

Explanatory Memorandum to the Import and Export Restrictions (Foot and Mouth Disease) (No 2) (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales.

(i) Description

These Regulations put in force emergency disease control measures to prevent the export of the foot and mouth disease virus to other European Member States and to control imports of live animals susceptible to the virus.

(ii) Matters of special interest to the Subordinate Legislation Committee

This is an emergency disease control measure for which urgent enforcement powers are needed for implementation. For this reason the instrument breaches the 21 day rule. The Minister for Assembly Business and Communications has written to the Presiding Officer to notify him of the breach.

(iii) Legislative Background

These Regulations bring into force controls on the import and export of live animals and animal products as set out in Commission Decision 2007/554/EC concerning certain protection measures against foot and mouth disease in the UK and revoking Commission Decision 2007/552/EC. The powers enabling this instrument to be made are contained in section 2(2) of the European Communities Act 1972. They have been designated by virtue of the European Communities (Designation) (No 3) Order 2005 (SI 2005/2766) to the National Assembly for Wales in respect of the common agriculture policy. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers. This Instrument is subject to the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

These Regulations revise the emergency disease control measures to prevent the export of the foot and mouth disease virus to other European Member States and to control imports of live animals susceptible to the virus. The amendments reflect the changes to the EU Decision and changes requested by enforcement officers.

(v) Implementation

These Regulations were made at 3.30 pm on 13 August 2007 and came into force at 3.45 pm on 13 August 2007. These Regulations will cease to have effect on 25 August 2007. Failure to implement the legislation with immediate effect would lead to inconsistency of enforcement across the UK. If the UK did not implement this

Decision it would be in breach of a Community requirement. Parallel legislation has been produced in England and will come into force on 13 August 2007. Parallel legislation was made in Scotland and came into force on 10 August 2007 and Northern Ireland expects to bring its legislation into force on 13 or 14 August 2007.

(vi) **Consultation**

Given the urgency with which this new SI has had to be made, there has been insufficient time for any public consultation. Relevant stakeholders have been advised of the legislation.

(vii) **Regulatory Impact Assessment**

The Welsh Assembly Government does not consider the SI will need a Regulatory Impact Assessment where the legislation needs to be put in place quickly to deal with a public health or other emergency.