Carwyn Jones AM/AC

Y Cwnsler Cyffredinol ac Arweinydd y Tŷ
Counsel General and Leader of the House

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Lord Dafydd Elis – Thomas AM
Presiding Officer
National Assembly Wales

23 October 2007

Dear Dafydd

THE BLUETONGUE (WALES) (COMPENSATION) ORDER 2007

I am writing to inform you that in order to bring The Bluetongue (Wales) (Compensation) Order 2007 into force in Wales in line with England, it has become necessary to breach the 21 day rule. The Order was made on 22 October 2007, came into force on 22 October 2007 and was laid in Table Office on 23 October 2007.

This Order will allow compensation to be paid to farmers for an animal affected with, or suspected of being affected with, or exposed to the infection of bluetongue and slaughtered under section 32 of the Animal Health Act 1981.

All Member States are required to take measures to control Bluetongue, which includes the slaughter of animals to control the disease. The contingency plans to deal with an outbreak of Bluetongue were reviewed during 2007 in the light of emerging evidence from outbreaks in the Netherlands, Belgium, Luxembourg, parts of western Germany and Northern France. The UK control strategy envisages slaughter in some circumstances, for example for imported animals, or before circulation of the virus between animals and midges is confirmed.

Under the Animal Health Act 1981 an Order is needed to provide for the payment of compensation in relation to this slaughter. The outbreak of Bluetongue in England in September 2007 and the progression of the disease westwards has led to the need for this proposed Order to provide for compensation for farmers whose animals are culled as a result of being affected with or suspected of being affected with Bluetongue or exposed to the virus.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Ffôn * Tel 029 2082 8055
Ffacs * Fax 029 2089 8475
Correspondence.Carwyn.Jones@Wales.gsi.gov.uk

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The Order is required to come into force immediately to allow the payment of compensation for animals that may have to be culled. Parallel Regulations came into force in England on 20 October 2007. Therefore, to ensure consistency with England in terms of the payment of compensation to farmers and to ensure that farmers in Wales are not disadvantaged it is necessary to breach the 21 day rule, so that the Order can come into force immediately.

Scotland has no current plans to make similar legislation and Northern Ireland is considering making such legislation.

This Order has not been subject to consultation or a Regulatory Impact Assessment due the immediacy of the Instrument. However, an Explanatory Memorandum has been prepared and this has been laid, together with the Order, in Table Office.

A copy of this letter goes Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and Chris Reading, Clerk to the Subordinate Legislation Committee.

Yours sincerely

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