never been detected here or in Britain and there are no public health implications, in order to implement the provisions of Council Directive 92/35 EEC (laying down control rules and measures to combat African horse sickness), the department is required to make Regulations for the control of African Horse Sickness.
- 3.2. The Regulations maintain the fundamental principles of disease control; on suspicion of disease, confirmation of disease and exit strategy.

4. Consultation

- 4.1. The Regulations went through a full 12 week public consultation which ended on 18 May 2010. There were 5 responses to the consultation, all of which were supportive of the legislation. The draft legislation was also approved by the then Agriculture and Rural Development (ARD) Committee at their meeting on 22 June 2010. As a result of delays in proceeding with legislation outside the control of DARD, further approval has been sought from the current ARD Committee. The draft regulations were considered by the current ARD Committee and they indicated at their meeting on 28 May 2013 that they are content

5. Equality Impact

- 5.1. The proposed Regulations have been screened for equality and human rights issues and none were identified before or after the consultation with stakeholders.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been completed. 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.

7. Financial Implications

- 7.1. It should be noted that there are no costs associated with these Regulations unless there is a disease outbreak. Should there be an outbreak of African Horse Sickness current compensation arrangements under the Diseases of Animals Order (NI) 1981 will remain unchanged by introduction of the proposed legislation.
- 7.2. Disease outbreak costs are difficult to quantify and depend very much on the nature of the outbreak. The costs of an outbreak will vary widely depending on the different disease scenarios. There have been no recent outbreaks of AHS here or anywhere in Northern Europe, from which anticipated costs could have been estimated. An outbreak in NI is very unlikely.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations deal with animal disease control and do not have any human rights implications, nor is it 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. England, Scotland and Wales have introduced similar legislation. In the South preparations are being made to introduce similar legislation.

11. Additional Information

- 11.1. Not applicable