

## REGULATORY APPRAISAL

### ANIMALS, WALES

#### ANIMAL HEALTH

#### BRUCELLOSIS (WALES) ORDER 2006

##### **Purpose and intended effect of the measure**

1. This Order revokes and re-enacts, with amendments, the Brucellosis Order 1997 as it applies to Wales. Brucellosis of cattle is caused by infection with the bacterium *Brucella abortus*, which can cause a disease in humans known as 'undulant fever'. Brucellosis of cattle is a notifiable disease, which was eradicated from cattle in Great Britain in 1979, but has been reintroduced on several occasions by imported cattle. Brucellosis causes abortion or premature calving of recently infected animals. The bacteria of *Brucella abortus* can infect other cattle and humans when excreted in milk. This Order implements the provisions relating to milk of Council Directive 64/432/EEC as amended (on animal health problems affecting intra-Community trade in bovine animals and swine) and Council Directive 77/391/EEC, as amended (introducing Community measures for the eradication of brucellosis, a notifiable disease of cattle causing premature calving and abortion, tuberculosis and leukosis, a blood borne disease of cattle causing tumours in cattle). These Directives require the operation of a monitoring and testing programme to maintain the officially brucellosis-free status of Great Britain under Council Directive 64/432/EEC.
2. The principal changes made by this Order relate to the arrangements for testing milk for evidence of brucellosis and the removal of the List of Approved Laboratories contained in Schedule 1 to the 1997 Order. It will require that:
  - anyone who buys milk for resale as milk or milk products will be responsible for selecting an approved laboratory to test the milk for brucellosis and to notify the National Assembly for Wales;
  - laboratories carrying out brucellosis testing on milk samples are approved by the National Assembly for Wales;
  - all laboratories notify the National Assembly for Wales within 24 hours if the result of any test for brucellosis is positive;
  - all laboratories notify the National Assembly for Wales if a sample is not received when due from one of the herds listed in the records;
  - all laboratories must notify the National Assembly for Wales within one month where a sample has been tested negative;
  - all laboratories maintain a record of the results of all tests carried out for a period of one year from the date of the test;

- all samples are labelled with a barcode, which enables the laboratory to identify the herd the samples were taken from together with the date the samples were taken; and
- will remove the List of Approved Laboratories from the Schedule to the Order, so that in future amendments may be made to the list without the need to amend the Order.

### **Risk Assessment**

3. The Brucellosis Order 1997 already implements parts of two Council Directives aimed at protecting the animal health status of the EU. In particular, the Order implements into domestic law some of the provisions relating to diseases in bovines and swine of EU Directives 64/432/EEC (as amended) and 77/391/EEC (as amended). These Directives require the operation of a monitoring and testing programme in order to maintain officially brucellosis-free status of Great Britain under Council Directive 64/432/EEC. If this Order was not made there would still be no legislative framework in Wales to cover what is occurring in practice.
4. Removing the List of Approved Laboratories from the Schedule to the Order has no risk attached.

### **Options**

#### Option 1 - Do Nothing

5. Amending the list of approved laboratories would still require an amendment to the Order. The National Assembly for Wales would not be fully using its devolved powers to require the approval of laboratories and to be informed of testing results. There would be a risk that the list was out of date if legislation was not regularly made to update the Schedule.

#### Option 2 – Make the Legislation

6. Implementing the legislation will provide powers to the National Assembly for Wales regarding the approval of laboratories and testing results. It will also require laboratories to label and record test results in a prescribed manner and remove the List of Approved Laboratories from the Schedule to the Order.

### **Benefits**

7. Implementing this Order would also allow the removal of the List of Approved Laboratories from the Schedule to the Order so that future amendments may be made to the list without the need to amend the Order.

### **Costs**

8. There are no financial implications for the Assembly, or for industry as a result of making this Order.

### **Issues of equality and fairness**

9. The changes proposed would fall equally on all primary purchasers of raw milk (who are required to submit samples for testing at their own expense) and all approved laboratories (which are required to notify results).

## **Consultation**

### With Stakeholders

10. The proposed changes will bring the legislation in line with European legislation therefore it is unlikely that the Welsh Assembly Government would be in a position to act on suggestions raised as a result of any consultation responses. Therefore, no consultation was undertaken. However, stakeholders were informed of the proposed legislation via letter on 14 December 2005. A list of recipients is attached at Annex A. No responses to the letter have been received.

### With Subject Committee

11. This Order was notified to the Environment, Planning and Countryside Committee, via the list of forthcoming legislation on 13 April 2005 (EPC(2)-04-05 (p.3) Annex 1, item no. 13) and has remained on the list ever since. The Order was not identified for detailed scrutiny.

### **Enforcement and sanctions, monitoring and review**

12. Enforcement of the Order and sanctions under it remain, as before, with the local authorities.

### **Summary**

13. The proposal to implement this Order ensures that the National Assembly for Wales is kept fully informed with regard to brucellosis testing and allows the introduction of an approval list system that can respond more swiftly to change.

## Annex 1 – List of Recipients

Agri food Partnership for Wales
Associated Meat Co Ltd
British Veterinary Association North
British Veterinary Association South
Business Eye (previously Business Connect)
BWL George
Caernarfon Abattoir Ltd
Campaign for the Protection of Rural Wales
Cardigan Abattoir Ltd
Cig Mon Group
Cig Mon Meats Ltd
Cig Oen Caron
Competitive Meats
Conwy Valley Meats
Country Land and Business Association
Country Landowners and Business Association
Countryside Council for Wales
D & J Thomas
D&B Meats
D&J Thomas
Dairy Strategy Group
Dawn Pac Ltd
Direct Meat Supplies
DT Havard
Environment Agency Wales
ETJones, Sons & Daughter
Fairfield Meat Co Ltd
Farm Assured Welsh Livestock
Farmers for Action
Farmers Union of Wales
Farming & Livestock Concern UK
Federation of Small Businesses in Wales
Food Technology Centre

Fribo Foods Ltd
GR Evans
Guild of Welsh Lamb & Beef
Guild of Welsh Lamb & Beef Suppliers
Hamer International Limited
Hughes Meats
Hybu Cig Cymru
I&B Jones
J Williams & Son
JE Tudor & Sons Ltd
Jones Bros
LACORS Wales
Marks Meats Ltd
Messrs B&B Webster
Mid Glamorgan Provisions
Mr L H Phillips
National Beef Association (Wales)
National Farmers Union
O Roberts A'I Faib
Organic Farming Centre for Wales
Oriel Jones and Sons Ltd
Owen G Owen Ltd
Pembrokeshire Meat Company
R G B Webster & Sons Ltd
R W Kennard
Red Meat Strategy Group
Royal Society for the Prevention of Cruelty to Animals
Royal Welsh Agricultural Society
St Merryn Meat Ltd
Stanley Jones
T H Sutcliffe
TJ Thomas
Towers Thompson
TWM Ltd
Tywyn Wholesale Meat Co Ltd
W Lloyd Williams
WA James
Weeks Wholesale Meat Co Ltd
Welsh Black Cattle Society

Welsh Country Foods
Welsh Farm Organics
Welsh Food Alliance
Welsh Food Microbiological Forum
Welsh Food Promotions
Welsh Hook Meat Centre
Welsh Livestock Auctioneers Association
Welsh Meat Company
Welsh Meat Company
Women in Agriculture
Women's Food and Farming Union in Wales
WT Maddock