

Explanatory Memorandum to the Import and Export Restrictions (Foot and Mouth Disease) (No. 3) (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 into force for Wales emergency disease control measures to prevent the export of the foot and mouth disease virus to other European Member States and to Third Countries.

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

These Regulations provide for an emergency disease control measure banning the export of live susceptible animals and their products from Wales and the import of live susceptible animals to Wales. As this is an emergency disease control measure requiring urgent enforcement powers for implementation it is necessary for the instrument to breach the 21 day rule. The Presiding Officer has been notified notify of the breach by letter.

(iii) Legislative Background

These Regulations ban the export of live susceptible animals and animal products from Wales and the import of live susceptible animals as set out in Commission Decision 2007/554 /EC as amended by Commission Decision 2007/608/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 provide for emergency disease control measures in Wales to prevent the export of the foot and mouth disease virus to other European Member States and Third Countries. The Regulations reflect amendments to Commission Decision 2007/554/EC, limiting the control of exports and imports of live animals as appropriate from GB.

(v) Implementation

These Regulations were made and came into force at 8pm on 13 September 2007. These Regulations will cease to have effect on 15 October 2007. Failure to implement the legislation with immediate effect would lead to inconsistency in trade

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 September 2007. Northern Ireland intends to make its legislation on 14 September and Scotland is bringing its legislation into force on 13 September.

(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.