

## EXECUTIVE NOTE

### THE SHEEP SCAB (SCOTLAND) ORDER 2010 SSI 2010 / 419

#### Introduction

1. This instrument is made under Sections 1, 7(1), 8(1), 15(4), 25, 28 and 83(2) of the Animal Health Act 1981. It is not subject to Parliamentary procedure.
2. This instrument revokes and replaces the Sheep Scab Order 1997 in so far as it relates to Scotland. It does not apply within the Shetland Islands. The Shetland Islands Council are empowered to make regulations concerning sheep scab by the Sheep Scab (Shetlands Islands) Order 2003.
3. Sheep scab is a contagious disease of sheep and in many areas of GB is now considered to be endemic. The disease seriously affects the welfare of sheep and has significant economic impact through its effect on the condition of the ewes, the growth rate of lambs and damage to the wool.

#### Policy Objectives

3. The main objective of this legislation is to enhance existing controls for sheep scab in Scotland by: -
  - (i) making it compulsory for suspected or confirmed incidences of sheep scab to be notified to the local Divisional Veterinary Manager (DVM); and
  - (ii) making provision for effective enforcement against those owner/keepers who are suspected of having scab in their flock but fail who to deal with it by requiring them to arrange and pay for a veterinary surgeon to carry out an enquiry to establish whether there are sheep or carcasses on the premises which have sheep scab.
4. Where there are sheep or carcasses on premises which have, or are suspected of having, sheep scab, movement restrictions are triggered which prohibit the owner or keeper of sheep on the premises from moving (or allowing the movement of) any sheep onto or off the premises. In addition, the owner or keeper must take all reasonable steps to prevent sheep straying off the premises or coming into contact with sheep outside the premises. These restrictions are lifted once (i) the owner or keeper has notified the DVM in writing that all affected sheep or carcasses have been either treated or disposed of or (ii) a veterinary surgeon has notified the DVM in writing that in his opinion there are no affected sheep or carcasses on the premises. Exceptions to the movement restrictions allow sheep to move for treatment, slaughter, under the authority of a clearance notice, or a licence issued by an inspector.
5. Where there is a suspected or confirmed incidence of sheep with sheep scab at markets or places of exhibition, a notice may be served on the owner/keeper of the sheep requiring that those sheep be removed from the premises. The owner/keeper must then elect for the sheep to be: - (i) slaughtered, (ii) taken directly back to the

premises from which they were brought to the market or (iii) taken directly to such other premises as may be approved by an inspector for detention or isolation.

6. If an inspector knows or suspects that there are sheep which have sheep scab on common land the inspector may publish a clearance notice requiring all persons keeping sheep on that land to remove them by a specified date. No sheep may be moved back onto the land specified in a clearance notice for three days from the date specified in the notice and thereafter for a period of three months unless the sheep have been treated and the local authority has authorised in writing the movement of those sheep back onto the land.
7. A local authority may seize and detain any sheep which are found on land specified in a clearance notice while it is in force and which have not been authorised to go onto that land by the local authority and any affected sheep where the owner cannot be identified. An owner may take possession of the sheep within seven days of seizure, if they can establish their right of ownership and pay any expenses incurred in seizing and detaining the sheep to the local authority. After seven days the local authority may choose to treat and sell or slaughter the sheep and deduct any expenses from the proceeds of the sale. Remaining sums from the sale should be retained for payment to anyone that can subsequently prove ownership.
8. Where affected sheep are to be slaughtered (in circumstances where the farmer elects to do so rather than treat the sheep or where the local authority elects to do so where it has seized sheep which have not been claimed within 7 days), the sheep must be transported directly to a slaughterhouse, separately from other livestock and slaughtered no later than 72 hours after their arrival at the slaughterhouse.

### **Consultation**

Sheep scab was identified as one of the priority diseases to be tackled under the Animal Health and welfare Strategy. A postal survey of all sheep holdings and veterinary practices in Scotland was carried out in 2006 and confirmed that scab remained a concern and that strengthened legislation would be welcomed. This led to the Scottish Sheep Scab Industry Working Group being established in 2007. Since then Industry and Government have worked in partnership to develop legislation that will provide enhanced controls for dealing with the incidence of sheep scab in Scotland. The Working Group members represented all sectors of industry and were fully involved at all stages of development; it is considered therefore that there has been adequate consultation on the preparation of this Order.

### **Financial Implications**

9. No Business Regulatory Impact Assessment has been prepared because it is not anticipated that the changes made will result in any significant increase in cost to industry as the majority of sheep owners/keepers already voluntarily treat for scab.

**Animal Health and Welfare Division**  
**Scottish Government**  
**Rural Affairs and the Environment**