

## **SCOTTISH GOVERNMENT EXECUTIVE NOTE**

### **THE AFRICAN HORSE SICKNESS (SCOTLAND) ORDER 2012**

#### **SSI 2012/178**

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 28, 35(1) and (3), 83(2), 87(2) and 88(2) of the Animal Health Act 1981. The instrument is subject to negative procedure.

#### **Policy Objectives**

African horse sickness is an equine viral disease transmitted by midges. The last European outbreak was in 1990 in Spain, and the disease has never occurred in the UK. The likelihood of the introduction of African horse sickness virus to the UK is currently considered very low (i.e. very rare, but cannot be excluded).

This Order implements the provisions of Council Directive 92/35/EEC laying down control measures to combat African horse sickness. The Directive is currently implemented through different pieces of legislation (i.e. the Specified Diseases (Notification and Slaughter) Order 1992, the Specified Diseases (Notification) Order 1996 and the Movement of Animals (Restrictions) (Scotland) Order 2003) and this Order will contain all relevant provisions in one instrument.

It is important to note the policy for controlling the disease is not changing. In making this Order the Scottish Government is providing clarity on the objectives relating to control and eradication, producing legislation that is fit for purpose in the event of a disease outbreak, and meeting its obligation to fully implement the Directive.

In addition, Scottish Government wants to achieve consistency across the exotic notifiable animal diseases by ensuring standard procedures are in place wherever possible. Clear definition will be provided to the basic principles of disease control:

- Notification of suspect disease;
- Veterinary investigation;
- Controlling disease on infected premises; and
- Imposition of wider movement controls to reduce the risk of disease spread.

This Order meets the Scottish Government commitment for Principle of Better Regulation. It provides for clearer, more effective disease control that should lead to the potential number and size of disease outbreaks being reduced. This will minimise disruption to the equine sector and related industries; therefore, benefiting those industries, Government, delivery partners and the wider economy in the event of a disease outbreak.

#### **Consultation**

The public consultation was from 26 September to 16 December 2011 and seven responses were received.

The Animal Health and Veterinary Laboratories Agency hosted an African horse sickness exercise on 8 February 2012. The aim of the table top exercise was to test the proposed legislation by working through different scenarios. Participants in the exercise were equine stakeholders, enforcement bodies and operational partners. Amendments have been made as a result of comments raised through the consultation and the exercise.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report which will be published on the Scottish Government website, it includes British Horse Society Scotland, World Horse Welfare and Horse Scotland.

### **Impact Assessments**

There are no equality impact issues.

### **Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business only applies in the event that African horse sickness is suspected or confirmed.

AHWD - Animal Disease Control  
Directorate for Agriculture, Food and Rural Communities  
May 2012

## TRANSPOSITION NOTE

### THE AFRICAN HORSE SICKNESS (SCOTLAND) ORDER 2012

The Order implements Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness.

The following table demonstrates how the relevant provisions of the Directive have been given effect in the Order.

<b>Provisions of Council Directive 92/35/EEC</b>	<b>Objective/effect</b>	<b>Implementation</b>
Articles 1 and 2	Application and interpretation	No transposition required
Article 3	Notification of suspicion of disease	Article 5
Article 4 (except article 4(5))	Investigation, confirmation and introduction of movement restrictions	Articles 7 to 11 and the Schedule
Article 4(5)	Non-captive horses	Article 16
Articles 5, 6(1)(d), 9(2) and 10(2)	Vaccination policy	Articles 22 to 24
Articles 6(1)(a) and (b)	Slaughter of animals	Article 12
Articles 6(1)(c), 6(2), 6(3), 8 and 9(1) and 10(1)	Establishment of protection zone and surveillance zones	Articles 17 to 21
Articles 4(2)(b)(iii), 6(1)(e) and 7	Epizootiological inquiry	Article 8(5)(b)

<b>Provisions of Council Directive 92/35/EEC</b>	<b>Objective/effect</b>	<b>Implementation</b>
Article 11	Movement restrictions on vaccinated horses	Article 24 and 27
Article 12	Exceptionally serious outbreaks	Articles 17(5), 18(9) and 19(3)
Article 13	Notification and awareness	Article 25
Articles 14 and 15	National laboratory status	Transposition by non-legislative measures. A new African horse sickness control strategy containing this information is to be published when the Order comes into force.
Article 16	Inspection by experts from the Commission	Article 28
Article 17	Contingency plan for African horse sickness	Transposition by non-legislative measures. A new African horse sickness control strategy containing this information is to be published when the Order comes into force.
Articles 18 to 22	Relating to the Council and Commission's powers to amend the Directive	No transposition required