

**EXPLANATORY MEMORANDUM TO
THE SALMONELLA IN BROILER FLOCKS (SURVEY POWERS) (ENGLAND)
REGULATIONS 2006**

2006 No. 864

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.

This memorandum contains information for the Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments.

2. **Description**

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**

The Salmonella in Broiler Flocks (Survey Powers) (England) Regulations 2006 have been made to revoke and replace the Salmonella in Broiler Flocks (Survey Powers) (England) Regulations 2005 (SI 2005/2927 made on 20 October 2005). This is required to comply with comments made by the Joint Committee of Statutory Instruments (JCSI) on one of the provisions and does not make any changes to the powers and effect of the original SI. This new SI will continue to enforce a 12 month survey of broiler flocks for salmonella which commenced in October 2005 under the earlier SI to meet the requirements of Commission Decision 2005/636/EC.

The amendments made to SI 2005/2927 are in response to criticism from the JCSI that regulation 4 did not provide a specific period to send the requested information to the Secretary of State. The amended SI provides a period of 7 days for the occupier or person in charge of the holding to send the requested information to the Secretary of State.

An Explanatory Memorandum accompanied the earlier SI which provides further information on the background to the broiler survey.

4. **Legislative Background**

The Statutory Instrument provides 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

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The European Commission issued Decision 2005/636/EC on 1 September 2005 requiring Member States to carry out a random 12 month 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.

The survey commenced in October 2005 and Member States will submit a final report of their findings to the Commission by 31 October 2006. 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

Minimal. The survey is already underway and there are no expenses to producers except that of time spent assisting with the survey.

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.