

POLICY NOTE

THE SPECIFIED DISEASES (NOTIFICATION AND SLAUGHTER) (AMENDMENT) AND COMPENSATION (SCOTLAND) ORDER 2014

SSI 2014/151

The above instrument was made in exercise of the powers conferred by sections 32(2) and (3) and 87(2)(a) of the Animal Health Act 1981 and all other powers enabling Scottish Ministers to do so. The instrument is subject to negative procedure.

Policy Objectives

The Specified Diseases (Notification and Slaughter) (Amendment) and Compensation (Scotland) Order 2014 (SSI 2014/151) amends the Specified Diseases (Notification and Slaughter) Order 1992 to apply Scottish Ministers' powers of animal slaughter (set out in section 32(1) of the Animal Health Act 1981) to the diseases of dourine, equine infectious anaemia ("EIA") and glanders, and in addition allows for compensation of £1 to be paid for any animals that Scottish Ministers cause to be slaughtered because they are so affected.

Background

Dourine, EIA and glanders are diseases that normally affect horses (although glanders is a zoonotic disease) and the response to all three is similar, that is, cases are isolated and slaughtered to prevent further spread. Consequently all three are being legislated for together. Although the risk of an incursion into Scotland by either dourine or glanders is considered low, the need for legislation on EIA was triggered by cases of EIA in England in 2012. This instrument provides a suitable legislative opportunity to make provision for cases of dourine, and glanders, in addition to provision for EIA.

Section 32(1) of the Animal Health Act 1981 grants Scottish Ministers the power, if they think fit, to slaughter any animal which is affected, suspected of being affected, or has been exposed to the infection of, a disease to which the section applies. This instrument therefore enables Scottish Ministers to exercise, at their discretion, slaughter powers in relation to animals affected, suspected of being affected, or exposed to the infection of, dourine, EIA or glanders. At present, the policy intention is to slaughter animals only on confirmation that these diseases are present. In other words, the policy is to only slaughter animals affected by these diseases.

Section 32(3) of the Animal Health Act 1981 requires the payment of compensation for animals slaughtered under the section. As explained above, the policy intention is to slaughter only those animals affected by dourine, EIA and glanders. Slaughtered animals affected by dourine, EIA or glanders are effectively worthless. Consequently compensation has been set at £1 per affected animal slaughtered. This approach mirrors that taken in England, where compensation for animals affected by EIA has been set at £1 per animal slaughtered (no provision has yet been made in England for animals affected by dourine or glanders).

The instrument interacts with the Infectious Diseases of Horses Order 1987 ("IDHO"), which already applies to EIA, dourine and glanders. The IDHO provides for the compulsory

notification of these diseases, places movement restrictions on infected premises, allows for veterinary investigations and the cleansing and disinfection of premises and vehicles. However, the IDHO does not provide for the slaughter of animals in connection with these diseases, slaughter powers instead being exercised by virtue of an Order under section 32 of the Animal Health Act 1981. This Order is the Specified Diseases (Notification and Slaughter) Order 1992. Taken together, the IDHO and the Specified Diseases (Notification and Slaughter) Order 1992 (as amended by this instrument) give Scottish Ministers the power to control and eradicate dourine, EIA and glanders.

Public Consultation

Representatives of the equine industry were asked about the intention to introduce powers to slaughter animals affected by dourine, EIA or glanders and to pay compensation of £1 for each affected animal so slaughtered. The industry accepted the necessity of the provisions to help combat the spread of the disease.

Impact assessments

The instrument does not negatively impact on protected characteristics such as age, disability, sex, gender reassignment, sexual orientation, race, religion and belief. Nor does it provide any opportunity to promote equality with respect to these characteristics.

Financial Effects

The financial effects are unpredictable and would vary depending on the location and nature of an outbreak (i.e. including but not limited to its spread, its severity, and the virulence of the particular strain) of EIA, glanders or dourine. This unpredictability has led the Scottish Government to conclude that it would be difficult to provide a meaningful Business and Regulatory Impact Assessment (“BRIA”). The Cabinet Secretary for Rural Affairs and the Environment has therefore agreed that no BRIA is necessary for this instrument.

Scottish Government
Directorate for Agriculture, Food and Rural Communities
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