POLICY NOTE

THE DISEASE CONTROL (MISCELLANEOUS AMENDMENT) (SCOTLAND) ORDER 2025

SSI 2025/108

The above instrument was made in exercise of the powers conferred by sections 1, 7, 8(1), 15(4), 23, 25, 32(3) and 34(7) of the Animal Health Act 1981. The instrument is subject to negative procedure.

Summary Box

Purpose of the instrument is to ensure that adequate and proportionate powers exist to control an outbreak of influenza virus of avian origin in mammals.
It is also to allow a movement of sheep solely for the purpose of treatment for sheep scab to be exempt from a standstill requirement and establishes the requirement to record movements for laying or breeding flocks, which was omitted from the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009.

Policy Objectives

Influenza virus of avian origin

The primary policy objective was to ensure that adequate powers existed in legislation to allow authorities to control an outbreak of influenza virus of avian origin in mammals. This action is in response to a growing number of overspill incidents of highly pathogenic avian influenza from birds to mammals globally, and the sizeable outbreak of influenza virus of avian origin in dairy cattle in the United States of America in 2024-2025.

The SSI includes:

- The introduction of a Schedule 8, which details the measures to be applied at a premises where influenza virus of avian origin is suspected in kept mammals, and a Schedule 9, which details measures to be applied at a premises where influenza virus of avian origin is confirmed in kept mammals.
- The introduction of compensation for mammals slaughtered due to infection with influenza virus of avian origin, or for disease control reasons in a confirmed case of influenza virus of avian origin occurring at a premises.
- A clarification on the notification procedures and precautions to be taken where influenza virus of avian origin is suspected.
- An extension of the definition of "premises" to include those without birds.

Sheep Scab

The policy objective was to allow a licensed movement of sheep solely for the purpose of treatment for sheep scab to be exempt from the standstill requirement , which will mean such a movement is provided for in the same way as a licensed movement for veterinary treatment.

Salmonella

The SSI will amend article 11 of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 which will ensure all relevant producers meet recording requirements that will assist in a veterinary investigation. It will extend the requirement to record the movements on and off the holding to laying and breeding flocks, as is already the requirement for broiler flocks.

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 Disease Control (Miscellaneous Amendment) (Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

The provision of Commission Delegated Regulation (EU) 2020/689, supplementing Regulation (EU) 2016/429 as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases, is relevant to this instrument. This Regulation requires that surveillance of highly pathogenic avian influenza includes surveillance activities in kept and wild animals of species not listed when the epidemiological situation indicates that those species may constitute a risk for animal and human health. The provisions of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 currently make provision which is aligned with that requirement, as do the amendments relevant to surveillance made to that Order by this instrument.

Infection with influenza virus of avian origin in mammals is not currently a listed disease for the purposes of EU legislation, and EU law does not prevent member States from putting in place particular legislative measures as a contingency to control influenza virus of avian origin in mammals where disease is suspected or confirmed.

The amendment made to the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 aligns with the type of provision which may be made in the EU to give effect to the relevant EU Regulation.

Consultation

Influenza virus of avian origin

Measures proposed are primarily designed to refine existing controls, or to mirror controls already in place for avian influenza for cases of influenza virus of avian origin. On this basis, public consultation was deemed unnecessary as that has already taken place through regular dialogue with the relevant bodies.

However, internal consultation has taken place within ARE, and with other administrations through the Animal Disease Policy Group (ADPG), and with industry representatives via the Avian Diseases Core Group.

Sheep Scab

The following government agencies and departments were consulted in reaching this decision:

- The Animal and Plant Health Agency (APHA)

Consultation with business was carried out through the Scottish Sheep Scab Working Group, which includes, but is not limited to, representatives of:

- The National Sheep Association (NSA)
- Moredun Research Institute
- The Institute of Auctioneers and Appraisers in Scotland (IAAS)
- Livestock Health Scotland
- The National Farmers Union (Scotland) (NFUS)
- Scottish Environment Protection Agency (SEPA)
- Sustainable Control of Parasites in Sheep (SCOPS)
- Scotland's Rural College (SRUC)

Salmonella

For Salmonella, a letter was sent to industry and producers (breeding and laying flocks) of the proposed change, which provided an opportunity to comment on the change.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) and Child Rights and Wellbeing Impact Assessment (CRWIA) has been carried out.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is:

Influenza virus of avian origin

The Order introduces compensation for mammals culled due to infection with influenza of avian origin and also for mammals culled for disease control purposes associated with an outbreak of influenza of avian origin.

Sheep Scab

There would be no costs associated with the measures proposed as they will allow sheep to move in exception to the standstill and under licence.

Salmonella

Additional costs to producers are not expected to be significant as record keeping should be standard practice for both food production and disease control measures.

Scottish Government
Agriculture and Rural Economy Directorate

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