

Explanatory Memorandum to The Bluetongue (Wales) (Amendment) Regulations 2012

1. This Explanatory Memorandum has been prepared by the Department for Environment and Sustainable Development and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

2. In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Bluetongue (Wales) (Amendment) Regulations 2012.

John Griffiths AM

Minister for Environment & Sustainable Development, one of the Welsh Ministers

15 September 2012

Description

3. The Bluetongue (Wales) (Amendment) Regulations 2012 amend the Bluetongue (Wales) Regulations 2008 (S.I. 2008/1090 (W.116)) (“the 2008 Regulations”) to implement European legislation concerning vaccination against bluetongue. Bluetongue is an exotic (not normally found in Wales) notifiable animal disease affecting all ruminant animals including sheep, cattle, deer, goats and camelids.

4. On the basis of a Veterinary Risk Assessment carried out by the Welsh Ministers, these Regulations will allow animal keepers the option to vaccinate their animals against bluetongue using inactivated (killed) vaccines. The risk assessment will be published on the Welsh Government website with the legislation. Since the UK was declared disease-free on 5 July 2011, vaccination against bluetongue has been prohibited.

Matters of special interest to the Constitutional and Legislative Affairs Committee

5. Section 3 of this Memorandum explains that these Regulations are made in reliance on section 2(2) of the European Communities Act 1972. By virtue of section 59(3) of the Government of Wales Act 2006, the Welsh Ministers are to determine whether an instrument made in exercise of the section 2(2) powers is to be subject to the negative or affirmative procedure.

6. These Regulations do not amend an Assembly Act or Measure, or an Act of Parliament, nor do they create offences, impose civil penalties or involve government expenditure.

7. Accordingly, the Welsh Ministers have determined that these Regulations are to be subject to the negative resolution procedure.

Legislative background

8. These Regulations amend the Bluetongue (Wales) Regulations 2008 (S.I. 2008/1090 (W.116)) (“the 2008 Regulations”) by transposing Directive 2012/5/EU amending Council Directive 2000/75/EC as regards vaccination against bluetongue.

9. The Welsh Ministers are able to make these Regulations by exercising the powers conferred on them by section 2(2) of the European Communities Act 1972. The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

10. The Regulations are made under negative resolution procedure.

Purpose & intended effect of the legislation

11. Member States are obliged to control and eradicate bluetongue virus. Council Directive 2000/75/EC requires measures to prevent the spread and eradication of the disease. The amendments to the 2000 Directive introduced by Directive 2012/5/EU enable Member States in disease-free areas to decide, following a risk assessment and notification to the Commission, to allow animal keepers to vaccinate their animals on a precautionary basis with approved vaccines. A Veterinary Risk Assessment has been carried out in Wales and recommends that vaccination with inactivated (killed) vaccines should be allowed.

12. The last outbreak of bluetongue in the UK occurred in 2007-2008, and the whole of the UK was declared disease-free on 5 July 2011. As we want to maintain this status, current policies and objectives are aimed primarily at reducing the risk of bluetongue outbreaks, and avoiding the consequential burden of animal movement controls and economic losses following export trade restrictions.

13. Amendment to the 2008 Regulations is required to transpose the Directive 2012/5/EU and thereby allow animal keepers in disease-free areas to vaccinate livestock with inactivated vaccines for the range of bluetongue virus serotypes. The Directive also sets out that where compulsory vaccination is required following an outbreak of the disease, or if live attenuated vaccine is used, then a protection zone and surrounding surveillance zone must be declared.

14. Directive 2012/5/EU is being implemented across the UK, however in Northern Ireland, vaccination will not be allowed. In England, the Bluetongue (Amendment) Regulations 2012 came into force on 24 August 2012. The Bluetongue (Scotland) Order 2012 will come into force on 24 September 2012.

15. These Regulations do not impose any requirements, but allow animal keepers and agricultural businesses the option to vaccinate animals against bluetongue. They will have to determine if the economic costs of vaccination are worthwhile.

Consultation

16. The Welsh Government consulted informally with stakeholders with an interest in bluetongue vaccination between 23 April and 4 May 2012. All respondents supported the proposal to allow vaccination.

6. Regulatory Impact Assessment (RIA)

17. No RIA has been prepared as these Regulations allow farmers the option to vaccinate animals against bluetongue but do not impose any requirements.