

**EXPLANATORY MEMORANDUM TO
THE BLUETONGUE (No.2) ORDER 2007**

2007 No. 3304

1. Introduction

1.1 This Explanatory Memorandum has been prepared by The Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order implements Council Directive 2000/75/EC (the Directive) laying down specific provisions for the control and eradication of bluetongue. It revokes and remakes with changes the Bluetongue Order 2007 which implemented Commission Regulation (EC) No. 1266/2007.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 Swift publication of the regulation has given minimal time for consideration of the impact on UK industry although it is deregulatory. Orders made under the Animal Health Act 1981 do not have to observe the 21 day rule although, out of courtesy to Parliament, we would usually abide by it. On this occasion we need urgently to correct an error in the Bluetongue Order 2007 and implement policy changes.

4. Legislative Background

4.1 The Bluetongue (No.2) Order 2007 amends the Bluetongue Order 2007.

4.2 The Directive requires all Member States to take official action on suspicion of disease, and implement control measures on confirmation of disease.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights.

6.1 As this instrument is not subject to any Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The new Order corrects a drafting error in the previous Bluetongue Order 2007 concerning the status of premises which straddle the boundary of the surveillance zone and the protection zone.

7.2 We are taking the opportunity to bring the Order into line with policy in two respects.

- Following confirmation of Bluetongue in an animal on any premises, we do not need to have further suspect cases notified to us at present. That position will change in the Spring when we again want to have full information on the spread of the disease in the new vector season. A provision has been included whereby a notice can be served on occupiers of premises with confirmed cases removing the requirement for notification of further suspect cases on that premises. In Spring, the notice will be revoked reinstating the notification requirement.
- Restrictions are served on premises on which disease is suspect or confirmed in an animal. Once the investigation is complete, not all the restrictions are necessary. Indeed, the requirement for the owner of animals to keep a record of the health status of the animals is the most important requirement. An change in the drafting of the Order allows the veterinary inspector to exempt the occupier of the infected premises from some or all of the restrictions. The veterinary inspector will not be able to remove the restrictions unless he considers it safe to do so.

8. Impact

8.1 An impact assessment has not been prepared for this instrument as this does not represent a change to existing policy and no additional costs on the voluntary or private sectors are foreseen.

9. Contact

9.1 Julian West at the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ, Tel: 0207 904 6142, email julian.west@defra.gsi.gov.uk can answer any queries regarding the instrument.