

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h- Àrainneachd  
Cabinet Secretary for Rural Affairs and the Environment  
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Rob Gibson MSP  
Convener  
Rural Affairs, Climate Change and Environment  
Committee  
c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
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In 2014 Scotland Welcomes the World



17 April 2014

Dear Rob,

The Committee will wish to be aware of plans to consolidate existing legislation for the control of African swine fever (ASF), classical swine fever (CSF) and swine vesicular disease (SVD) into one GB wide statutory instrument.

Outbreaks of exotic notifiable pig diseases, such as CSF, ASF and SVD can cause severe impacts on animal health and welfare as well as significant costs to both taxpayers and industry. At the moment there is separate legislation in each of Scotland, England and Wales for each of those diseases.

In Scotland the diseases are currently regulated by the Classical Swine Fever (Scotland) Order 2003, the African Swine Fever (Scotland) Order 2003, and the Swine Vesicular Disease (Scotland) Order 2009. These statutory instruments implement three European Council Directives, 2001/89/EC, 2002/60/EC and 92/119/EEC respectively, all of which require EU Member States to take strict control measures when an outbreak occurs in their territory.

A review of the existing CSF, ASF and SVD legislation across GB has highlighted scope for improvement. Therefore, although there is no need for additional enforcement powers, the proposed regulations will improve compliance with EU legislation, bring more transparency in the measures that would be taken during an outbreak and aid enforcement of controls (such as those on movements of susceptible animals during an outbreak). Examples of specific changes include revisions to the current legislation for CSF and ASF as it does not include an optional derogation that allows special categories of pigs, including breeds at risk, to be spared culling provided disease control is not jeopardised.

In addition, the EU Food and Veterinary Office (FVO) auditors have criticised the UK's implementation of CSF vaccination controls. The existing CSF 2003 Order prohibits vaccination against CSF unless authorised by Scottish Ministers. Although this does provide powers to vaccinate pigs, the FVO considers this does not sufficiently transpose Articles 19 and 20 of Council Directive 2001/89/EC, which require, for example, the submission of an emergency vaccination plan to the Commission, identification of vaccinated pigs and specific control measures to be applied to vaccinated pigs, pig meat, semen, embryo and ova.

The three administrations in GB have the same policies for controlling the three swine diseases, and these are outlined in the swine fever control strategy, which can be found at <http://www.scotland.gov.uk/classicalswinefever>. Ministers from across GB have therefore concluded that there would be clear advantages in having a single piece of legislation applying across all three jurisdictions. This would provide clarity for enforcement bodies particularly cross-border organisations such as the Animal Health and Veterinary Laboratories Agency.

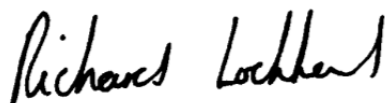
It is competent under section 57(1) of the Scotland Act for Defra's Secretary of State to make legislation under section 2(2) of the European Communities Act 1972 (ie for the purposes of implementing EU obligations across GB). This means that legislation would be laid only before the UK Parliament and subject to procedure only in that Parliament but Scottish Ministers would, nonetheless, remain the competent authority in Scotland, and Scottish local authorities will retain responsibility for enforcement.

The current proposal, subject to final approval from Ministers in each administration, is to lay the instrument in the UK Parliament on 18 July 2014. The coming into force date will be on or around 8 August 2014.

In order to lay the regulations before the UK Parliament's summer recess it is expected that a public consultation will be launched in the week beginning 28 April 2014. There has already been discussions with the pig sector and the draft regulations were tested during last year's national exercise of the UK's preparedness for an outbreak of classical swine fever (Exercise Walnut), consequently it is not expected that consultees will raise significant concerns. It is therefore planned to hold a four week consultation (which is rather shorter than is usual) across GB, co-ordinated by Defra. Responses from across GB will be evaluated before final agreement on the terms of the consolidated regulations is reached.

I will ask officials to forward a copy of the consultation paper to the Clerk of the Committee once it becomes available.

I hope that you find this update useful.

A handwritten signature in black ink, reading "Richard Lochhead". The signature is written in a cursive, flowing style.

**RICHARD LOCHHEAD**