

Explanatory Memorandum to the Tuberculosis Eradication (Wales) Order 2009 WSI 2009 No.2614 (W.212)

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

- (i) **Description** – The instrument confers the necessary powers on Welsh Ministers to enable them to undertake the vaccination of badgers and the destruction of badgers in order to achieve the policy of eradicating bovine tuberculosis (bovine TB) in Wales.
- (ii) **Matters of special interest to the Subordinate Legislation Committee** – None
- (iii) **Legislative Background** – The instrument is made under sections 1, 21(2), (4) and (5), 72 and 86(1) of the Animal Health Act 1981. The instrument follows the negative resolution procedure.
- (iv) **Purpose and intended effect of the legislation** – Bovine TB incidents are increasing in Wales along with associated costs to the agricultural industry, Government and ultimately tax payers. In 2008 over 12,000 cattle were slaughtered because of bovine TB; an increase of 52% on the number slaughtered in 2007. The Welsh Assembly Government is legally obliged to pay compensation for cattle removed because of bovine TB. The cost of this reached £23.5 million for the 2008-09 financial year; an increase of 47% on the previous year. On current trends, compensation will reach £80 million in the 2013-14 financial year. The instrument will provide that Welsh Ministers may vaccinate or destroy badgers in Wales alongside cattle control measures as part of a comprehensive programme to eradicate bovine TB in Wales.
- (v) **Implementation** – If the legislation is not made the Minister will be unable to directly manage a badger cull in Wales and would need to rely on existing powers in the Protection of Badgers Act 1992 to issue licences to individual farmers to pursue the eradication of bovine tuberculosis in Wales. This is Wales-only legislation.
- (vi) **Consultation** – Public consultation on the Tuberculosis Eradication (Wales) Order 2009 was undertaken between 24 April and 30 July 2009
- (vii) **Regulatory Impact Assessment** – An RIA has not been prepared as this instrument is enabling legislation that confers powers on the Welsh Ministers that will allow them implement badger control strategies. The Minister has not yet taken a

final decision on whether to implement these strategies and it would not be appropriate, or reasonably practical, in these circumstances to prepare a Regulatory Impact Assessment.