

Explanatory Memorandum to the Poultry Health Scheme (Fees) (Wales) Regulations 2011

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

Description

2. The Poultry Health Scheme (Fees) (Wales) Regulations 2011 sets the fees for approvals for the purposes of the poultry health scheme, established under Council Directive 2009/158/EC. The domestic legal base for these fees is contained in the Animals and Animal Products (Imports and Exports) (Wales) Regulations 2006. The provision for Poultry Health Scheme fees has been transferred to a standalone Fees SI to aid the annual adjustment of PHS fees.

Matters of special interest to the Constitutional and Legislative Affairs Committee

3. The fees included in the SI are those currently being charged - this SI does not introduce a rise in fees.

Legislative Background

4. The Regulations are made with the consent of the Treasury under Section 56(1) of the Finance Act 1973. This legislation sets the legal base for fees charged in association with implementation of Council Directive 2009/158/EC.

Purpose and intended effect of the legislation

5. The Poultry Health Scheme has operated since 1990 to implement the requirements of Council Directive 90/539/EEC (now superseded by Council Directive 2009/158/EC). Fees are currently charged in relation to the Poultry Health Scheme by Animal Health & Veterinary Laboratories Agency to approve and annually check members and to run proficiency tests on the laboratories which carry out the sampling which members are required by law to carry out. The domestic legal base for these fees is currently set out in the Animals and Animal Products (Imports and Exports) (Wales) Regulations 2006. These Regulations will shortly be replaced by the Trade in Animals and Related Products (Wales) Regulations 2011 which will be made simultaneously with the Poultry Health Scheme (Fees) (Wales) Regulations 2011. The separate fees SI will aid the required annual adjustment of PHS fees.

Implementation

6. It is intended that the Regulations will come into force on 20 October 2011.

Consultation

7. As the scheme and the fees being charged are already operating and as the SI does not increase fees a consultation was not considered necessary.

Regulatory Impact Assessment

8. No Regulatory Impact Assessment has been prepared as these Regulations will not impact on business, charities or voluntary bodies because the requirement to subscribe to the Poultry Health Scheme for export purposes already exists. There is no impact on the public sector. The introduction of the SI will not impact upon existing or future members of the Poultry Health Scheme.

Minister's Declaration

9. In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Poultry Health Scheme (Fees) (Wales) Regulations 2011. I am satisfied that the benefits outweigh any costs.

John Griffiths AM

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

28 September 2011