

POLICY NOTE

THE AVIAN INFLUENZA AND INFLUENZA OF AVIAN ORIGIN IN MAMMALS (SCOTLAND) AMENDMENT ORDER 2023

SSI 2023/361

The above instrument is made in exercise of the powers conferred by sections 1, 8(1), 15(4), 17(1), 23, 25 and 87(5) of the Animal Health Act 1981. The instrument is laid – no procedure.

Summary Box

The main purpose of the instrument is to allow certain premises with pet poultry to be considered special category premises, and therefore subject to less stringent disease control measures, subject to risk assessment, where the presence of highly pathogenic avian influenza (HPAI) is confirmed. Other amendments to improve disease control management, based upon information gathered during the 2021 to 2023 HPAI outbreak seasons are also included.

Policy Objectives

The primary policy objective is to allow the Scottish Ministers to apply proportionate disease control measures in response to the declaration of HPAI infection at premises of backyard poultry flocks, where the risk of further spread of the virus from this premises is deemed as low. This is done by amending the definition of “non-commercial premises” to mean premises where poultry or other captive birds are kept as pets (backyard flocks) and widening the scope for disapplication of disease control measures on special category premises following a risk assessment, to include circumstances where HPAI is confirmed in poultry on such premises. These changes allow premises where poultry are kept as pets to be considered special category premises, at which less stringent an disease control measures may be applied, subject to a risk assessment.

The amended definition of “special category premises” includes locations where veterinary assistance of animals takes place and premises keeping fewer than 50 captive birds (with no direct or indirect contact with poultry or other captive bird premises), which allows less stringent disease control measures to be applied in controlled zones imposed following an outbreak of HPAI, subject to a risk assessment.

The SSI addresses industry concerns by clarifying that restrictions on the movement of eggs from a suspect premises may be disapplied, following an assessment of the potential risk.

A definition of “game birds” is inserted to clarify to which birds certain restrictions in controlled zones apply, and definitions of “brood-and-move poultry” and “ready-to-lay” poultry are included to allow for licensed movements of these birds in certain circumstances. The SSI specifies the information that must be recorded regarding the movement of poultry, other captive birds or their products under licence.

In light of recent occurrences of HPAI being identified in wild mammals in the UK and internationally, the SSI adds the requirement to report suspicion of the presence of influenza of avian origin in a mammal to an authorised veterinary inspector.

The SSI streamlines the process of imposing or removing restrictions by declaration by permitting any declarations to be signed by a member of staff of the Scottish Ministers. It inserts a definition of “the appropriate Minister”, relevant to where Ministerial agreement is required for the movement of poultry from premises within a controlled zone to a slaughterhouse for immediate slaughter.

The SSI amends existing provision relevant to licensable movements in controlled zones, to allow bird carcasses to be moved out of a protection or surveillance zone under licence for reasons of disease diagnosis as well as disposal. Similarly, the amendments will allow poultry or other captive birds to be moved under licence from a protection or surveillance zone to a location where veterinary assistance of animals takes place for treatment or return to the premises of origin following such a movement. The instrument also inserts the requirement for the occupier of any premises to which poultry is moved from a controlled zone for reasons other than slaughter, for at least 21 days, to take such measures to reduce the risk of spread of avian influenza to poultry, other captive birds or wildlife, as may be directed by a veterinary inspector.

In addition to the amendments made relevant to disease control measures where highly pathogenic avian influenza is confirmed on premises, the instrument also makes provision in relation to the duration of, and requirements for ending, low pathogenic avian influenza restricted zones.

EU Alignment Consideration

The provision of Commission Delegated Regulation (EU) 2020/687 in relation to the rules for the prevention and control of certain listed diseases (“the EU Regulation”) is relevant to the instrument.

The requirements to undertake risk assessments before disapplying certain disease control measures on certain premises, and for Ministerial authorisation for the movement of poultry to a designated slaughterhouse for immediate slaughter, align with the provision of the EU Regulation.

The amendment of the definition of “special category premises” (at which disease control measures may be disappplied following a risk assessment) to include locations where veterinary assistance of animals takes place, and premises of less than 50 captive birds (with no direct or indirect contact with poultry or other captive bird premises) aligns with the EU Regulation, as do the amendments relating to the consideration of premises where poultry or other captive birds are kept as pets.

The definitions of “brood-and-move poultry” and “ready to lay poultry” do not appear in the EU Regulation, but their effect is simply to classify more specifically certain types of birds in order to more accurately reflect the movements under licence of birds of specific types widely recognised in the poultry sector.

The amendments made by this instrument will result in closer alignment with the EU Regulation, so ensuring the maintenance and advancement of the standards which Scotland

shares with the EU. Any divergence from the EU position will not impact on the maintenance of high standards of disease control, and consequently will not impact on the export of poultry and eggs to the EU.

The amendments made by this instrument do not create any barriers to an independent Scotland's potential accession to the EU.

The World Organisation for Animal Health (WOAH) recently amended their definition of 'poultry' to exclude backyard flock premises where poultry products are consumed solely within the premises, thereby allowing less stringent disease control measures to be applied, following a risk assessment, in relation to such premises. Our changes align with this change in definition by WOAH.

Consultation

Measures proposed are primarily designed to reduce controls, and subsequently the impact, of HPAI on bird keepers and industry, taking into account EU Law and industry advice. It has been informed through regular dialogue with the relevant industry bodies (including the GB Avian Diseases Core Group) and a further formal consultation was considered unnecessary.

Impact Assessments

Full Impact Assessments have not been prepared for the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Amendment Order 2023, as no, or no significant, impacts on the private, voluntary or public sector is foreseen. The amendments do not alter the Scottish Government's current environmental policies and priorities and, therefore, do not have a significant impact on the environment. No Data Impact Assessment has been completed, as there have been no risks identified with data protection law.

Financial Effects

The Minister for Energy and the Environment confirms that no BRIA is necessary, as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Agriculture and Rural Economy Directorate

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