

**EXPLANATORY MEMORANDUM TO
THE SALMONELLA IN BROILER FLOCKS (SURVEY POWERS) (ENGLAND)
REGULATIONS 2005**

2005 No. 2927

1. This explanatory memorandum has been prepared by Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Statutory Instrument provides powers of entry and related powers for the purpose of carrying out a survey to ascertain levels of zoonotic Salmonella within the broiler flocks of domestic fowl.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 The Statutory Instrument is being made in order to provide powers of entry to implement Decision 2005/636/EC which requires Member States of the European Union to conduct surveys to assess the prevalence of Salmonella in broiler flocks. It gives inspectors, powers of entry, powers to take samples and other related powers. Appropriate offences are created and penalties for these offences are fixed. A duty is imposed on local authorities for their enforcement. This SI also designates the Secretary of State as the authority responsible for selecting the holdings for inspection.
5. **Extent**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The European Commission issued Decision 2005/636/EC on 1 September 2005 requiring member States to carry out a random survey of broiler flocks for Salmonella, in accordance with the Technical Specifications laid down by the Commission, and report the results back to the Commission. Once these reports have been submitted, the Commission will set target levels for the reduction of Salmonella serotypes of public health significance in broiler flocks across the Community. Member States will then be obliged to draw up National Control Plans, for approval by the Commission, to achieve this target.

7.2 The survey must take place over the course of 12 months from October 2005, with member States submitting a final report of their findings to the Commission by 31 October 2006.

7.3 The UK is required to sample at least 375 holdings, selected in accordance with the Technical Specifications, to achieve a statistically valid result. To ensure that it is possible for inspectors to gain access to the selected holdings, powers of entry and other related powers provided in this SI are required.

8. Impact

8.1 Minimal. There will be no expense to the producer except that of time spent assisting with the survey. The costs incurred by Defra will be minimal as sampling visits will be met by State Veterinary Service's budget and the Commission will provide a financial contribution for the costs incurred by member States on laboratory testing (in England this will be conducted by the Veterinary Laboratory Agency). Following advice from the Defra Better Regulations Unit there was therefore no requirement for a Regulatory Impact Assessment.

9. Contact

John Conway at the Department of Environment, Food and Rural Affairs Tel:020 7904 6117 or e-mail: john.Conway@defra.gsi.gov.uk can answer any queries regarding the instrument.