

Rural Affairs and Islands Committee  
Wednesday 14<sup>th</sup> May 2025  
16<sup>th</sup> Meeting, 2025 (Session 6)

## Note by the Clerk on the Disease Control (Miscellaneous Amendment) (Scotland) Order 2025 (SSI 2025/108)

### Overview

1. At this meeting, the Committee will consider the following Scottish statutory instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The Disease Control \(Miscellaneous Amendment\) \(Scotland\) Order 2025](#) (SSI 2025/108)

**Laid under:** [Animal Health Act 1981](#)

**Laid on:** 3 April 2025

**Procedure:** Negative

**Deadline for committee consideration:** 26 May 2025 (Advisory deadline for any committee report to be published)

**Deadline for Chamber consideration:** 28 May 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 29th May 2025

### Purpose of the instrument

3. This SSI has three policy objectives.
4. The first policy objective relates to providing for an **outbreak of avian flu in mammals**. The policy note states that—

“The primary policy objective was to ensure that adequate powers existed in legislation to allow authorities to control an outbreak of influenza virus of avian origin in mammals. This action is in response to a growing number of overspill incidents of highly pathogenic avian influenza from birds to mammals globally, and the sizeable outbreak of influenza virus of avian origin in dairy cattle in the United States of America in 2024-2025.”

The SSI includes:

- The introduction of a Schedule 8, which details the measures to be applied at a premises where influenza virus of avian origin is suspected in kept mammals, and a Schedule 9, which details measures to be applied at a premises where influenza virus of avian origin is confirmed in kept mammals.
  - The introduction of compensation for mammals slaughtered due to infection with influenza virus of avian origin, or for disease control reasons in a confirmed case of influenza virus of avian origin occurring at a premises.
  - A clarification on the notification procedures and precautions to be taken where influenza virus of avian origin is suspected.”
  - An extension of the definition of “premises” to include those without birds.
5. The policy note states that, as the “measures proposed are primarily designed to refine existing controls, or to mirror controls already in place for avian influenza for cases of influenza virus of avian origin, [...] public consultation was deemed unnecessary as that has already taken place through regular dialogue with the relevant bodies”. It also stated that there had been consultation within the Scottish Government and with other UK administrations.
  6. A business and regulatory impact assessment (BRIA) was undertaken as part of this exercise. The policy note states the impact of this policy on business is—  
  
“The Order introduces compensation for mammals culled due to infection with influenza of avian origin and also for mammals culled for disease control purposes associated with an outbreak of influenza of avian origin”.
  7. The second policy objective is to allow a licensed movement of sheep solely for the purpose of treatment for **sheep scab** to be exempt from the standstill requirement, which will mean such a movement is provided for in the same way as a licensed movement for veterinary treatment.
  8. The policy note states that the Animal and Plant Health Agency was consulted, as well as the Scottish Sheep Scab Working Group (membership listed in the policy note).
  9. The policy note states the impact of this policy on business is that “there would be no costs associated with the measures proposed as they will allow sheep to move in exception to the standstill and under licence”.
  10. The third policy objective relates to **salmonella**. The SSI would amend article 11 of the [Control of Salmonella in Poultry \(Breeding, Laying and Broiler Flocks\) \(Scotland\) Order 2009](#) which will ensure all relevant producers meet recording requirements that will assist in a veterinary investigation. It will extend the requirement to record the movements on and off the holding to laying and breeding flocks, as is already the requirement for broiler flocks.
  11. The policy note states consultation was undertaken via a letter sent to industry and producers (breeding and laying flocks) of the proposed change and which provided an opportunity to comment on the change

12. The policy note states the impact of this policy on business is—

“Additional costs to producers are not expected to be significant as record keeping should be standard practice for both food production and disease control measures”.

13. The policy note accompanying the instrument is included in Annexe A. The [BRIA can be accessed on the Scottish Government’s website](#).

## **Delegated Powers and Law Reform Committee consideration**

14. The [DPLR Committee considered the instrument on 29 April 2025](#) and made no recommendations in relation to the instrument.

## **Committee consideration**

15. So far, no motion recommending annulment has been lodged.

16. Members are invited to consider the instrument and decide whether there are any points they wish to raise.

**Clerks to the Committee**  
**May 2025**

## Scottish Government policy note

The above instrument was made in exercise of the powers conferred by sections 1, 7, 8(1), 15(4), 23, 25, 32(3) and 34(7) of the Animal Health Act 1981. The instrument is subject to negative procedure.

### Summary Box

Purpose of the instrument is to ensure that adequate and proportionate powers exist to control an outbreak of influenza virus of avian origin in mammals.

It is also to allow a movement of sheep solely for the purpose of treatment for sheep scab to be exempt from a standstill requirement and establishes the requirement to record movements for laying or breeding flocks, which was omitted from the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009.

### Policy Objectives

#### Influenza virus of avian origin

The primary policy objective was to ensure that adequate powers existed in legislation to allow authorities to control an outbreak of influenza virus of avian origin in mammals. This action is in response to a growing number of overspill incidents of highly pathogenic avian influenza from birds to mammals globally, and the sizeable outbreak of influenza virus of avian origin in dairy cattle in the United States of America in 2024-2025.

The SSI includes:

- The introduction of a Schedule 8, which details the measures to be applied at a premises where influenza virus of avian origin is suspected in kept mammals, and a Schedule 9, which details measures to be applied at a premises where influenza virus of avian origin is confirmed in kept mammals.
- The introduction of compensation for mammals slaughtered due to infection with influenza virus of avian origin, or for disease control reasons in a confirmed case of influenza virus of avian origin occurring at a premises.
- A clarification on the notification procedures and precautions to be taken where influenza virus of avian origin is suspected.
- An extension of the definition of “premises” to include those without birds.

#### Sheep Scab

The policy objective was to allow a licensed movement of sheep solely for the purpose of treatment for sheep scab to be exempt from the standstill requirement, which will mean such a movement is provided for in the same way as a licensed movement for veterinary treatment.

#### Salmonella

The SSI will amend article 11 of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 which will ensure all relevant producers meet recording requirements that will assist in a veterinary investigation. It will extend the requirement to record the movements on and off the holding to laying and breeding flocks, as is already the requirement for broiler flocks.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Disease Control (Miscellaneous Amendment) (Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU Alignment Consideration**

The provision of Commission Delegated Regulation (EU) 2020/689, supplementing Regulation (EU) 2016/429 as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases, is relevant to this instrument. This Regulation requires that surveillance of highly pathogenic avian influenza includes surveillance activities in kept and wild animals of species not listed when the epidemiological situation indicates that those species may constitute a risk for animal and human health. The provisions of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006 currently make provision which is aligned with that requirement, as do the amendments relevant to surveillance made to that Order by this instrument. Infection with influenza virus of avian origin in mammals is not currently a listed disease for the purposes of EU legislation, and EU law does not prevent member States from putting in place particular legislative measures as a contingency to control influenza virus of avian origin in mammals where disease is suspected or confirmed.

The amendment made to the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 aligns with the type of provision which may be made in the EU to give effect to the relevant EU Regulation.

### **Consultation**

#### **Influenza virus of avian origin**

Measures proposed are primarily designed to refine existing controls, or to mirror controls already in place for avian influenza for cases of influenza virus of avian origin. On this basis, public consultation was deemed unnecessary as that has already taken place through regular dialogue with the relevant bodies.

However, internal consultation has taken place within ARE, and with other administrations through the Animal Disease Policy Group (ADPG), and with industry representatives via the Avian Diseases Core Group.

#### **Sheep Scab**

The following government agencies and departments were consulted in reaching this decision:

- The Animal and Plant Health Agency (APHA)

Consultation with business was carried out through the Scottish Sheep Scab Working Group, which includes, but is not limited to, representatives of:

- The National Sheep Association (NSA)
- Moredun Research Institute
- The Institute of Auctioneers and Appraisers in Scotland (IAAS)
- Livestock Health Scotland

**Annexe A**

- The National Farmers Union (Scotland) (NFUS)
- Scottish Environment Protection Agency (SEPA)
- Sustainable Control of Parasites in Sheep (SCOPS)
- Scotland's Rural College (SRUC)

**Salmonella**

For Salmonella, a letter was sent to industry and producers (breeding and laying flocks) of the proposed change, which provided an opportunity to comment on the change.

**Impact Assessments**

A Business and Regulatory Impact Assessment (BRIA) and Child Rights and Wellbeing Impact Assessment (CRWIA) has been carried out.

**Financial Effects**

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is:

**Influenza virus of avian origin**

The Order introduces compensation for mammals culled due to infection with influenza of avian origin and also for mammals culled for disease control purposes associated with an outbreak of influenza of avian origin.

**Sheep Scab**

There would be no costs associated with the measures proposed as they will allow sheep to move in exception to the standstill and under licence.

**Salmonella**

Additional costs to producers are not expected to be significant as record keeping should be standard practice for both food production and disease control measures.

Scottish Government  
Agriculture and Rural Economy Directorate  
April 2025