

Explanatory Memorandum to The Export Restrictions (Foot-and-Mouth Disease) (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.

Description

These Regulations will implement in Wales the Commission Decision of 13 December 2007 amending Commission Decision 2007/554/EC concerning certain protection measures against foot and mouth disease in the United Kingdom.

Matters of special interest to the Subordinate Legislation Committee

These Regulations lift export restrictions for FMD susceptible animals from Wales. As this is an easement of an emergency disease control measure to assist the industry to return to normal, it requires urgent enforcement powers for implementation and, as such it is necessary for the Instrument to breach the 21 day rule. The Presiding Officer has been notified of the breach by letter.

Due to the length of the Regulations and the need to introduce them in Wales immediately, the Minister for Rural Affairs has deemed that it would not be reasonably practicable for them to be made bilingually within the timescale. However a Welsh translation of the Regulations should be available within two to three weeks of the SI being made.

Legislative Background

These Regulations continue to regulate the importation and dispatch of live animals and open up the export trade in live animals in Wales. Restrictions remain on the export of live animals from the FMD Free Export Area in England.

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 agricultural 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 previously conferred on the National Assembly for Wales by this designation are now exercisable by the Welsh Ministers. This Instrument is subject to the negative resolution procedure.

Purpose and intended effect of the legislation

These Regulations lift export restrictions as set out in Commission Decision 2007/554/EC (as amended) concerning certain protection measures against foot and mouth disease in the UK. The Regulations reflect amendments set out in the Commission Decision of 13 December 2007. The principal effect of the Regulations is that live animals will be able to be exported from the 'FMD Free live export area', of which Wales is a part. Export restrictions (including those that are defined in the Annex to the Decision) have been lifted, from the whole of GB, on:

- meat and meat products;
- milk and dairy products;
- hides and skins; and
- other animal products.

Restrictions will remain in place for live animal exports in the FMD Free Export area in England.

Implementation

It is intended that these Regulations come into force on 13 December 2007. Failure to implement the legislation with immediate effect in Wales would lead to inconsistency across the UK. If the UK did not implement this Decision it would be in breach of a Community requirement. Parallel Regulations come into force on 13 December 2007 in England.

Consultation

Given the urgency with which these new Regulations have had to be made, there has been insufficient time for any public consultation.

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.