

EXECUTIVE NOTE

THE BRUCELLOSIS (SCOTLAND) ORDER 2009 (SSI 2009/232)

The above instrument was made in exercise of the powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 32(3), 34(7), 83(2), 87(2) and 88(2) of the Animal Health Act 1981 as amended and section 2(2) of the European Communities Act 1972. It revokes and re-enacts the Brucellosis (Scotland) Regulations 2000 and the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978 in so far as it relates to Brucellosis, and introduces changes to the provisions of each. The new instrument contains both control and compensation provisions relating to Brucellosis. The compensation provisions are subject to negative Parliamentary procedures whereas, other provisions are not subject to any parliamentary procedure. The combination of different procedures is seen as necessary to achieve the outcome of a single instrument for Brucellosis.

Policy Objectives

The main objective of this Order is to allow for the implementation of regulatory controls which aim to keep the incidence of Brucellosis in Scotland at a very low level. The instrument also updates and amends current legislation for the control of Brucellosis and reinstates statutory competence to pay compensation for animals slaughtered to control the disease.

The main change to the 2000 Regulations is that the new Order now provides for the ascertainment of the average price of a bovine animal for the purposes of payment of compensation under this Order to be calculated each month from data collected only from markets in Scotland.

The existing definition of “Accredited Herd” has been removed, this term is no longer used as Scotland is now considered to be Brucellosis free. The “Special provisions previously included for imported animals” have also been removed as imported animals are covered by separate legislation. Reference to an exemption from milk testing for purchasers of pre packed raw milk has been removed as this was erroneously included in the Brucellosis (Scotland) Regulations 2000 as raw milk is not sold in Scotland. A number of other minor drafting amendments have also been made.

Consultation

There has been no external consultation as the changes being introduced will have no impact on stakeholders.

Financial Effects

The changes being introduced will impose no additional financial burden on stakeholders or the Scottish Government. Therefore no Regulatory Impact Assessment has been prepared.

Scottish Government Rural Directorate