

## EXECUTIVE NOTE

### **THE FOOT and MOUTH DISEASE (SCOTLAND) ORDER 2006 (SSI 2006/44)**

#### Introduction

The above instrument is made by Scottish Ministers under the Animal Health Act 1981. It is not subject to parliamentary procedures.

#### Policy Objective

The **Foot and Mouth Disease (Scotland) Order 2006 (SSI 2006/44)** transposes the major part of the EU FMD Directive (EC/85/2003) to provide powers to respond to any future outbreak of FMD in Scotland.

#### Background

The FMD Order sets out the procedures and controls required on suspicion and confirmation of FMD and provides for a number of zones of different levels of control. The slaughter of susceptible animals on infected premises remains the principal tool for tackling an FMD outbreak, and powers for this are taken in the companion SSI, the Foot and Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006. In particular, this Order introduces a number of treatments, such as heat treatment (cooking) and deboning and maturation, that have to be applied to meat and other animal products from infected areas.

Further new measures consist of:

- Powers to close land including footpaths (although this is now restricted to Protection Zones rather than nationwide)
- Powers to control shooting, stalking, drag hunting and other gatherings of people in Restricted Zones
- Powers to control animal gatherings (markets, shows etc) in Restricted Zones
- Requirements to control rodents on premises where disease is suspected or confirmed
- Requirements to control dogs and poultry in Protection and Surveillance Zones (a minimum of 3km and 10km respectively around an infected premises)
- Controls on shearing, dipping and scanning of sheep by mobile workers in Restricted Zones (which could extend to the whole country)

#### Consultation

The draft SSI was made available for public consultation for eight weeks from July to September 2005. During that time a meeting of key Scottish stakeholders was held to explain and discuss the main points of the legislation and to elicit responses. In general stakeholders were supportive of the thrust of the Executive's proposals; however, they felt that some of the provisions, especially those on treatment of meat and other material to destroy the virus, were complex and not easy to understand and accordingly some redrafting took place to make them more user-friendly.

## Impact

A draft Regulatory Impact Assessment, covering both this Order and the Foot and Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 was published for consultation in July 2005. Responses to the consultation indicated support for Option 3 (transposition of the Directive plus other measures found to be effective in disease control.)

A full Regulatory Impact Assessment is included with these Regulations.

Key points are:

- Costs depend on location, size and duration of outbreak
- Options examined are (1) to use current legislation, (2) transpose Directive exactly, (3) include extra measures found effective in 2001
- In small outbreaks, nothing to choose between options
- In medium to large outbreaks, Option 3 offers advantage
- The economic benefits of FMD control outweigh the costs of the disease becoming endemic.

**SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT**  
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