

**EXPLANATORY MEMORANDUM TO
THE ANIMAL GATHERINGS ORDER 2010**

2010 No. 460

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs even though the instrument is not being laid before Parliament.

2. Purpose of the instrument

2.1 The Statutory Instrument replaces the Animal Gatherings (England) Order 2006. The new Order has been amended after consultation with industry to better address biosecurity issues at livestock markets and shows in a more proportionate and enforceable way.

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

None

4. Legislative Context

The Animal Health Act 1981 provides various order making powers with a view to preventing the spread of animal diseases.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument does not amend primary legislation no statement is required.

7. Policy background

• *What is being done and why*

7.1 The existing Animal Gatherings Order (AGO) bio-security regime was first introduced after the 2001 Foot and Mouth outbreak. The Order and its associated licences specify requirements for best biosecurity practice in order to prevent the spread of disease at livestock markets and shows.

7.2 Nine different licences currently exist for each animal gathering according to its purpose. Feedback from our delivery partners (Animal Health and local authorities) as well as from industry is that many of the current licence requirements are cumbersome, many are not necessary and some are not being observed.

7.3 Following a detailed review of the biosecurity risks, the legislation has been amended and we now propose one licence for all gatherings. Some licence conditions have now been removed from the licences and have been placed in an industry best practice guide. This guide has been agreed and developed in full partnership with industry and will be used to promote good bio-security at all future animal gatherings. The proposed changes are in line with the Animal Health and Welfare Strategy, aim to reduce bureaucracy and continue to address the critical points for bio-security at livestock gatherings.

7.4 The changes have the support of veterinary colleagues in both Defra and Animal Health and continue to address the disease risks but in a better outcome focussed and proportionate way that has the support of the industry.

7.5 The 2010 Order will revoke and replace the 2006 Order.

8. Consultation outcome

8.1 Following a two day workshop at which biosecurity risks were prioritised and assessed, we carried out a short one month consultation in December 2009 on the proposed changes. Colleagues in the Better Regulation Unit agreed that a formal three month consultation was unnecessary as the proposed changes to the legislation only affect those parts of the industry that were fully involved in discussing the changes to the Order from the start.

8.2 The results of the consultation were broadly in agreement with the proposed changes. There was some concern about whether the changes watered down the overall biosecurity message. However, it can be argued that the unsatisfactory old biosecurity regime brought the biosecurity message into disrepute and the new regime will correct that.

9. Guidance

9.1 We have produced an explanatory note which explains the background and reasoning behind the changes to the Order. The note also highlights why the changes do not water down the overall message on good biosecurity. This explanatory note will be put on Defra's website and will also be sent to industry and other interested parties so that they can promote the changes to their members and wider contacts.

10. Impact

10.1 The impact on businesses, charities or voluntary bodies is considered to be beneficial. Businesses will continue to operate at markets and shows in much the same way as before. By changing the biosecurity regime to be more outcome focussed there will be cost savings to those associated with animal gatherings. These will vary greatly from premises to premises according to the way the existing regime has been implemented in the specific operating procedures agreed with Animal Health. Several licence conditions have been removed from the schedule of conditions to the AGO licence and these have been placed in an industry code of practice. Two specific cost benefits will apply for licence conditions relating to the removal of wheel washes at markets and the requirement for animals to be inspected by a vet before being unloaded into an animal area at a gathering.

10.2 The impact on the public sector is minimal as markets and shows will continue to operate as before with local authorities enforcing licence provisions where necessary. There will also be some benefits in streamlining the administration process. There is now only one licence to complete for a gathering as opposed to nine which will make using and issuing the licence more straightforward.

10.3 An Impact Assessment has been prepared and is attached as an appendix to this Memorandum.

11. Regulating small business

11.1 The legislation applies equally to all businesses that use markets and shows

11.2 Interested stakeholders from all parts of industry were involved in preliminary discussions and consultation about the changes.

12. Monitoring & review

The need for a review will depend upon the success of the proposed changes to the Order and licences.

13. Contact

John O'Rourke at the Department for Environment, Food and Rural Affairs, Tel: 020 7238 3185. or e-mail: john.orourke@defra.gsi.gov.uk can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency: Department for Environment, Food and Rural Affairs	Title: Impact Assessment of the Animal Gatherings (England) Order 2006	
Stage: Consultation	Version: Final	Date: 18 February 2010
Related Publications: The Animal Gatherings (England) Order 2006		

Available to view or download at:

<http://www.>

Contact for enquiries: John O'Rourke

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What is the problem under consideration? Why is government intervention necessary?

Following the foot and mouth disease outbreak in 2001 a regulatory biosecurity regime was put in place under the Animal Gatherings Order (AGO) to reduce the risk of silent animal disease spread through livestock gatherings such as livestock markets and shows.

A review of the AGO regime is now required as part of Defra's policy cycle. It is appropriate now as better ways to achieve the biosecurity objectives are becoming apparent. In line with Defra's Animal Health and Welfare Strategy, we are looking to industry to take more responsibility for its own disease biosecurity controls.

What are the policy objectives and the intended effects?

The policy objective is to maintain the necessary biosecurity for disease control purposes by producing a simpler and clearer regime under the Animal Gatherings legislation.

What policy options have been considered? Please justify any preferred option.

A two day workshop in July 09 and subsequent meetings were held with members of the industry, veterinarians and enforcement bodies to review the biosecurity risks and establish the options for revision of the biosecurity regime. The review has resulted in proposals to:

- revise the Animal Gatherings Order (England) 2006;
- simplify the licensing system;
- move some measures to an industry code of best practice.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The revision of the Animal Gatherings biosecurity regime will be deregulatory. The benefits can be provided on a qualitative basis. The policy will be reviewed toward the end of 2010.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

Jim FitzpatrickDate: 24th February 2010

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' No new costs for business.	
	One-off (Transition) Yrs		
	£ 0.00		
	Average Annual Cost (excluding one-off)		
	£ 0.00	Total Cost (PV)	£ 0.00
Other key non-monetised costs by 'main affected groups' None			

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Certain biosecurity measures at livestock markets and shows will be simplified and paperwork reduced. These will be of benefit to market operators, farmers and transporters. One quantifiable benefit has been identified.	
	One-off Yrs		
	£ 0.00		
	Average Annual Benefit (excluding one-off)		
	£ 2,300,000.00	Total Benefit (PV)	£ 2,300,000.00
Other key non-monetised benefits by 'main affected groups'			

Key Assumptions/Sensitivities/Risks Disease spread risk mitigation at animal gatherings is complex and no longer proportionate. The risks and mitigation measures have been re-assessed. The new biosecurity regime is outcome focussed and better addresses the risks. Veterinary advice is that residual disease risk is not expected to increase and might decrease.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £ 2,300,000.00	NET BENEFIT (NPV Best estimate) £ 2,300,000.00
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What is the geographic coverage of the policy/option?			England/Wales		
On what date will the policy be implemented?			March 2010		
Which organisation(s) will enforce the policy?			Animal Health & LA		
What is the total annual cost of enforcement for these organisations?			£ No new costs		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			N/A		
What is the value of the proposed offsetting measure per year?			£ N/A		
What is the value of changes in greenhouse gas emissions?			£ N/A		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)				(Increase - Decrease)
Increase of	£	Decrease of	£	Net Impact
				£ 0.00

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

1. Proposal

1.1 A review of the biosecurity regime at livestock markets and shows.

2. Purpose and intended effect of measures

(i) The objective

2.1 To ensure that the regime is proportionate to the disease risks posed by these premises, is outcome focussed and that those involved with the gatherings take further responsibility for the operation of the events.

(ii) The Background

2.2 The existing biosecurity regime was put in place following the 2001 foot and mouth disease outbreak. The measures were precautionary and prescriptive. A number of licences were used according to the detailed operation of the gathering. It had become apparent that some measures were no longer achieving the desired effect and the biosecurity needed to reduce silent spread of disease could be achieved in a better way. The biosecurity regime at markets and shows was no longer commanding respect and was undermining the importance of the biosecurity message. A review was undertaken to address these points. A review is also part of the policy cycle.

3. Options

3.1 A two day workshop was held with a Group representing all those associated with such gatherings. These were policy officials and veterinary advisers, market operators, show organisers, the livestock haulage industry, representatives of farmers, local authorities and Animal Health veterinary staff.

3.2 The various risks posed by the gatherings (for example, animals, vehicles, people) were prioritised separately for markets and shows. Where appropriate, new ways of addressing them in a proportionate and outcome focused way was proposed. These proposals have been worked up further in meetings with the Group.

3.2 Having considered the various options for the risks involved, the Group has proposed changes to the regime as follows:

- i) revision of the Animal gatherings (England) Order,
- ii) one licence that deals with the key risks and will cover all types of gathering, and
- iii) some risks to be addressed in an industry code of best practice.

3.3 Veterinary advice from Defra's veterinary advisers and from Animal Health is that the various biosecurity risks will be proportionately covered according to their priorities under the proposed regime and that risks are mitigated to the same extent as now. Biosecurity will be put on a more practical and proportionate footing and the overall "biosecurity message" should be enforced rather than being potentially undermined as was the case under the old regime.

3.4 In line with the new regime, those who enforce the law will ensure that their current effort is better targeted at individuals who flout the biosecurity rules. Market operators and show organisers who blatantly ignore the best practice guidance are likely to be in breach of specific licence conditions and action may be taken against them.

4. The legislation

4.1 The existing legislation will be revoked and replaced in time for the start of the shows season at the beginning of 2010.

5. Business sectors affected

Businesses affected are livestock market operators, show organisers and the farmers and hauliers that use them. A few farmers have collection centres on their premises.

6. Benefits

6.1 By changing the biosecurity regime to be more outcome focussed with targeted enforcement there will be cost savings to those associated with animal gatherings. In addition, the message of the importance of biosecurity will be enhanced.

6.2 Savings will vary greatly from premises to premises according to the way the existing regime has been implemented in the specific operating procedures agreed with Animal Health.

6.3 The changes being made in most instances involve streamlining the administration and process by making one licence as opposed to nine which will make using the licence easier and more straightforward for industry. A single licence will not have an effect on business costs as there are very few premises that apply for multiple licences. Some biosecurity measures previously in the AGO Schedule or licence conditions have been put into an industry code of practice. This is attached. These measures are those where greater flexibility is appropriate to meet the risk and is in line with the Animal Health and Welfare Strategy of partnership working. Targeted enforcement will deal in particular with the removal of the wheel wash requirement (see 6.5 below).

6.4 There are tangible cost benefits which apply to two specific licence conditions that have now been removed from the schedule of conditions to the AGO licence. These are as follows:

- It is no longer a licence requirement for vehicles leaving market premises to cleanse and disinfect their tyres, mudguards and wheel arches. Instead, veterinary and local authority inspectors will target vehicles posing a risk for enforcement action making this additional condition no longer effective or necessary. This job is generally carried out by one person and estimated savings are highlighted below.
- It is no longer a licence requirement for animals to be inspected by a vet before being unloaded into an animal area at a gathering. However the industry has indicated that they will continue to have a veterinary presence at livestock shows for health and welfare purposes and it they cannot therefore estimate any possible saving from not having a veterinary inspection when the animals arrive.

6.5 The savings for the first key change are as follows:

Markets will no longer need to employ an individual to check that vehicles leaving livestock premises have their wheels and wheel arches etc cleansed and disinfected. The number of sales held at each market varies considerably, with some centres selling

6 days per week during Autumn/Winter and some only selling 1 day per week; however it is suggested to work on the following assumptions.

124 markets with an average of 3 sales per week = 372 sales per week (84 in England)

372 x 52 weeks per year = 19,344 sales per annum.

Minimum of 1 man per sale for say 8 hours = 154,752 man hours

154,752 man hours @ £15.00 per hour = £2,321,280.00 saving

6.6 There are a significant number of livestock shows each year that will benefit from the unquantifiable benefits resulting from the change to the regime. Typically in a year there will be about 100 one day shows, 50 two day shows and 30 major three or more day shows (eg the major county shows) together with a few specific breed shows and Young Farmers Club events.

7. Costs

No extra costs are foreseen from the changes proposed.

8. Outcome of other Impact Tests

a. Legal Aid

8.1 Existing disease control legislation already contains criminal sanctions and penalties and the new legislation will maintain these. In view of this there are no implications for legal aid.

b. Carbon Impact Assessment

8.2 The proposal will have no effect on carbon/greenhouse gas emissions.

c. Other Environmental Issues

8.3 The proposal has no implications in relation to climate change, waste management, landscapes, water and floods, habitat and wildlife or noise pollution.

d. Health Impact Assessment

8.4 The proposal will not impact on human health or well being and will not result in health inequalities.

e. Race /Disability/Gender

8.5 There are no limitations on meeting the requirements of the proposal on the grounds of race, disability or gender. The proposal does not impose any restriction or involve any requirement which a person of a particular racial background, disability or gender would find difficult to comply with. Conditions apply equally to all individuals and businesses involved in the activities covered by the proposal.

f. Human Rights

8.6 The proposal is consistent with the Human Rights Act 1998.

g. Rural Proofing

8.7 The proposal will have a positive impact on rural communities and industries in that it will enable more efficient biosecurity control at livestock markets and shows.

h. Small Firms Impact

8.8 Biosecurity measures to control silent spread of disease must apply to all sizes of business, however organisers of small shows may find the new requirements more helpful.

9. Competition Assessment

9.1 The proposal will have no impact on competition.

10. Enforcement and Sanctions

10.1 Animal Health and Local Authorities would enforce disease control measures as they do at present. There are no new burdens on these enforcement agencies.

11. Monitoring and review

11.1 The effectiveness of the new biosecurity regime will be assessed towards the end of the year.

12. Consultation

12.1 All stakeholders have been involved in the development of the proposed changes. A short further consultation was undertaken. Comments were generally in favour of the outcome of the review. There were no comments on the estimated savings. There was question as to the need for local authorities to be able to take specific action against those who attend gatherings in clothing that might pose a biosecurity risk. This will be addressed specifically in the review.

13. Summary

13.1 Implementation of policy to reduce the risk of the silent spread of disease at animal gatherings by means of a biosecurity regime has been reviewed with all parties involved. A new more proportionate implementation regime has been agreed that is more outcome orientated and involves more responsibility sharing while maintaining necessary biosecurity control. It will be accompanied by more targeted enforcement.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

ANIMAL GATHERINGS ORDER

GUIDANCE FOR OPERATORS AND USERS

The Animal Gatherings Order 2010 and its associated licence has been introduced to simplify and improve the biosecurity regime at animal gatherings. These changes followed extensive consultation with those who operate markets, who organise shows, who attend them and who enforce the rules. The changes assume that the industry will take responsibility for ensuring a standard of biosecurity necessary to reduce the spread of a disease such as foot-and-mouth before its presence has been confirmed. These measures can also help to ensure that farms are protected from the introduction from other endemic diseases which can be costly to control .

This guide gives **essential biosecurity advice** to supplement the requirements in the Order and Licence.

If you operate any gathering

- You should make sure that everyone who handles livestock is aware of the notifiable diseases in animals and how to initiate the Disease Control Contingency Plan.
- You should make sure that everyone you engage who handles livestock has training sufficient for them to understand the risks of poor biosecurity and understands the consequences of disease spread.
- Make sure you and your team set a good example and practice good biosecurity as part of your normal routine.
- You should have good clearly identified facilities for people who handle animals to:
 - scrub and disinfect their boots when they go into and leave the animal area
 - wash their hands thoroughly
 - wash down any waterproof clothing
 - safely dispose of any used disposable clothing
- Organisers of shows should provide facilities for cleansing and disinfecting vehicles and equipment that has been used in the animal rings.
- Be prepared to refuse entry to anyone attending your gathering whose clothing or vehicle poses a biosecurity risk to everyone else, and advise them that they should clean their clothing /vehicle and to resolve this problem as soon as possible by directing them to using the facilities provided.

If you attend a gathering

- Leave 'disease' where it is by following good biosecurity measures every time you leave a premises with livestock.

- You should ensure that you know the signs of notifiable diseases in animals and, if in doubt, seek veterinary advice as soon as possible.
- Don't come onto the premises with clothes or livestock vehicle (including a vehicle used to pull a trailer) contaminated with mud or other farm contamination.
- Facilities are provided for you to cleanse and disinfect your boots and scrub your hands. If you need to, use them.
- Handling animals can spread disease; you should wash your hands and clothing/footwear before you leave the premises.
- You should cleanse and disinfect your livestock vehicle on site before leaving if at all possible.
- Be alert for any signs of disease in animals – if there is a suspect case while you are on the premises, be prepared to co-operate with the authorities in implementing the Disease Control Contingency Plan.

If you operate a gathering on a farm

- You should take extra care to ensure that there is no contact between your stock and the animals coming to the gathering.
- Equipment should be dedicated to the gathering. If it is not, you must observe the legal requirement to cleanse and disinfect equipment if it is removed from the premises.
- Farm staff should operate strict biosecurity procedures if they move between the gathering site and the rest of the farm (e.g. change clothes and cleanse and disinfect boots).