

EXECUTIVE NOTE

THE BLUETONGUE (SCOTLAND) AMENDMENT (NO. 2) ORDER 2008 SSI/2008/327

Introduction

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

Policy Objective

This Order further amends the Bluetongue (Scotland) Order 2008 (S.S.I. 2008/11) ('the principal Order'). The principal Order was previously amended by the Bluetongue (Scotland) Amendment Order 2008 (S.S.I. 2008/234), the main focus of which was to make specific provision for vaccination of animals against bluetongue. This Order makes adjustments to the treatment of the various bluetongue zones referred to in the principal Order. It also adjusts existing provisions in relation to powers of veterinary inspectors, officers and inspectors. Finally, it revises provisions dealing with the movement of animals from restricted zones, including movement of vaccinated animals. The amendments are mainly technical in nature.

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. To date, bluetongue controls have been put in place over much of Continental Europe, including England and Wales.

The need for this amending Order arises from the fact that on 1st September 2008 the whole of England and Wales became a bluetongue Protection Zone (PZ) in order to facilitate a widespread but voluntary vaccination campaign. This brings the boundary of the PZ to the Scottish border, and while vaccine uptake is estimated at approximately 70% in those counties in southern England that were included in the PZ earlier in the year, it is significantly lower in the northern counties more recently included. This, combined with the free movement of susceptible animals within and between PZ's of the same status, means that Scotland is now at higher risk of disease since potentially infected animals can be moved within the PZ to the Scottish border. This risk is highlighted by several recent cases of animals imported to England and Wales being found to be infected with bluetongue on post-import testing, most notably 18 animals in County Durham in September. In light of these developments, the joint Scottish Government/ Industry Bluetongue Stakeholder Group agreed, on 16th September 2008, that Scotland must launch a vaccination campaign this winter, though not before 1st November 2008.

This Order has two primary purposes. Firstly, to give local authority inspectors increased powers to enter premises, vehicles and vessels to ascertain compliance with legal requirements and in relation to requiring the production of licenses and consignment notes concerning animal movements. This will better enable enforcement bodies to ensure that Scotland is fully protected from bluetongue over the period prior to the vaccination campaign. Secondly, this Order will provide increased flexibility to the Scottish Ministers when declaring bluetongue zones, both in response to suspect or confirmed disease, and for the purpose of vaccination. This will give the Scottish Ministers discretion to declare a PZ in Scotland where there is no disease here. This approach is in line with the flexibility adopted by other UK administrations and other Member States, and will allow the Scottish Ministers to minimise the economic impact from any zones implemented.

The Order also makes adjustments in relation to other provisions central to the operation of the principal Order:

- The requirement for a veterinary certificate when receiving vaccinated animals previously in a Restricted Zone (RZ) has been clarified as only applying to animals that have been within an RZ within the last 60 days and that exited that zone under licence conditions relating to vaccination.
- The definition of a veterinary certificate has been clarified as including EU-recognised Animal Health Certificates used for import to the UK.
- The requirement of specific authorisation for obtaining vaccine has been removed (article 22A of SSI 2008/234) – this will now be addressed within the Declaration of a vaccination zone.
- Provisions relating to the powers of inspectors, veterinary inspectors and officers have been refined to clarify lead responsibilities for various actions.

Consultation

There has been no formal period of public consultation; however the issues covered by this instrument have been discussed with the Scottish Livestock Industry Stakeholder Group and COSLA.

There is an urgent requirement to put in place the additional powers for Local Authorities and to increase the flexibility of how the Scottish Ministers are able to implement zones if we are to fully protect Scotland from both the risk of disease, and the potential impacts of declaring zones.

The other changes are intended to clarify the validity of Animal Health Certificates as proof of vaccination by a vet, reduce unnecessary bureaucracy, and clarify responsibilities for enforcement activities.

Impact

No Regulatory Impact Assessment has been prepared for this instrument. This instrument places no additional burdens on the livestock industry, and in fact allows Scottish Ministers to further minimise potential burdens that might be imposed by the Order.

**Scottish Government Rural Directorate
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