
EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations, which apply in relation to England only, revoke and replace [SI 2004/2885](#) which implemented Commission Decision [2004/665/EC](#) (O.J. No. L303, 30.09.2004, p.30) concerning a baseline study on the prevalence of Salmonella in laying flocks of Gallus gallus. They correct errors in the interpretation and offences provisions and make other minor drafting changes.

Commission Decision [2004/665/EC](#) requires Member States to carry out a survey for salmonella prevalence in laying flocks in accordance with certain technical specifications referred to in Article 5 of the Commission Decision. The text of the technical specifications can be found at http://europa.eu.int/comm/food/food/biosafety/salmonella/tech_spec_sanco-34-2004_rev-3_en.pdf

These Regulations—

- (a) revoke and replace the Salmonella in Laying Flocks (Survey Powers)(England) Regulations 2004 ([SI 2004/2885](#)) (regulation 1);
- (b) designate the Secretary of State for the purpose of selecting premises for sampling and give inspectors the powers required for selecting premises for sampling (regulation 4);
- (c) provide powers for inspectors to enter premises for the purposes of the Commission Decision and for the purpose of enforcement of these Regulations (regulation 5);
- (d) provide powers for local authority officers to enter premises for the purpose of enforcement of these Regulations where agreement is reached with the Secretary of State for the local authority to enforce (regulation 5);
- (e) provide powers for inspectors to examine and retain records, take equipment and vehicles on to the premises, be accompanied by other persons, and request information, documentation and assistance, for the purpose of carrying out sampling under these Regulations and for the purpose of enforcement of these Regulations (regulation 6);
- (f) provide powers for inspectors to take samples of faecal and environmental material (regulation 6);
- (g) provide powers for local authority officers for the purpose of enforcement of these Regulations where agreement is reached with the Secretary of State for the local authority to enforce (regulation 6);
- (h) set out requirements for notices in writing (regulation 7);
- (i) prescribe offences and penalties (regulation 8 and 9); and
- (j) provide for enforcement by the Secretary of State of these Regulations as well as for enforcement by the local authority where this is agreed with the Secretary of State (regulation 10).

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.