

## **Explanatory Memorandum to the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) (Partial Revocation) Order 2011**

- 1) This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Declaration**

- 2) In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) (Partial Revocation) Order 2011

*Lesley Griffiths*

Minister for Health and Social Services, one of the Welsh Ministers

16 November 2011

### **Description**

- 3) The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) (Partial Revocation) Order 2011 will amend the area of Northwest Wales restricted under the Food and Environment Protection Act 1985 as designated by the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) Order 1991 (SI 1991/5), as amended. Restrictions will be removed from the remainder of the Elan valley in Powys still restricted and an area to the West of Betws-y-Coed in Conwy.

### **Matters of special interest to the Constitutional and Legislative Affairs Committee**

- 4) None

### **Legislative background**

- 5) The Order is made under section 1 (1) of the Food and Environment Protection Act 1985. The powers were originally vested in the Secretary of State for Wales and transferred to the National Assembly for Wales pursuant to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) The powers were further transferred and now vest in the Welsh Ministers by virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006.
- 6) Section 1(1) of the Food and Environment Protection Act 1985 requires that the Order be laid before the National Assembly for Wales after it is made however it not subject to any Assembly procedure.

## **Purpose & intended effect of the legislation**

- 7) Restrictions on the movement of sheep under the Food and Environmental Protection Act 1985 (FEPA) were imposed following the Chernobyl nuclear accident in 1986 to protect the public from radiocaesium ( $^{137}\text{Cs}$ ) levels in sheep meat. The areas currently under restriction in Wales are set out in The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991 [SI 1991 No 5], as amended.
- 8) In the early 1990s, a sheep monitoring programme (known as 'mark and release') was introduced to allow the movement of sheep from within the restricted area. Only sheep monitored and shown to be below 1,000Bq per kg for radiocaesium are permitted to enter the food chain.
- 9) Holdings or areas are considered for removal from the restrictions (de-restricted) where certain criteria are met. A full-flock survey on all eligible farms, conducted during the summer months, when contamination is at the highest, must demonstrate that no sheep within the flock contain levels above the 1,000 Bq/kg limit.
- 10) From the 5,100 holdings originally restricted, there are currently 334 holdings remaining restricted under the 1991 Order in parts of Gwynedd, Conwy and North-West Powys.
- 11) Following monitoring exercises held in the Elan valley in Powys and an area to the West of Betws-y-Coed in Conwy by the Rural Inspectorate Wales, the Food Standards Agency has concluded that restrictions are no longer necessary. Farms within the affected areas have already been provided with documents exempting them from certain restrictions.
- 12) The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) (Wales) (Partial Revocation) Order 2011 will amend the area of Northwest Wales currently restricted under the Food and Environment Protection Act. The total number of farms affected is 11.

## **Consultation**

- 13) No consultation was necessary in the preparation of this Order.

## **Regulatory Impact Assessment (RIA)**

- 14) A Regulatory Impact Assessment has not been conducted as there will be no impact on businesses (or other sectors) from this Order being made.

