

**Explanatory Memorandum to The Tuberculosis (Miscellaneous Amendments) (Wales) Order 2014**

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer 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**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Tuberculosis (Miscellaneous Amendments) (Wales) Order 2014.

Alun Davies

Minister for Natural Resources and Food, one of the Welsh Ministers

12 March 2014

## **1. Description**

The Tuberculosis (Miscellaneous Amendments) (Wales) Order 2014 amends the Tuberculosis (Wales) Order 2010, which relates to bovine animals, and the Tuberculosis (Wales) Order 2011, which relates to non-bovine animals.

The Tuberculosis (Wales) Order 2010 provides AHVLA, which is responsible for the operational delivery of the Welsh Government's policy on bovine TB in Wales, with the necessary powers to deal effectively with TB incidents in cattle (bovines). The Tuberculosis (Wales) Order 2011 introduced similar legislation relating to specific non-bovine animals (camelids, goats and deer) including a scheme of compensation.

It enables the Welsh Ministers to approve veterinary surgeons to carry out diagnostic tuberculosis (TB) tests on bovine and non-bovine animals and provides for automatic requirements to apply to the keeper of reactor and inconclusive reactor animals.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

None

## **3. Legislative background**

In order to amend the Tuberculosis (Wales) Order 2010 and Tuberculosis (Wales) Order 2011, subordinate legislation is required. Sections 1, 8(1), 15(4), 25 and 83(2) of the Animal Health Act 1981 ("the Act") permit "the Ministers" to make the necessary amending order by statutory instrument.

Those functions conferred on the Ministers and Secretary of State by the Act, as defined in section 86(1) of the Act, are now exercisable by the Welsh Ministers by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999, the National Assembly for Wales (Transfer of Functions) Order 2004 and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006

The instrument is subject to annulment (the negative procedure).

## **4. Purpose & intended effect of the legislation**

Official Veterinarians are private practice veterinarians who undertake work on behalf of an EU Member State. Official Veterinarians may also be appointed as Veterinary Inspectors in accordance with the Animal Health Act 1981. This conveys statutory powers on Official Veterinarians.

From 6 April 2014, Her Majesty's Revenue and Customs have confirmed that Veterinary Inspectors will be treated as "office holders" for tax purposes, creating a tax and National Insurance liability for the Animal Health and Veterinary Laboratories Agency of approximately £5 million per annum. The Welsh element of this is estimated to be £1.5 million and relates primarily to statutory TB work.

This instrument inserts a new definition of an Approved Veterinary Surgeon and provides for the Welsh Ministers to approve a veterinary surgeon. .

Official Veterinarians/Approved Veterinary Surgeons will not have the powers to serve TB restriction notices. This instrument provides for automatic requirements to apply to a keeper on disclosure of a TB reactor or inconclusive reactor.

This instrument also clarifies the requirements for marking reactor animals and isolating both reactor and inconclusive reactor animals.

## **5. Consultation**

In line with both Scotland and England, Wales did not carry out a consultation exercise. TB Policy officials have met with members of the British Veterinary Association (BVA) and the British Cattle Veterinary Association (BCVA) who are content with these proposed changes. There is no additional cost or administrative burden involved in the amendments to this Regulation.

## **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.