Bovine TB – Proposal to introduce changes to compensation arrangements in Scotland and update the Tuberculosis (Scotland) Order 2007 on other disease control measures

Who we are
BVA is the national representative body for the veterinary profession in the United Kingdom and has over 16,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

BVA Scottish Branch brings together representatives of local veterinary associations, BVA’s specialist divisions, government, and research organisations in Scotland. The Branch advises BVA on the consensus view of Scotland members on local and United Kingdom issues.

The British Cattle Veterinary Association (BCVA) is a specialist cattle division of the BVA comprising 1,250 members, of whom approximately 950 are practising veterinary surgeons working with cattle in farm animal veterinary practice.

Introduction
We welcome the opportunity to respond to this consultation and support the principle of introducing proposals to develop a compensation system which incentivises compliance and best practice while being financially sustainable in the future. Given recent changes to policy in England and Wales, this review of policy is timely, to ensure Scotland is not seen as a more favourable option in terms of moving high risk cattle.

If an animal or group of animals is compulsorily slaughtered for the purposes of statutory disease control, compensation should be paid. Compensation provides reimbursement for losses suffered by the animal keeper and as such compensation should be equitable and reflect the market value of the animal slaughtered. If the compensation paid is below market value the risk of keepers concealing animals suspected of infection will be heightened and the incentive to co-operate with authorities will be reduced, contributing to further disease spread.
We support the principle of a reduction in compensation where there is lack of compliance on the part of the keeper with statutory disease control based on evidence-based biosecurity practice. As such, we welcome Government proposals to use incentives to keep disease out of herds and not reward those who undertake risky practices.

1. Reduced or Non-payment of Compensation for Illegal Moves onto Restricted Herds

We support a reduced rate of compensation for any animals brought illegally onto a restricted herd. This support is on the basis that the overall aim is to encourage the keeper to alter his or her business practices to apply appropriate risk reduction measures.

The stated proposal will allow Scottish Ministers to “reduce or withhold compensation completely”. The illegal movement of cattle onto a restricted herd is not merely a failure to meet best practice, but a failure to meet minimum legal requirements. As such, it is appropriate, in such cases, for no compensation to be paid.

The introduction of an appeals mechanism is a sensible move. We would ask for further clarification on the potential “valid reasons” that would be available grounds on which to appeal.

2. Reduced Compensation for Overdue Testing

We support a reduced rate of compensation for any animals where testing is overdue. This support is on the basis that the overall aim is to encourage the keeper to alter his or her business practices to comply with appropriate risk reduction measures.

Again, we would ask for clarification on how the reduction would be applied. As the stated proposal will allow Scottish Minister to “reduce or withhold compensation completely”, with the application of a sliding scale with a longer delay resulting in a greater reduction. Again, this would appear to provide Ministers considerable discretion in applying sanctions.

The introduction of an appeals mechanism is a sensible move. We would ask for further clarification on the potential “valid reasons” which would be available grounds on which to appeal. These grounds should recognise that some movements may take place on welfare grounds.

3. Proposed change to Post Movement Testing Rules

BVA supports the proposal to tighten post-movement testing of cattle entering farms in Scotland. This is a sensible measure to reduce spread of disease within and between cattle herds. It is also consistent with the Risk-Based Trading Board proposals and CHeCs guidelines.

Of the two options presented it is preferable to amend the existing provisions of Article 9 of the TB Order to require that the post movement test is completed on the original destination holding; a negative result would be required before the animal would be permitted to move again, unless going for slaughter.
The first option presented, which proposed obligations on the seller to inform, would pose problems as tracking would be more difficult, to ensure compliance.

A third option that may be considered would be to allow movement under a licence paid for by the seller (but sent to both buyer and seller). This would have the effect of discouraging movements whilst ensuring that those that do occur are traceable. The movements allowed should be direct from farm to farm (i.e. not through a market), such that the purchaser is known at the point of licensing.

4. Introduction of a Cap on Compensation Levels for Individual Animals
We support the principle of synchronising regimes in Scotland with England and Wales to ensure Scotland is not seen as a more favourable option in terms of moving high risk cattle. However, as with our submission to the DEFRA consultation on proposals to simplify surveillance testing in the High-Risk Area of England, we would welcome further detail regarding the rationale behind the proposed £5,000 figure.

We would seek clarification on the operation of the compensation cap, and how this will interact with the penalties that have been proposed. Specifically, we would ask for clarification on the sequencing of the cap and penalties. In a small number of cases (for example with pedigree bulls) the difference between applying the £5,000 cap before a penalty or after the penalty could be thousands of pounds for the owner.

5. Automatic Valuation Justification (AVS)
As noted in the consultation document, Scotland has had low numbers of high value TB reactor cattle in recent years, compared to England and Wales. The clear majority of culled animals will be valued below the Welsh £3,000 threshold, therefore appropriate scrutiny for cattle below this figure should remain. If AVS were to be introduced in Scotland, this should not replace the current system of APHA administrative checks, but supplement it.

In principle, applying greater scrutiny to higher valuations is an appropriate measure. To ensure consistency with Wales, it would be sensible to set the threshold at which AVS is triggered at £3,000.

6. Cost recovery where removal of a reactor animal is refused
We support this measure to encourage keepers to comply with appropriate risk reduction measures.

7. Non-payment of compensation for NOR animals
We support this clarification of the law to reflect the realities on the ground. This will provide transparency and consistency, and reduce confusion.
8. State Aid Rules - Non-payment of compensation where infection is caused deliberately or by owner negligence.
We support this proposal as a means to ensure transparency and consistency, and to reduce confusion.

9. Prohibition on testing
We support this proposal. It is appropriate to extend the scope of the current tuberculosis testing prohibition to any test for tuberculosis, and not one specific test.

10. Further measures
There is no mention within the consultation of compensation reductions where animals are legally introduced into a TB breakdown herd that then become test reactors before the breakdown is resolved. To be consistent with other countries and regions of the UK this should be considered also.