POLICY NOTE

THE TUBERCULOSIS (SCOTLAND) AMENDMENT ORDER 2022

SSI 2022/334

The above instrument was made in exercise of the powers conferred by Sections 1 and 8(1)(b) of the Animal Health Act 1981. The instrument is laid with no procedure.

Summary Box

To amend the provisions for the application of diagnostic tests, to include a requirement for the prior permission from Scottish Ministers where non-statutory and private samples are taken with the intention of applying a diagnostic test for bovine tuberculosis.

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, and maintaining that 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 2007.

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.

Policy Objectives

Occasionally cattle keepers, research companies, or other third parties seek permission to take samples from Scottish herds to undertake TB testing in private laboratories, either within Scotland or elsewhere. Written consent is required from the Scottish Ministers in order to apply a diagnostic test for tuberculosis to a bovine animal in Scotland. However, samples taken in Scotland may be sent to laboratories for diagnostic testing or validation studies in countries outside of Scotland without prior written permission from Scottish Ministers and without disclosing the sample numbers or results. This is not consistent with a competent authority's responsibility for notifiable disease control.

We would like to ensure that the Scottish Government has full knowledge of the sampling and results of private samples and non-statutory diagnostic testing for tuberculosis in Scotland. Requiring the prior permission of Scottish Ministers where samples are taken with the intention of diagnostic TB testing, could include the pre-condition of information about sample types, numbers, farm locations and results. This would ensure that we have a full

awareness of any samples which have had TB tests undertaken on them, and the results of those tests so we have awareness of where suspect disease is and how many animals are affected.

Consultation

A public consultation took place on Citizens Space between 9th May – 1st August 2022, a total period of 12 weeks. We received 19 responses to the consultation and this 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 us to gauge attitudes towards these suggestions and make informed decisions on whether we would take these proposals forward or not. This also helped us to account for any unanticipated impacts that these changes could have on those they will affect. The responses provided some useful feedback which has been used to inform our thinking on how to develop Scotland's TB policy and how we shape our legislation. It was also clear that there is support among the various respondent groups for the change being made under this amendment.

We also consulted with the Animal and Plant Health Agency (APHA) as our operational delivery partners on all aspects of delivery and implementation.

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

November 2022