POLICY NOTE

THE TUBERCULOSIS (MISCELLANEOUS AMENDMENTS) (SCOTLAND) ORDER 2018

SSI 2018/164

1. The above instrument was made in exercise of the powers conferred by sections 1, 8(1), 28, 32(2) and (3), 34(7) and 83(2) of the Animal Health Act 1981 and is subject to Negative procedure. It amends articles 2, 9, 10, 12, 18, 19, 21, 22 and 26 of the Tuberculosis (Scotland) Order 2007 to introduce changes to the requirements for post movement testing and to the way we pay compensation for bovine animals that are slaughtered under TB control measures. It also inserts an appeals provision where Scottish Ministers have notified a keeper of their intention to reduce compensation. It further extends the prohibition on testing to include any diagnostic test for tuberculosis.

   The instrument also removes a redundant definition of "authorised veterinary inspector" in article 2(1) of the Tuberculosis in Specified Animals (Scotland) Order 2015.

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, 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.
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 regulated in terms of controls for TB by the Tuberculosis (Scotland) Order 2007 (SSI 2007/147) and EU Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.
4. 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 our OTF status. This includes minimising the risks from all potential sources of infection and reducing the risk of disease spread as far as possible.
5. Defra and the Welsh Government have both recently introduced substantial changes to their respective TB Programmes, which highlighted the need to also review Scottish TB controls and compensation arrangements to ensure that they are fit for purpose, incentivise compliance with the rules and best practice and are financially sustainable in the future.

Policy Objectives

6. The objective of this amending Order is to introduce changes to TB controls in relation to post movement testing and compensation. It also tightens up some of the existing provisions for clarity and to ensure they are properly applied.
7. The Order makes provision for circumstances where a bovine animal has been moved to premises in Scotland from other parts of GB and subsequently requires to be post movement tested. The keeper of such animals must ensure the

relevant test is carried out within the specified time limit with negative results before the animal is permitted to be moved from those premises, unless the move can be authorised under applicable exceptions. This is to minimise the risk of potential disease incursion into Scotland at the point of movement.

8. The Order also makes several provision for compensation which (a) introduce a £5,000 cap on compensation payments for individual animals and (b) allow for compensation to be reduced on a sliding scale or paid at a nominal sum of £1 where livestock keepers have broken the rules and illegally moved bovine animals onto restricted premises or allowed their statutory herd testing to go overdue. Compensation is also restricted to a £1 nominal sum where animals are not correctly identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Scotland) Regulations 2007. An appeals provision is also provided where compensation has been reduced in such circumstances. The objective of this policy is to incentivise compliance and provide a more financially sustainable compensation system that is fair to all and protected from potentially significant compensation costs associated with high value animals.
9. The Order also inserts a revised definition of a high incidence area at article 2 (1) to reflect that TB testing is done at intervals of up to two years in such areas.

Consultation

10. A public consultation was held between 7 September and 30 November 2017. As part of the consultation process Scottish Government officials also engaged directly with both Defra and the Welsh Government to look at disease control and compensation arrangements already in place in other parts of GB.
11. We also consulted with the Animal and Plant Health Agency (APHA) as our operational delivery partners on all aspects of delivery and implementation and to obtain available data on cattle valuations, numbers of overdue tests and post movement tests.

Financial Implications

12. It is not possible to predict the number of bovine animals that will be affected by any potential future TB incidents and more specifically these changes. Neither is it possible to estimate accurately the cost to livestock keepers associated with introducing this Order. The reductions in compensation are completely avoidable except those imposed by the £5,000 cap which will have some impact on those keepers with higher value animals, however statistics show that only eighteen animals have breached this cap in the last five years and so numbers affected are expected to be limited.
13. APHA have carried out a Change Management Assessment and do not anticipate any significant implementation costs. There will be some saving to Government where compensation payments are reduced but it has not been possible to estimate accurately how much this might be, however we would expect any savings to be minimal.
14. A business and Regulatory Impact Assessment has been prepared and is attached.

Scottish Government
Agriculture and Rural Economy
Animal Health and Welfare Division
May 2018