

EXECUTIVE NOTE

The Bluetongue (Scotland) Order 2008 (SSI 2008/11)

Introduction

The above Order is made by Scottish Ministers in exercise of powers conferred under sections 1,7(1), 8(1), 15(4), 17(1), 23, 25, 28, 32(2), 35, 72, 83(2) and 88(2) of the Animal Health Act 1981, and also under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. It is treated as being subject to negative resolution procedure.

Policy Objective

This Order revokes the Bluetongue (Scotland) Order 2003(SSI/2003/91). As with the previous Order it continues to transpose Commission Directive 2000/75/EC of 20th November 2000 laying down specific provisions for the control and eradication of bluetongue. In addition, it enforces the recent Commission Regulation (EC) No. 1266/2007 of 26th October 2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue. In doing so it introduces measures setting out conditions for required exemptions to movement bans and measures to give access to premises for monitoring and surveillance purposes.

Background

Bluetongue is a notifiable midge-borne viral disease which can infect all ruminants, such as cattle, goat, deer and, in particular, sheep. Bluetongue is different from many other exotic diseases in that disease spreads via biting midges rather than from animal to animal or via contaminated material or equipment. Bluetongue is therefore confirmed only when there is evidence of it circulating in the midge population, rather than when a single infected animal is identified. The disease usually causes no apparent illness in cattle or goats; however, cattle are displaying clinical signs during the current outbreak. The severity of the disease depends on the strain of the virus and the species and breed of the host.

In light of experiences in Northern Europe with bluetongue, changes to how we deal with the disease have been made at an EU level, requiring that existing Scottish legislation be updated. The Bluetongue(Scotland)Order 2008 provides for the establishment of a Restricted Zone around infected premises, comprising of a 100km minimum radius Protection Zone around any infected premises (incorporating a 20 km control zone centred on the infected premises), and beyond that a Surveillance Zone of at least 50km greater radius,

In these areas:

- Movements of ruminant animals and their semen, ova and embryos within and out of zones are controlled.
- Certain movements are allowed subject to conditions.
- Provision is made for serological and entomological monitoring .

Serological and entomological surveillance will also take place within Free Areas (those outside the Restricted Zone).

The Order provides some scope for flexibility in the conditions for movements, which can be varied according to risk assessment at the time.

The previous Order that this Order replaces has been in the public domain since 2003 and has produced few comments other than a plea from the industry to clarify what movements could be allowed. This Order provides clarification on permitted movements, and ensures that the conditions for these are to some extent harmonised across the EU, enabling easier trade from affected countries within Europe.

Impact

No Regulatory Impact Assessment has been prepared for this instrument. The changes made reflect the requirements of the EU Regulation.

**Scottish Government Rural Directorate
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