POLICY NOTE

THE BLUETONGUE (SCOTLAND) AMENDMENT ORDER 2026

SSI 2026/281

The above instrument was made in exercise of the powers conferred by section 1 of the Animal Health Act 1981 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to no procedure.

Summary Box

This instrument amends article 24 of the Bluetongue (Scotland) Order 2012 to enable the Scottish Ministers to permit the voluntary vaccination of animals in a bluetongue restricted zone, with an inactivated vaccine, to protect animals against the bluetongue virus.

Policy Objectives

The Bluetongue Scotland Order 2012 ("the Order") only permits voluntary vaccination in a free area (or part of a free area). Scottish Ministers have agreed to a change in the bluetongue control strategy to extend the current restricted zone in South West Scotland to cover the whole of Scotland from 3 October 2026. Vaccination is the most import tool in the control of the disease. It is therefore necessary to make a very minor change to the Order to allow livestock keepers across Scotland to voluntarily vaccinate their animals.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Bluetongue (Scotland) Amendment Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is consistent with the Scottish Government's position on alignment with EU law. The use of vaccination for the purpose of disease prevention and control falls within the uses of veterinary medicinal products available to the competent authority of a Member State under Regulation (EU) 2016/429 ("the Animal Health Law"). As an effective tool for these purposes, vaccination of susceptible livestock will advance the high standards Scotland shares with the EU, and therefore does not create any barriers to re-entry to the European Union.

Statement required by the European Union (Withdrawal) Act 2018 - why the Scottish Ministers consider that there are good reasons for the amendment of regulations made under section 2(2) of the European Communities Act 1972

The Scottish Ministers have made the following statement under paragraph 16(2) of schedule 8 of the European Union (Withdrawal) Act 2018:

"Article 2(2) of the Bluetongue (Scotland) Amendment Order 2026 ("the instrument") amends article 24(1) and (3) of the Bluetongue (Scotland) Order 2012 ("the 2012 Order"). The Scottish Ministers consider that there are good reasons for this amendment.

Article 23 of the 2012 Order prohibits any person from vaccinating a ruminating animal or camelid against bluetongue except in accordance with Part 5 of the 2012 Order. Article 24(1) of the 2012 Order allows the Scottish Ministers to declare that voluntary vaccination against bluetongue is permitted in an area not subject to bluetongue restrictions under this Order (a "free area") or part of a free area. Article 24(1) does not confer power on Ministers to permit such voluntary vaccination in any area other than a free area.

Article 2(2)(a) of the instrument amends article 24(1) of the 2012 Order to give Ministers the power to declare that voluntary vaccination against bluetongue is permitted in a restricted zone declared under article 16 (or part of such a zone). Article 2(2)(b) of the instrument makes consequential amendments to article 24(3) of the 2012 Order.

The Scottish Ministers consider the amendments made by the instrument to be appropriate to give them the power to permit keepers of ruminating animals or camelids to vaccinate their animals within a restricted zone, vaccination being an effective method of preventing the spread of disease to animals."

Consultation
This change has been made to support the views of key Scottish Livestock Industry representatives such as the National Farmer's Union Scotland, National Sheep Association Scotland, National Beef Association, Institute of Auctioneers and Appraisers Scotland, Scottish Association of Meat Wholesalers, Scottish Dairy Cattle Association, British Veterinary Association that vaccination is an important tool in the control of bluetongue virus.

Impact Assessments

A Children's Rights and Wellbeing Impact Assessment (CRWIA) has been completed on the draft SSI and is attached. There are no equality/privacy impact issues.

Financial Effects

The Minister for Agriculture, Marine and the Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture and Rural Directorate

2 October 2026