

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

17 April 2008

Dear Dafydd

THE BLUETONGUE (WALES) REGULATIONS 2008

I am writing to inform you that in order to bring The Bluetongue (Wales) Regulations 2008 into force in Wales in line with England, it has become necessary to breach the 21 day rule. These Regulations were made on 16 April 2008 and laid in Table Office on 17 April 2008 and will come into force on 26 April 2008.

These Regulations, which revoke and remake with changes the Bluetongue (No.2) (Wales) Order 2007, provide the necessary powers to enable the implementation of suitably controlled vaccination programmes, so that the farming industry in Wales can protect against the disease through vaccination. They continue to implement Council Directive 2000/75/EC laying down specific provisions for the control and eradication of Bluetongue. The Regulations also implement Commission Regulation (EC) (NO 1266/2007).

Under the current legislation (The Bluetongue (No.2) (Wales) Order 2007), it is not possible to control the distribution of vaccine or, if necessary, require compulsory vaccination without considerable disproportionate costs.

Since the emergence of Bluetongue serotype 8 (BTV-8) in Northern Europe (and now in certain areas of England) control of the disease has been largely based on movement restrictions. However, even strict enforcement of these restrictions is no guarantee against disease spread as it is not possible to control the midge vector. The implementation of a vaccination programme could therefore significantly reduce Bluetongue virus circulation and limit its geographical distribution, contributing to its control and potential eradication, and prevent losses by minimising the impact of clinical disease.

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Defra placed an order, in December 2007, with the pharmaceutical company 'Intervet' to supply 22.5 million doses of BTV-8 vaccine for use in England and Wales. 2.5 million doses are reserved for potential use in Wales. Intervet has indicated that the first batches of vaccine are expected to be ready for use from early May 2008.

Under European Community law, Bluetongue vaccination can only be carried out in a Protection Zone. As vaccine is delivered and once vaccination is progressing across the Protection Zone, the current Bluetongue vaccination programme outlines an intention to extend or modify the Protection Zone in order to permit further vaccination, allowing a phased approach as vaccine comes on-stream. However, when vaccine first becomes available from May, it will be delivered in relatively small batches. It may therefore be necessary to limit vaccine availability within the Protection Zone in accordance with the supply of vaccine and the epidemiological situation. The distribution of vaccine therefore needs to be controlled.

These Regulations clarify that the use of Bluetongue vaccine will only be allowed under licence (enabling controls on the use of vaccine geographically); introduce controls on obtaining vaccine (to target the distribution of vaccine to areas which are at greatest risk from the disease) and enable compulsory vaccination, either on an individual premises or in a zone.

These Regulations are required to come into force on 26 April 2008 to ensure consistency with England, where similar legislation is coming into force on the same date, so that farmers in Wales would be eligible to vaccinate their stock without delay in the event of a Bluetongue Protection Zone being declared in Wales. It is, therefore, necessary to breach the 21 day rule, so that the Regulations can come into force on 26 April 2008.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. J. Jones', is written in a cursive style.