POLICY NOTE

THE FOOD PROTECTION (EMERGENCY PROHIBITIONS) (RADIOACTIVITY IN SHEEP) AND THE EXPORT OF SHEEP (PROHIBITION) REVOCATION (SCOTLAND) ORDER 2012

2012 No. 263

1. The above instrument was made in exercise of the powers conferred by sections 1(1) and (2) and 24(3) of the Food and Environment Protection Act 1985 and section 11 of the Animal Health Act 1981.

Policy Objectives

2. The Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991, as amended, imposed emergency restrictions on the movement of sheep from designated areas of Scotland that were affected by radioactive contamination deposited on the land following the Chernobyl nuclear accident in 1986.

3. The Export of Sheep (Prohibition) Order 1991 was a related order which imposed restrictions on the export of sheep affected by radioactive contamination from the Chernobyl nuclear accident. In Scotland, these regulations were the responsibility of the Scottish Government. The Food Standards Agency (FSA) has agreed with Scottish Government officials that the Export of Sheep (Prohibition) Order should be considered in tandem with the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order.

4. The Food Standards Agency had responsibility for maintaining the controls placed on the movement of sheep under this order (and equivalent orders in England & Wales) through a scheme known as *Mark and Release*. Under this scheme, sheep were monitored to assess the level of radiocaesium contamination using a live-monitoring technique. Sheep assessed to be above a level of 1,000 Becquerels per kilogram (Bq/kg) were prevented from entering the food chain for a minimum of three-months, during which time contamination levels are reduced through clean feeding.

5. Radiocaesium levels have reduced since 1986 when 9,800 holdings and more than 4 million sheep, were originally placed under restrictions across the UK. During 2010, the remaining 4 farms under restriction in Scotland were issued with consents under the Order, effectively removing them from movement restrictions.

6. During 2011 the FSA carried out a risk assessment to consider the radiological dose which could be received by consumers of sheep meat. This was independently peer-reviewed and demonstrated that radiocaesium levels in sheep were a very low food chain risk, even to high-level consumers.

7. This instrument revokes the Food Protection (Emergency Prohibitions) (Radioactivity in Sheep) Order 1991 (SI 1991/20) and all subsequent amendments in their entirety and also revokes the associated Export of Sheep (Prohibition) Order 1991 (SI 1991/58). Equivalent orders in relation to emergency restrictions put in place in the rest of the UK are also being revoked

Consultation

8. A UK-wide 12-week consultation was undertaken between 17 November 2011 and 8 February 2012. The consultation and all responses are available on the FSA's website at

www.food.gov.uk. Probably due to restrictions having been removed in Scotland, no responses were received from stakeholders in Scotland Responses received were generally supportive of the risk assessment and agreed with the conclusions that there was a very low risk to consumers and that controls were no longer required to protect consumer safety.

Impact Assessment & Financial Effects

9. Since all restrictions were lifted in Scotland in 2010 no Business and Regulatory Impact Assessment was carried out as the revoking Order simply serves to remove obsolete legislation. The Minister for Public Health confirmed on 25 November 2011 that no BRIA was necessary as the instrument has no financial effects on the Scottish Government, local government or on business. An Impact Assessment was undertaken for England and Wales as both these countries still had farms under restrictions.

Monitoring & review

10. This policy will be reviewed by June 2017 to:

- decide whether the objectives of the review (that removal of controls is risk based, proportionate and that consumer safety is not compromised) are still relevant and valid
- consider any new evidence and the latest radiological guidance to assess whether this may have altered our approach to removing controls
- assess whether the removal of controls had any unintended consequences, for example loss of trade or additional burden on business or the public sector.

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