

POLICY NOTE

THE TUBERCULOSIS IN SPECIFIED ANIMALS (SCOTLAND) ORDER 2015

SSI 2015/327

1. The above instrument was made in exercise of the powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(3), 34(7), 83(2), 83A(6) and 87(2) of the Animal Health Act 1981 (“the Act”). The Order is subject to negative procedure by virtue of section 33(4) of the Interpretation and Legislative Reform (Scotland) Act 2010. The Order provides the powers for Scottish Ministers to deal effectively and quickly with incidents of bovine tuberculosis (TB) identified in specific non-bovine species (alpacas, llamas, vicunas, guanacos, deer, sheep, goats and pigs). Wild deer are not covered by this Order other than in relation to the obligation to notify disease in carcasses of wild deer provided by Article 5.

Policy Background

2. TB is a serious infectious disease of cattle, caused by the bacterium *Mycobacterium bovis* (*M.bovis*). *M. bovis*, which mainly affects cattle, can also be passed between most mammals and from infected animals to people, although the risk of people contracting TB from animals in Great Britain is considered very low.

3. Scotland was recognised as being officially TB free (OTF) by the European Commission in September 2009, and maintaining that OTF status is crucial to the continuing success of the Scottish cattle industry, which is already strictly regulated in terms of controls for TB by the Tuberculosis (Scotland) Order 2007 (SSI 2007/147) and EU Council Directive 64/432/EEC.

4. The Scottish Government is committed to maintaining the current low levels of TB in cattle and in other susceptible species and to safeguarding Scotland’s OTF status. Until now however, there have been no legal powers specifically covering control of TB in non-bovine species, except deer, where TB is strongly suspected or confirmed. There is also a need for a more coherent policy on the payment of compensation for reactor animals that are compulsorily slaughtered under section 32 of the Act.

5. Historically the policy has been to make a £750 ex gratia payment for alpacas, llamas, vicunas and guanacos, and a £200 payment for goats. This latter policy was introduced as a temporary measure in 2012 when Scotland became the destination for tracings of alpacas from known TB breakdown herds in England, which resulted in the first known test positive case of TB in alpacas in Scotland. The intention was to legislate in the longer term.

6. Where disease is currently suspected in non-bovines there are more general legal provisions available that allow for movement controls, isolation and testing, but Scottish Ministers are reliant on owners voluntarily releasing for slaughter any animals identified as reactors. They may of course refuse to do so, resulting in their premises being placed under movement restrictions indefinitely and leaving infected animals on farms risking the spread of disease.

Policy Objectives

7. The objective of this Order is to address the lack of bespoke statutory powers for non-bovine species, to introduce a proportionate regime of controls specifically covering alpacas, llamas, vicunas, guanacos, deer, sheep, goats and pigs, and to provide a framework

of compensation values at a fair and reasonable level for those animals that are subsequently removed for slaughter as TB reactors.

8. This Order makes provision for the notification of disease in these specified animals, and in the carcasses of wild deer, where they are affected or suspected of being affected with TB. It also sets out identification requirements for these animals and provides for a veterinary inquiry, skin and blood testing and the taking of samples to be carried out as required in order to establish whether disease is present. The Scottish Ministers may serve notices for purposes of disease control, including restriction notices relating to animal movements, isolation and the handling of milk from these animals, and notices requiring biosecurity measures to be taken against the spread of infection, in order to control any potential spread of TB within the herd or flock, or to other contiguous herds or flocks.

9. Where TB reactors are identified, a notice of intended slaughter under section 32 of the Act will be served. Where animals are slaughtered, compensation values are set out in the Schedule to the Order.

10. Owners who have had their animals tested privately (e.g. pre or post movement testing) are required to report any positive or inconclusive results to Scottish Ministers, in order to ensure the appropriate action can be taken to control the potential spread of disease. There is also a prohibition on vaccination or treatment of animals for TB without the written consent of Scottish Ministers; at present consent would be unlikely, as there are currently no drugs licensed in the UK for treatment of TB in animals and therapeutic treatment for bovine TB could also interfere with the detection of infected animals.

Consultation

11. A public consultation was held between 29 September and 22 December 2014. As part of the consultation process Scottish Government officials also engaged directly with the various livestock sectors affected, to discuss any concerns. Scotland's Rural College (SRUC) and the various livestock sectors were also consulted in relation to the compensation figures set out in the Schedule to this Order to ensure that they are a fair and reasonable reflection of commercial values in the current market.

12. The movement control measures being introduced also give rise to a number of technical standards; a draft of this instrument was therefore notified to the European Commission as required by Directive 98/34/ EC. There were no comments received from the Commission or other EU Member States in light of that notification.

Financial Implications

13. It is not possible to predict the number of non-bovine animals that will be affected by any potential future TB incident or to estimate accurately the cost associated with introducing this Order. However, should a TB incident occur, there will be some additional financial costs to Government for testing, removal of reactors, post mortem examinations and payment of compensation. There will also be a small time-related cost to the keepers of these animals. Based on previous non-bovine incidents recorded in Scotland, these costs are expected to be minimal due to the relatively small number of animals likely to be affected.

14. A Business and 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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