Consultation on bovine TB in specified non-bovine species – Disease Controls

29 September 2014 to 22 December 2014
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Part 1 – About this consultation

1. Topic of the Consultation

This consultation sets out the proposed legislative arrangements for preventing and managing incidents of bovine tuberculosis (TB) in specified non-bovine animals (camelids, deer (farmed), goats, sheep and pigs). The statutory measures proposed are similar to those that already apply to deer through the provisions of the Tuberculosis in Deer Orders. Which comprise:

- The Tuberculosis (Deer) Order 1989 – SI 1989 No 878
- The Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989 – SI 1989 No 1316
- The Tuberculosis (Deer) (Amendment) Order 1993 – SI 1993 No 2010

This consultation also includes proposals for payment of statutory compensation for TB in the above mentioned non-bovine species, which would replace the current ex-gratia payment offered for camelids and goats where keepers voluntarily release for slaughter any animal that reacts to a test for TB.

The above listed “TB in Deer” Orders will be revoked and replaced by the proposed TB in non-bovines animals’ legislation when it is introduced in early 2015.

2. Purpose of the consultation

Scottish Government are asking for your views on the introduction of the proposed legislative arrangements for managing and preventing incidents of bovine TB in specified non-bovine species including the payment of compensation for affected animals including whether you think these measures as set out go: far enough, too far or not far enough and what financial impact they might have on those concerned.

3. Geographical extent of the consultation

The proposals set out in this consultation paper extend to Scotland only.

4. Duration

This consultation will run for a period of 12 weeks starting on 29 September 2014 and ending on 22 December 2014.

5. Business and regulatory impact assessment (BRIA)

It is intended to gather information relating to the likely impact of introducing legislative arrangements for managing and preventing incidents of bovine TB in the specified non-bovine animals, including payment of compensation, in this consultation. A partial BRIA is included in this document at Annex B.
6. THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government policy making. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: Scottish Government consultations

(http://www.scotland.gov.uk/consultations)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- Indicate the need for policy development or review
- Inform the development of a particular policy
- Help decisions to be made between alternative policy proposals
- Be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.
7. Responding to this consultation paper

We are inviting written responses to this consultation paper by 22 December 2014. Please send your response along with the completed Respondent Information Form (see "Handling your Response" below) to:

Animal.health@scotland.gsi.gov.uk

Or

TB in Non-Bovine Species Consultation
Animal Disease Control Team
The Scottish Government
P Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

If you have any queries contact Gordon Wright on 0300 244 9874.

We would be grateful if you would use the consultation questionnaire provided or, at least, clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at http://www.scotland.gov.uk/consultations.

The Scottish Government has an email alert system for consultations, http://register.scotland.gov.uk. This system allows stakeholders, individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

8. Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.
9. **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library. (See the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library in due course. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

10. **What happens next?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on management of TB in non-bovine species. We aim to introduce the relevant legislation by Spring 2015.

11. **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

TB in Non-Bovine Species Consultation  
Animal Disease Control Team  
The Scottish Government  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD
Part 2 – Background Information

12. General Background

Many species of non-bovine animals, including, camelids, deer, goats, sheep and pigs are susceptible to M.bovis infection or bovine TB (TB). Only a relatively small number of such animals are identified as infected each year and evidence suggests that these species appear to pose only a small risk of spreading TB to cattle.

In recent years the incidence of confirmed TB in non-bovine animals, particularly camelids, has been significant in some areas of England and Wales. Scotland has only recently been the destination for tracings of camelids from known breakdown herds in England, which resulted in the first known test positive case of TB in alpacas in Scotland. There is therefore no direct experience of the potential for disease spread between species in Scotland and if this risk did materialise then there is potential for it to impact on Scotland’s Officially Tuberculosis Free status.

The Scottish Government has been reviewing the current policy approach to surveillance and testing of non-bovines for TB and as a result is now proposing to introduce a legislative framework of statutory controls for managing and preventing incidents of bovine TB in specific non-bovine animals.

It is our intention to revoke all existing TB in Deer legislation in so far as it relates to Scotland and instead introduce a single Order that will encompass camelids, deer (farmed), goats, sheep and pigs. The new Order will make provision for the enforcement of movement restrictions, isolation, testing and slaughter of reactor animals and include statutory arrangements for subsequent payment of compensation for animals slaughtered.

13. Compensation

In Scotland there is no policy in place to support the payment of statutory compensation in non-bovine species other than in relation to Deer under the Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989, notwithstanding that since 2012 an ex-gratia payment of £750 has been available for camelids and £200 for Goats.

14. Why changes are needed

The Scottish Government is committed to a comprehensive, practical and proportionate programme of actions in order to maintain our current low levels of TB in cattle and other species and to safeguard our officially TB free status. This includes minimising the risks from all potential sources of infection and reducing the risk of disease spread as far as possible.

There are currently no specific legal powers in Scotland to allow testing and slaughter of non-bovine species, except deer, where TB is suspected or confirmed. Instead, general powers to test are provided under the Movement of Animals (Restriction) (Scotland) Order 2003, but with no follow up powers to slaughter or to
compensate for reactors, Scottish Ministers are currently reliant on owner cooperation to voluntarily release for slaughter any reactor animals. Owners can of course refuse to do so, but this would result in their premises being placed under movement restrictions indefinitely.

A TB Order for specific non-bovine species will provide Scottish Ministers and the Animal Health Veterinary Laboratories Agency (AHVLA) with the powers needed to deal effectively and quickly with TB incidents in camels, deer, goats, sheep and pigs. With the introduction of statutory compensation also, it is proposed that the new Order will make it clear in one piece of legislation what keepers can expect in terms of testing of their animals, the removal of TB reactors and of course compensation.

It will also help safeguard Scotland’s officially TB free status by the prevention and management of incidents of bovine TB in these animals.

15. What is being proposed

We propose to introduce a non-bovine TB Order which will encompass Camelids (Alpacas, Llamas, Guanacos, Vicunas) Goats (farmed or domestic) Sheep, Pigs and Deer (farmed) and include the following elements to help manage and prevent incidents of bovine TB in these species.

i. Identification – No movements on or off premises (Live animal or carcase) unless the animal/carcase is marked or identified in a manner approved by Scottish Ministers.

ii. Notification - Notification to Scottish Ministers (AHVLA) where live animals are affected or suspected of being affected – animals to be immediately detained and isolated and milk precautions adopted pending conclusion of veterinary enquiry.

iii. Vet Enquiry – where a veterinary inspector or approved veterinary surgeon reasonably believes affected or suspected animal are on any premises they must take the following steps to confirm;
   - Examine animal or carcase
   - Take samples or carry out tests for diagnosis
   - Tag or otherwise mark suspected animals
   - Once the veterinary enquiry is completed and TB is still suspected a notice will be served to detain and isolate affected animals – movement restriction on and off the premises will be put in place and milk precautions taken.

iv. Testing – Only on suspicion of disease (i.e. tracings from a breakdown herd or suspect lesions identified at a slaughterhouse)
   - Notice to test affected or suspected animals by specified date will be issued to the keeper.
   - Testing can be done by either a Veterinary Inspector or an Approved Veterinary Surgeon.
Keeper to comply with all reasonable requests to help facilitate
  - Identification & examination
  - Application or reading of a test
  - Collection, penning and securing
  - Removal for slaughter

Once a test has been applied no person may remove that animal from the premises or part of the premises where it is kept unless under authority of a licence issued by a VI or the test has been read by an inspector and results are negative.

Where animals have not been tested for reasons of practicability including difficulty gathering safely due to its wildness or nature of the terrain on which it is kept the animal must be treated as being affected with TB and dealt with accordingly.

A veterinary inspector may take steps to examine, test and remove these animals as required by a notice where a keeper has failed to do so and to recover costs reasonably incurred.

v. Prohibitions – No person may:
  - Vaccinate against TB without the written consent of Scottish Ministers.
  - Treat for TB without the written consent of Scottish Ministers.
  - Interfere with the application or reading of a test.

vi. Isolation and prohibition on movement – for the purpose of controlling or preventing the spread of TB a Veterinary Inspector may serve a notice to require isolation of specified animals and to prohibit movement of non-bovine animals on or off the premises.

vii. Notification of intended slaughter – a notice will be served by a Veterinary Inspector informing the keeper of any intended slaughter and requiring the keeper to detain and isolate the animal pending its removal. The person on whom the notice is served must comply with the notice and not move or allow the animal to be moved during that time except under authority of a licence issued by veterinary inspector.

viii. Precautions against spread of infection – A Veterinary Inspector may serve a notice on the keeper requiring him to:
  - Treat and store any manure/slurry from any place used by the affected animal
  - Prohibit spreading or spraying of any manure/slurry from any place used by the animal
  - Prohibit removal from premises of manure/slurry except under licence
  - Take action to prevent spread of infection to adjoining premises
  - To arrange isolation as specified by the notice
• Restrict the use of any part of premises as specified in the notice
• Cleanse and disinfect premises (or part) and utensils etc
• To take any other action the veterinary inspector considers appropriate

ix. **Suspect animals at markets or shows** – a veterinary inspector may serve a notice to remove animal from the premises to;
• Slaughterhouse
• back to farm of origin
• or to any other premises

A veterinary inspector may also serve a notice to restrict the use of any part of the premises and for it to be suitably cleansed and disinfected and to dispose of manure/slurry and any other animal waste, straw etc as necessary.

x. **Marking and Movement**
• If so directed by a Veterinary Inspector or an Approved Veterinary Surgeon a keeper must mark animals in a manner approved.
• A Veterinary Inspector or Approved Veterinary Surgeon may also mark any suspect or infected animal.
• No person may interfere with or change a mark once applied.
• Keeper to record all movements of non-bovine animals and must produce that record if requested to do so by Veterinary Inspector.

xi. **General provisions** - notices, licences and approvals
• Any Notices, Licenses or Approvals must be in writing
• Licences may be general or specific and subject to conditions
• Approvals can be subject to conditions
• Notices, Licenses or Approvals can be amended, suspended or revoked in writing at any time

xii. **Enforcement** – By Local Authority

xiii. **Compensation** - Compensation will be paid only in respect of those animals that can be identified (see 1 above). The proposal is that the amount of compensation will be the amount identified for each species and or category of species as specified in the table below.
<table>
<thead>
<tr>
<th>Species</th>
<th>Category</th>
<th>Compensation amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deer</td>
<td></td>
<td>£400</td>
</tr>
<tr>
<td>Goat</td>
<td>1) Not more than 1 year old</td>
<td>£80</td>
</tr>
<tr>
<td></td>
<td>2) Non-breeding – over 1 year old</td>
<td>£160</td>
</tr>
<tr>
<td></td>
<td>3) Breeding female</td>
<td>£250</td>
</tr>
<tr>
<td></td>
<td>4) Stud male – over 1 year old</td>
<td>£350</td>
</tr>
<tr>
<td>Camelid (Alpaca, Guanaco, Llama and Vicuna)</td>
<td>1) Not more than 18 months old</td>
<td>£750</td>
</tr>
<tr>
<td></td>
<td>2) Non-breeding – over 1 year old</td>
<td>£750</td>
</tr>
<tr>
<td></td>
<td>3) Breeding female – over 18 months old</td>
<td>£1500</td>
</tr>
<tr>
<td></td>
<td>4) Stud male – over 18 months old</td>
<td>£1500</td>
</tr>
<tr>
<td>Sheep</td>
<td>1) Lamb</td>
<td>£80</td>
</tr>
<tr>
<td></td>
<td>2) Ewe</td>
<td>£100</td>
</tr>
<tr>
<td>Pigs</td>
<td>1) Breeding female (Gilt/Sow)</td>
<td>£250</td>
</tr>
<tr>
<td></td>
<td>2) Breeding Male (Boar)</td>
<td>£350</td>
</tr>
<tr>
<td></td>
<td>2) All others</td>
<td>£80</td>
</tr>
</tbody>
</table>
Annex A

Questions for consideration

1) Are the proposed arrangements for managing and preventing incidents of bovine TB in non-bovine animals appropriate and necessary?
   • If not please explain why.

2) Do the proposed arrangements go far enough or should a requirement for pre and post movement testing at the owners expense also be considered?

3) Would these proposed arrangements create unnecessary burdens on keepers of non-bovine animals?

4) What would be the most appropriate means of identifying individual animals?

5) What is your view on the proposed compensation figures for non-bovine animals?
6) Should compensation be paid to the owners of all species covered by the Order that are removed and slaughtered as TB reactors?


7) Should the compensation amount be reduced where a keeper has failed to test in accordance with a notice?


8) Are there any other comments you would wish to make about these proposals

