

POLICY NOTE

THE BRUCELLOSIS (SCOTLAND) AMENDMENT ORDER 2014

SSI 2014/63

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, and section 88(2) of the Animal Health Act 1981 and is subject to Negative procedure. It amends the Brucellosis (Scotland) Order 2009 to extend the milk sampling duties placed on Primary Milk Purchasers (“PMPs”) (provided by Article 7(1)) to Producer Retailers (“PRs”) of milk and milk products. PRs are the owners and keepers of bovine herds in Scotland who sell processed milk or milk products derived from milk produced by that herd. The instrument also corrects an omission to include an offence provision in relation to PMPs in Article 7 of the 2009 Order, and extends it to PRs.

Policy Background

2. Brucellosis is a disease of cattle resulting from infection with *Brucella Abortus* which causes reduced fertility, abortion and premature calving.

3. Great Britain was granted Officially Brucellosis Free (OBF) status back in 1985 and Council Directive 64/432/EEC requires the operation of a surveillance programme in order to demonstrate continuing freedom from this disease and maintain our OBF status. The Brucellosis (Scotland) Order 2009 (SSI 2009/232) as amended implements the provisions of that Directive and specifically details the requirement of the surveillance programme which includes the sampling and testing of milk for sale or resale as milk or milk products.

4. All milk testing is undertaken in Scotland by an approved laboratory as part of an agreed contract with Scottish Ministers, and at Government expense. The Animal Health Veterinary Laboratories Agency currently collects the samples from PR herds on behalf of the Scottish Ministers, and sends them to the approved laboratory.

5. A recent GB wide review of Brucellosis surveillance highlighted disproportionately high costs and resource associated with the Animal Health Veterinary Laboratories Agency undertaking the collection of milk samples from PRs’ herds. The review recommended that responsibility and costs be transferred to industry, bringing PRs in line with PMPs who already have a statutory responsibility under the Brucellosis (Scotland) Order 2009, as amended, to supply at their own expense, milk samples on a quarterly basis to an approved laboratory for testing.

Policy Objectives

6. This amendment is required to transfer costs and responsibility for collection and submission of milk samples to PRs, and to bring them in line with PMPs thereby ensuring equality of treatment within the dairy sector as regards Brucellosis milk sampling and also to bring surveillance testing for these dairy herds to a more proportionate and cost effective level.

Consultation

7. Key stakeholders in the dairy and farming industry, including all individual PRs affected by this proposal were consulted about this change. A discussion paper which included the Business Regulatory Impact Assessment and invited responses was issued on 1 November 2013. We received very limited feedback on the discussion document provided and have, on balance, taken this to signify that the consensus is acceptance of the proposal.

8. The Food Standards Agency was also consulted in relation to any possible public health issues, but they had no particular concerns and were in agreement with the proposal.

Financial Implications

9. The changes being introduced will impose a small financial increase on PRs and a Business Regulatory Impact Assessment has been prepared and is attached.

**Scottish Government
Agriculture Food & Rural Communities Directorate
Animal Health and Welfare Division
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