

POLICY NOTE

THE TUBERCULOSIS (SCOTLAND) ORDER 2023

SSI 2023/93

The above instrument was made in exercise of the powers conferred by Sections 1, 7(1), 8(1), 15(4), 25, 28, 32(2) and (3), 34(7), 83(2), 83A(6), 87(2) and 88(2) of the Animal Health Act 1981. The instrument is subject to negative procedure.

Summary Box

The objective of this Order is to consolidate Bovine Tuberculosis (TB) legislation and make several amendments to this legislation. These amendments will include changes to pre-movement TB testing requirements, reducing compensation for unclean cattle at slaughter, and strengthening policy around isolation requirements.

Policy Background

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

Scotland was recognised as being officially TB free (OTF) by the European Commission in September 2009. Maintaining OTF status is crucial to the continuing success of the Scottish cattle industry which is regulated in terms of controls for TB by the Tuberculosis (Scotland) Order.

The Scottish Government is committed to a comprehensive, practical and proportionate programme of measures to maintain the current low levels of TB in cattle and other species and to safeguard OTF status. This includes minimising the risks from all potential sources of infection and reducing the risk of disease spread as far as possible.

Policy Objectives

This instrument will consolidate bovine TB legislation to ensure that legislation is up to date and accessible. This Order will revoke the following instruments:

- The Tuberculosis (Scotland) Order 2007
- The Tuberculosis (Scotland) Amendment Order 2009
- The Tuberculosis (Scotland) Amendment Order 2014
- The Tuberculosis (Scotland) Amendment Order 2022

The Order will amend requirements for pre-movement testing cattle. These amendments will change the period a pre-movement test is valid from 60 to 30 days, and also end the use of a clear short interval test at the end of a breakdown as a valid pre-movement test. Both policies will act to reduce the risk of disease entering the country by adding extra precautions for animals coming from higher areas of infection. The reduction in the validity period of a negative pre-movement test from 60 to 30 days aligns with EU policy in this area, in adopting the WOAH-recognised international standard. The aim of these policies is to prevent or

reduce the movement of the disease from parts of Great Britain where the disease is present, or significantly more prevalent, and which would pose a serious threat to the health of cattle.

Reducing compensation for unclean cattle slaughtered for TB control purposes reduces risk of food hygiene contamination at the slaughterhouse. This will incentivise farmers to keep their animals clean and promote better animal health and welfare.

The Order will introduce a definition for isolation to the TB Order and a new policy which will reduce compensation for reactors or inconclusive reactors which are not properly isolated. This will strengthen the protection of the main herd against onward spread of infection from any reactors or suspect reactors.

These legislative changes are being made to support the maintenance of Scotland's low TB infection rates and OTF status by preventing the spread of disease.

Consultation

A public consultation took place on Citizens Space between 9th May – 1st August 2022, a total period of 12 weeks. There were 19 responses to the consultation which included 7 key stakeholder organisations. Disease control for bovine TB is quite a specialised subject, and so a limited number of responses was not unexpected.

The consultation helped to gauge attitudes towards these suggestions and helped the decision making process on whether these proposals should be taken forward or not. This also helped to account for any unanticipated impacts that these changes could have on those they will affect. The responses provided useful feedback which has been used to inform how legislation on TB in Scotland should be developed. It was also clear that there is support among the various respondent groups for the changes being made under this amendment.

Animal and Plant Health Agency (APHA) were also consulted as the Scottish Government's operational delivery partners on all aspects of delivery and implementation.

In relation to the change in requirements for the pre-movement testing of cattle, the Scottish Ministers have provided the other administrations in Great Britain with an assessment of the available evidence in relation to the threat posed to bovine animals in Scotland, and the likely effectiveness of these measures in addressing the threat.

Compensation Amendments

There have been a number of amendments to compensation policy as part of these legislative changes. This includes introducing a reduction in compensation of 50% for unclean cattle at slaughter and a reduction in compensation of 95% for animals identified for slaughter which have not been isolated. These changes were both consulted on and both received significant support from respondents to the consultation.

The measure on isolation is necessary in order to minimise further spread of infection and to protect Scotland's TB free status. Any number of reactors in Scotland is a threat to OTF status, as the number of infected cattle is very low and the national herd must be protected against infection to remain under the appropriate threshold for TB freedom. The intention of

this policy is to ensure that keepers take the necessary steps to stop onward infection as a result of a failure to isolate infected, or suspected of being infected, cattle. A definition of isolation has been added to the Order to ensure that the guidance for isolation is clear and accessible to cattle keepers. A 95% reduction was deemed to be justifiable, as the cost of a consequent onward spread of disease would be costly to the taxpayer.

The change which reduces compensation for unclean cattle slaughtered reduces risk of food hygiene contamination at the slaughterhouse and incentivises keepers to maintain high animal welfare standards. This also ensures that the cost to the taxpayer is not higher than necessary as a result of lost salvage from cattle which are presented unclean at the slaughterhouse. A reduction of 50% would bring Scottish Government policy in line with legislation in England.

Providing compensation to keepers comes at a cost to the taxpayer and in instances where basic disease control and hygiene requirements have not been met, it is considered necessary, proportionate and to strike a fair balance that the compensation payable to the keeper be reduced.

The compensation cap that was introduced in 2018 was only applicable to reactor cattle. The legislation has been amended, and now provides for a compensation cap for all bovine animals caused to be slaughtered for reasons of tuberculosis.

Impact Assessments

A Business Regulatory Impact Assessment (BRIA) has been undertaken. No significant impact on the private, voluntary or public sector is foreseen with this amendment.

Financial Effects

No financial effects are expected from this change in policy.

Scottish Government
Agriculture and Rural Economy Directorate

March 2023