

# **Consultation on Bovine Tuberculosis: Proposals to amend The Tuberculosis (Scotland) Order 2007**

## **Summary of Consultation Responses**

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## 1. Executive Summary

The Scottish Government recently consulted on a number of changes to the Tuberculosis (Scotland) Order 2007 (“the TB Order”).

The following proposals were consulted on:

- Amending the provisions for the application of diagnostic tests, to include a requirement for the prior written permission of Scottish Ministers where non-statutory and private samples are taken with the intention of applying a diagnostic test for TB.
- Ending the practice of accepting a clear final short interval test (SIT) at the end of all TB breakdowns as a valid pre-movement test.
- Shortening the period during which a pre-movement test with negative results remains valid, from the current 60 days to 30 days after tuberculin injection.
- Reducing compensation for unclean cattle at slaughter by 50%.
- Including requirements for ‘isolation’ in legislation to ensure that proper isolation of reactors and inconclusive reactors (IRs) is undertaken.
- Strengthening the TB isolation requirements by specifying a location for isolation to take place
- Reducing compensation for reactors or IRs which are not properly isolated
- Including a reduction in compensation where subsequent reactors in the herd are found as a result of a failure to properly isolate a reactor or IR.

Defra and Welsh Government have also recently undertaken consultations on their TB Orders.

The Scottish Government is committed to a comprehensive, practical and proportionate programme of actions that will help maintain Scotland’s current low levels of TB and safeguard our Officially TB Free status. Therefore, it was considered whether there is scope to implement further TB control measures that will encourage farmers to follow good farming practices in order to keep disease out of their herds.

### Responses to the Consultation

A total of 19 written responses were received to the consultation and these were sorted into the following respondent groups.

Respondent Group	Total responses received	% of total responses
Individuals	12	63.16%
Industry Association	4	21.05%
Agricultural Livestock Markets	1	5.26%
Veterinary Organisations	2	10.53%

## 2. Breakdown of respondent information

### Proposed Changes

In **Question 1** respondents were asked whether they agreed with the proposed change which would mean that no samples should be taken in Scotland for TB with the intention of applying a diagnostic test, either in Scotland or elsewhere, without permission from the Scottish Ministers. The response was as follows:

Option	Total	Percent
Yes	14	73.68%
No	5	26.32%
Not Answered	0	0.00%

In **Question 2** respondents were asked whether they agreed with ending the practice of using a clear final short interval test at the end of all TB breakdowns as a valid pre-movement test, including for domestic moves into Scotland. The response was as follows:

Option	Total	Percent
Yes	15	78.95%
No	2	10.53%
Not Answered	2	10.53%

In **Question 3** respondents were asked whether they supported the proposal to shorten the period during which a pre-movement test with negative results remains valid from the current 60 days to 30 days after tuberculin injection for skin testing of cattle, including for domestic moves into Scotland. The response was as follows:

Option	Total	Percent
Yes	16	84.21%
No	2	10.53%
Not Answered	1	5.26%

In **Question 4** respondents were asked whether a financial penalty, such as a reduction in compensation, should be introduced for cattle which are presented as unclean at slaughter. The response was as follows:

Option	Total	Percent
Yes	12	63.16%
No	6	31.58%
Not Answered	1	5.26%

In **Question 5** respondents were asked, if they agreed with a financial penalty in question 4, would they agree with a 50% reduction to compensation for cattle which are presented as unclean at slaughter and if not, what amount would they suggest that compensation should be reduced by. The response was as follows:

Option	Total	Percent
The penalty should be more than 50%	1	5.26%
I agree with a 50% reduction in compensation	6	31.58%
The penalty should be less than 50%	5	26.32%
Not Answered	7	36.84%

In **Question 6** respondents were asked if they thought it would be useful to include statutory requirements for “isolation” in the TB Order to ensure that keepers of bovine animals are aware of the expectations when an animal is affected, or suspected of being infected, with TB. The response was as follows:

Option	Total	Percent
Yes	18	94.74%
No	0	0.00%
Not Answered	1	5.26%

In **Question 7**, respondents were asked whether they agreed with option 1 or 2 from the following options –

- Option 1: Require isolation to be undertaken in a specific part of the premises, as specified within the notice following an Animal and Plant Health Agency (APHA) inspection, or
- Option 2: Require farmers to identify a suitable location for isolation and undertake ad-hoc enforcement activity where cattle are found not to be isolated following the disclosure of a reactor or IR.

The response was as follows:

Option	Total	Percent
Option 1	10	52.63%
Option 2	6	31.58%
Not Sure	2	10.53%
Not Answered	1	5.26%

In **Question 8** respondents were asked whether they agree with measure 1 (below) that a reduction in compensation should be introduced for any test positive cattle which are not isolated.

- Measure 1: Reduce compensation for test positive cattle when there is a failure to isolate cattle

The response was as follows:

Option	Total	Percent
Yes	10	52.63%
No	8	42.11%
Not Answered	1	5.26%

In **Question 9** respondents were asked if they agreed with measure 2 (below) that a reduction in compensation should be introduced for all subsequent test positive cattle in the herd that are considered to have been infected as a result of a failure to isolate animals affected, or suspected of being infected, with TB.

**Measure 2:** Reduce compensation for subsequent reactors in the herd that are considered to have been infected as a result of failure to isolate test positive cattle.

The response was as follows:

Option	Total	Percent
Yes	7	36.84%
No	10	52.63%
Not Answered	2	10.53%

In **Question 10** respondents were asked if they would agree with a 95% reduction in compensation for a failure to isolate and if not, what amount would they suggest that compensation should be reduced by.

The response was as follows:

Option	Total	Percent
The penalty should be more than 95%	1	5.26%
I agree with a 95% reduction in compensation	6	31.58%
The penalty should be less than 95%	6	31.58%
Not Answered	6	31.58%

### 3. Introduction

#### 3.1 About this report

This report summarises the responses received to the recent consultation on proposals to introduce legislative changes on bovine TB to areas such as TB diagnostic testing, cattle movements, isolation requirements and compensation for unclean cattle.

#### 3.2 Background to consultation

In 2009 Scotland achieved Officially Tuberculosis Free (OTF) status in recognition of the low and stable incidence of TB found in Scottish herds. The Scottish Government is committed to a comprehensive, practical and proportionate programme of actions in order to maintain Scotland's current low levels of TB and safeguard our officially TB free status.

The current Tuberculosis (Scotland) Order came into force in 2007 and has been amended a number of times since, most recently to make amendments arising from the withdrawal of the United Kingdom from the EU. The proposal includes a consolidation of all of the bovine tuberculosis legislation in one updated TB Order.

### 4. Summary of Consultation Responses

#### 1. Do you agree with the proposed change which would mean that no samples should be taken in Scotland for TB with the intention of applying a diagnostic test, either in Scotland or elsewhere, without permission from the Scottish Ministers?

A total of 19 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	8	4	0
Industry Association	4	0	0
Agricultural Livestock Markets	1	0	0
Veterinary Organisations	1	1	0
<b>Total</b>	<b>14</b>	<b>5</b>	<b>0</b>
<b>% of total responses</b>	<b>73.68%</b>	<b>26.32%</b>	<b>0%</b>

There was a positive response to this question. The majority of respondents (73.68%) supported this proposal. The common view was that this would provide a fuller picture of disease surveillance in Scotland and that this policy is important so that no TB infection is missed in Scotland.

Currently permission is already required to apply a private diagnostic test for TB on a bovine animal, and this proposal is to expand this policy so that going forward permission is also required for taking samples for the purpose of applying a diagnostic test for tuberculosis. This is to provide the Scottish Government with oversight where samples (such as blood or milk samples) are taken by third parties

but sent outside Scotland for the actual test, where the Scottish Government would have no jurisdiction.

This change would mean that permission is required to take these samples for purposes of TB testing, and conditions may be asserted for reporting results to Scottish Ministers. It would allow the Scottish Ministers to request information on the number of cattle which are suspected to be affected with TB, and information on which cattle are reactors and where these are. This would ensure that the government have full awareness of any testing carried out on Scottish cattle, and the results of this testing, to allow consideration of what implications this may have for disease control in Scotland.

One organisation, which did not agree with this proposal, responded that vets should be trusted with making this decision, however it should be noted that this proposal would not affect statutory sampling with validated testing where the Scottish Government would be notified in the result of a test positive animal, and this will have no effect on the Animal and Plant Health Agency (APHA) staff or private vets undertaking TB testing. Instead, this policy would affect third parties or private companies which take samples and test these in other countries, and currently have no obligation to report the results. This policy is to close that loophole so that there is full awareness of where any infection is found, which is particularly important given TB is a notifiable disease.

One individual who disagreed suggested that if farmers are in dispute with Scottish Government over test results they should be free to undertake further testing without consent from Scottish Ministers. Again, this change in legislation will not prevent this but there will be a requirement to inform Scottish Ministers of the result so that there is full awareness of any cases of TB infection.

**2. Do you agree with ending the practice of using a clear final short interval test at the end of all TB breakdowns as a valid pre-movement test, including for domestic moves into Scotland?**

A total of 17 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	10	1	1
Industry Association	1	0	0
Agricultural Livestock Markets	3	0	1
Veterinary Organisations	1	1	0
<b>Total</b>	15	2	2
<b>% of total responses</b>	<b>78.95%</b>	<b>10.53%</b>	<b>10.53%</b>

The majority of respondents (78.95%) supported this proposal. Respondents who supported this proposal expressed that they believed it would reduce the risks to the



new herd, as well as protecting our OTF status. Two respondents did not answer the question.

One organisation highlighted that this would mean the animal staying in a high risk environment for a longer period of time, and that a preferable idea may be to have a 100 day isolation period once the animal has moved to Scotland, with the post movement test at the end of this period. They did acknowledge that this proposal would be a good compromise in providing this additional protection.

An organisation, which did not agree with the proposal, highlighted that more evidence was needed to justify the benefit of this policy. Another organisation agreed with the proposal but noted an evaluation of how a similar policy has worked in Wales was needed, and added that a clear timeline should be built into the requirements.

**3. Do you support the proposal to shorten the period during which a pre-movement test with negative results remains valid from the current 60 days to 30 days after tuberculin injection for skin testing of cattle, including for domestic moves into Scotland?**

A total of 18 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	10	1	1
Industry Association	4	0	0
Agricultural Livestock Markets	1	0	0
Veterinary Organisations	1	1	0
<b>Total</b>	16	2	1
<b>% of total responses</b>	<b>84.21%</b>	<b>10.53%</b>	<b>5.26%</b>

The majority of respondents (84.21%) agreed with this proposal, with three respondents commenting that this would minimise the risk of disease entering Scotland and further protect our OTF status. One respondent did not answer this question.

One organisation, which agreed with the proposal, responded to say that the shortest possible interval should be used as this is an important firewall against disease entering the country through cattle movements. Three respondents mentioned how this will keep Scotland in line with the EU requirements and continue to facilitate cattle trade.

One organisation said it was important to consider vet capacity with this proposal. Another organisation, that was against this proposal, commented that this would reduce the amount of time which vets had to read the results. This is not anticipated to have an impact on vet capacity, as the results will still need to be read 3 days later, and post-movement testing (where applicable) will remain at 60 days after the

movement, which is the same amount of time as the current policy. The organisation further commented this policy was unnecessary as bTB prevalence is low in Scotland. However, this is the reason why stronger policy around cattle moves is required, as it will keep prevalence low and prevent disease from entering into the country. Rather than being unnecessary because case numbers are low, it is necessary to keep incidents as low as possible and maintain our OTF status.

#### 4. Should a financial penalty, such as a reduction in compensation, be introduced for cattle which are presented as unclean at slaughter?

A total of 18 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	8	4	0
Industry Association	2	1	1
Agricultural Livestock Markets	0	1	0
Veterinary Organisations	2	0	0
<b>Total</b>	<b>12</b>	<b>6</b>	<b>1</b>
<b>% of total responses</b>	<b>63.16%</b>	<b>31.58%</b>	<b>5.26%</b>

A slight majority agreed (63.16%) with this proposal but it gathered mixed comments.

Of those that agreed with this proposal, one respondent said that public money shouldn't be spent on compensation where there is bad husbandry, and noted that penalties would keep incidents low. An organisation, commented that incentives to encourage best hygiene practices and good cattle biosecurity 'make absolute sense'. Another respondent highlighted that this would align with the policy already introduced by Defra which would offer consistency.

Of those who disagreed with the proposal, one individual commented that it was unreasonable to expect cattle owners to always keep cattle 'excessively clean'. Another commented that the cattle may not be in a clean condition because the keeper wasn't intending to slaughter them. Several respondents raised that once the cattle leave the farm, the farmer has no control over the cleanliness of the animals, and suggestions were made that this should be monitored on the farm rather than at the abattoir.

One organisation was happy to support the proposal, but thought clearer guidance on the definition of clean cattle would be useful. One organisation suggested that cattle cleanliness is subjective.

In response to these comments, there is already an established practice for assessing the cleanliness of cattle and staff at abattoirs are already very well versed in making these judgements, particularly given this policy is already in place in England, and Scottish TB reactors go via English abattoirs for processing. Guidance is available from both [Food Standards Scotland](#) and the [Food Standards Agency](#). This guidance clearly shows the difference that those processing these animals

would be looking at (Appendix 1 of the Red Meat Safety & Clean Livestock guidance).

The penalty proposed would not be applicable for animals which have become dirty in transit, and have damp muck which can be washed off by the vendor. Animals will only be rejected for slaughter where they are significantly contaminated with bedded dirt which has been sustained over a longer period of time. Having animals in such a dirty condition at the slaughter house is a food hygiene issue.

Farmers are already expected to keep cattle clean as this is a basic biosecurity and animal welfare requirement. The majority of farmers already meet these requirements and this policy is to deter the small number of cattle keepers which are not compliant.

**5. If you agree with a financial penalty, would you agree with a 50% reduction to compensation for cattle which are presented as unclean at slaughter? If not, what amount would you suggest that compensation should be reduced by?**

A total of 12 responses were received for this question.

<b>Respondent Group</b>	<b>More than 50%</b>	<b>50%</b>	<b>Less than 50%</b>	<b>No Response</b>
Individuals	1	3	5	3
Industry Association	0	2	0	2
Agricultural Livestock Markets	0	0	0	1
Veterinary Organisations	0	1	0	1
<b>Total</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>7</b>
<b>% of total responses</b>	<b>5.26%</b>	<b>31.58%</b>	<b>26.32%</b>	<b>36.84%</b>

Of the respondents who answered this question, a small majority (31.58%) agreed with a 50% reduction in compensation, with a further 26.32% signaling that they agreed with penalty of less than 50%. All of the respondents, except for one, who did not respond to this question (36.84%) either did not agree to a reduction in compensation or did not respond in the prior question. The organisation who agreed to a reduction, but did not answer this question, signified in their comments that they agreed with a 50% reduction which would align with England’s policy on this, but they felt an evaluation of this policy would be beneficial.

Other shared views were that ‘any penalty should be commensurate with the offence committed’ and that this should not be percentage based.

One organisation agreed with the policy but highlighted that an appeals process should be available.

**6. Do you think it would be useful to include statutory requirements for “isolation” in the TB Order to ensure that keepers of bovine animals are aware of the expectations when an animal is affected, or suspected of being infected, with TB?**

A total of 18 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	11	0	1
Industry Association	4	0	0
Agricultural Livestock Markets	1	0	0
Veterinary Organisations	2	0	0
<b>Total</b>	<b>18</b>	<b>0</b>	<b>1</b>
<b>% of total responses</b>	<b>94.74%</b>	<b>0%</b>	<b>5.26%</b>

There was a positive response to this question. All respondents who answered this question were in support of including a statutory requirement within the TB Order. Only one respondent did not answer this question.

The common view was that this would help maintain Scotland’s OTF status and it would be useful in conjunction with clear advice from APHA or their private vet, and several respondents highlighted that clear advice and guidance on isolation should be produced. Producing clear guidance is something that will be looked at to accompany this policy, and cattle keepers would be welcome to discuss this with APHA staff assisting with their case.

**7. Upon the disclosure of a reactor or IR, do you agree with Option 1 or Option 2?**

- Option 1: Require isolation to be undertaken in a specific part of the premises, as specified within the notice following APHA inspection
- Option 2: Require farmers to identify a suitable location for isolation and undertake ad-hoc enforcement activity where cattle are found not to be isolated following the disclosure of a reactor or IR.

A total of 18 responses were received for this question.

<b>Respondent Group</b>	<b>(1) Isolation on specific part of premises - APHA</b>	<b>(2) Isolation - Farmer</b>	<b>Not sure</b>	<b>No Response</b>
Individuals	5	4	2	1
Industry Association	2	2	0	0
Agricultural Livestock Markets	1	0	0	0
Veterinary Organisations	2	0	0	0
<b>Total</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>1</b>
<b>% of total responses</b>	<b>52.63%</b>	<b>31.58%</b>	<b>10.53%</b>	<b>5.26%</b>

A small majority (52.63%) agreed with option 1, and a further 31.58% agreed with option 2. Two respondents were not sure, and one did not respond to the question.

For option 1, respondents commented that option 2 would add more stress to farmers at an already difficult time and so option 1 would be preferable as it would remove this pressure from them. One organisation responded that this would be a good opportunity for farmers to learn more about best practice on farm from APHA. A further organisation thought that this option would be good if it meant APHA providing support and guidance to the farmer to help them decide on the best option, as the keeper's judgement may be affected by the stress of the breakdown. Another organisation that chose option 1 thought it was the option with the most merit but had concerns about resource. One organisation commented that involvement from a vet is essential to support farmer making decisions to ensure suitable isolation.

For option 2, respondents believed this would give a good level of flexibility, it would allow farmers to make necessary moves in case of any animal welfare issues or a change in circumstances, and it would allow the farmer to be supported to find the most suitable location.

One respondent did not answer but said that it would be a version similar to option 1, adding that they believed it should be a shared responsibility between APHA and the keeper, with proactive advice and guidance being provided to the keeper to allow them to make this decision.

#### **8. Do you agree with measure 1 that a reduction in compensation should be introduced for any test positive cattle which are not isolated?**

- Measure 1: Reduce compensation for test positive cattle when there is a failure to isolate cattle

A total of 18 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	7	5	0
Industry Association	2	1	1
Agricultural Livestock Markets	0	1	0
Veterinary Organisations	1	1	0
<b>Total</b>	10	8	1
<b>% of total responses</b>	<b>52.63%</b>	<b>42.11%</b>	<b>5.26%</b>

A small majority agreed with this proposal (52.63%) with respondents stating that this should be common sense and would be a failure in biosecurity, for which a reduction in compensation would be appropriate. One organisation commented that incentives are vital to ensure stringent measures are in place to protect cattle.

A common view expressed by respondents was there may not be facilities which would be appropriate for isolation on farm, with others adding that a breakdown is already severe without reducing compensation and that reductions should not be on technicalities.

One respondent did not agree with the proposal, but stated if it was clear other cattle were infected as a result of a failure to isolate then action should be taken against the farmer treating it as an offence, but this should not be a reduction in compensation.

It is important to note that any changes are to deal with clear cases of non-compliance and purposeful evasion of the rules, not to penalise farmers who have failed to get this completely right and are taking steps to comply with legislation. This policy is to deal with the very small number of instances where a farmer has given no regard to the legislation and has not attempted to properly isolate their reactors or IRs, putting the rest of the herd at a clear risk for infection.

One individual commented that many farms don't have space to segregate cattle. This should be a basic requirement of disease control and it would be expected that farmers should have a facility on farm where they are able to isolate an animal which is infected or suspected of being infected with any disease.

**9. Do you agree with measure 2 that a reduction in compensation should be introduced for all subsequent test positive cattle in the herd that are considered to have been infected as a result of a failure to isolate animals affected, or suspected of being infected, with TB?**

- Measure 2: Reduce compensation for subsequent reactors in the herd that are considered to have been infected as a result of failure to isolate test positive cattle.

A total of 17 responses were received for this question.

<b>Respondent Group</b>	<b>Yes</b>	<b>No</b>	<b>No Response</b>
Individuals	6	6	0
Industry Association	1	1	2
Agricultural Livestock Markets	0	1	0
Veterinary Organisations	0	2	0
<b>Total</b>	7	10	2
<b>% of total responses</b>	<b>36.84%</b>	<b>52.63%</b>	<b>10.53%</b>

A majority of respondents (52.63%) did not agree with this proposal. Those that did not agree noted that this would be very difficult to prove and infection could occur for a number of reasons other than insufficient isolation of a reactor.

One individual who agreed commented that if an animal was the cause of infecting other animals and this was the farmer's fault, then they should be liable for this failure in isolation. Another individual added that this was a failure in basic husbandry. Comments also included that incentives are vital to keep the most stringent measures in place.

One individual disagreed on the basis that you wouldn't know which of the animals were infected prior to the failure to isolate. Another commented that you couldn't say with certainty that test positive cattle had become positive due to the failure to isolate. Similar to the proposal above, a few respondents expressed concerns that there may not be facilities which would be appropriate for isolation on farm, and that a breakdown is already mentally and financially severe without a reduction in compensation. One respondent did not agree with the proposal, but stated if it was clear other cattle were infected as a result of a failure to isolate then there should be consequences for the farmer, but this should not be a reduction in compensation. Another organisation expressed concerns about residual infection being found upon retesting, and added it would be difficult to definitively show causation between a failure to isolate and infected animals.

One organisation responded that while they agreed with the principle, members had expressed the most concern about this proposal as cattle can become infected for a number of reasons and there would need to be proof to reduce compensation.

**10. Would you agree with a 95% reduction in compensation for a failure to isolate? If not, what amount would you suggest that compensation should be reduced by?**

A total of 13 responses were received for this question.

<b>Respondent Group</b>	<b>More than 95%</b>	<b>95%</b>	<b>Less than 95%</b>	<b>No Response</b>
Individuals	1	4	5	2
Industry Association	0	2	0	2
Agricultural Livestock Markets	0	0	0	1
Veterinary Organisations	0	0	1	1
<b>Total</b>	1	6	6	6
<b>% of total responses</b>	<b>5.26%</b>	<b>31.58%</b>	<b>31.58%</b>	<b>31.58%</b>

Of those who responded to this question, views were evenly split between a 95% reduction in compensation or a penalty less than 95%. A further 31.58% did not answer this question. Only 5.26% of respondents support a penalty of more than 95%.

All those that did not agree with a reduction in compensation in the prior question, did not answer this question. An individual answered that there should be action taken against the keeper by APHA in instances where there is a failure to isolate, but the respondent did not think this should be in the form of a reduction in compensation. Some other organisations shared this viewpoint.

An organisation made a suggestion that this should start at a 50% reduction and there should be incremental increases for repeat offenders.

One organisation agreed with a 95% reduction in compensation on the grounds that incentives are vital to stringent measures being put in place. Another organisation agreed with a 95% reduction as they thought the penalty would need to be significant to encourage compliance.

An organisation which did not answer stated they agreed in principle but there would need to be clear guidance around isolation to avoid penalisation of farmers, and also suggested consulting with social scientists around this change.

**11. Do you have any further comments on the proposals we have set out within this consultation, or are there any further measures relation to bovine TB in Scotland which we should consider?**

- An individual thought the proposals in the consultation were all sensible, but was concerned that badger culling may start in Scotland. In Scotland there is no known wildlife reservoir, meaning that badgers are not considered to be a source of TB infection for Scottish cattle. This means there is not any likelihood of moving towards badger culling to control disease as they are not considered to contribute to disease spread in Scotland.
- An individual suggested a penalty for farmers without proper ear tags at day 1 of testing, and that this should be included in the letter informing them of their test. [The Cattle Identification \(Scotland\) Regulations 2007](#), as amended, require that lost tags are replaced within 28 days of the discovery of the loss



and that failure by the owner or keeper to permanently identify animals as required is an offence under the Regulations. The requirements around proper use of ear tags is clearly laid out within this legislation. There are already clear policies in place where animals cannot be identified at a TB test and there are separate cattle identification inspections to check that keepers are fulfilling identification requirements.

- An individual commented they believed island holdings should be exempt from testing where all incoming cattle are pre-movement tested. Occasionally breakdowns are found on island communities and it is possible in some cases that pre-movement testing can leave undisclosed infection in a herd. This shows that unfortunately disease can still be found on islands, even with pre-movement testing the animals. The majority of herds (60.4%) in Scotland are already exempt from TB testing as they can fulfil the low risk criteria which is outlined on the Scottish Government [website](#).
- One individual commented that proposals to reduce compensation will be antagonistic and increase the already bad mental burden of a breakdown on farmers. More cooperative work with the farming community should be taking place. Through consultations such as this one, the Scottish Government seek views of the farming community to allow a greater awareness of any unanticipated consequences of these proposals, and results are considered thoroughly when making any changes. Any reduction to compensation is likely to affect a very small number of cattle keepers who are purposely disregarding the rules or showing persistent non-compliance.
- An individual commented they didn't agree with many of the proposals as these punishments are too far on top of the pressure that a TB breakdown brings to farming families and businesses. Only cases with clear proof of wrongdoing should be dealt with, rather than through predetermined percentage reductions. As with the above comment, any reduction to compensation is likely to affect a very small number of cattle keepers who are purposely disregarding the rules or showing persistent non-compliance. These policies are not to punish the majority of farmers who work hard to comply with the rules, they are to challenge the few who are blatantly disregarding the legislation and putting others at risk.
- One individual commented that 'the proposed legislative requirements make absolute sense for the important reason that pre- and post-movement testing, strictly defined isolation standards, and knowledge of all test results are demonstrated to be vital in keeping Bovine TB out of herds.'
- One organisation wanted a more coordinated approach between farmers and agencies, which would prevent things like unclean cattle and improper isolation. Again, the number of farmers which do not comply with the guidance is extremely low and these policies are to continue to encourage compliance and deter the very small number of farmers who are not adhering to the rules. Some of the steps taken as part of these amendments, such as providing the statutory requirements for isolation, will offer clearer guidance on the steps farmers should be taking. Farmers that are found to have a breakdown are

also welcome to discuss any queries or concerns that they have with APHA vets who assist on their case.

- One organisation requested a statutory obligation from SG that all TB reactors will be removed within 5 days of identification. Currently there is a target to have reactors removed within 10 days, which is considered the reasonable time to allow for a valuation to be scheduled and to remove cattle to the abattoir. There are not currently plans to reduce this time period.
- One organisation wanted the opportunity to be taken to positively influence behavioural changes in relation to responsible purchasing of cattle, from effective and ongoing communication between the government, veterinary profession and farming industry. Advice and guidance on responsible purchasing is already available, and there are resources available at the [Scottish Government website](#) and the [TB Hub](#). These legislative changes are to mitigate risk if keepers do choose to purchase cattle from High Incidence Areas.
- One organisation wanted an appropriate level of veterinary participation on the Agriculture Reform Implementation Oversight Board (ARIOB). This comment has been shared with colleagues working on ARIOB for further consideration.

#### **4.1 Conclusion**

The Scottish Government would like to thank those who have taken the time to provide their comments to this consultation. It is clear from the responses received that there is support for a number of the proposed changes from across all the various respondent groups and that the level of importance attached to maintaining Scotland's OTF status is significant. These responses have played a vital part in determining the next steps with these proposals.

## **5. Next Steps**

The responses submitted have provided useful feedback on the TB policy changes proposed, which in turn has helped inform the decision making process on how this policy will be developed in Scotland. A decision has been made to take forward 6 of the 8 proposed changes detailed in the consultation document. These will be taken forward in two parts. Firstly one change will be made through an amendment to the current Tuberculosis (Scotland) Order 2007. The remaining amendments will be taken forward next year through a new consolidated Tuberculosis (Scotland) Order 2023.

### **Changes being implemented in the Amendment Order (2022)**

- Amend the provisions for the application of diagnostic tests, to include a requirement for the prior written permission of Scottish Ministers where non-statutory and private samples are taken with the intention of applying a diagnostic test for TB.

### **Changes within the Tuberculosis (Scotland) Order 2023 Consolidation**

- End the practice of accepting a clear final short interval test (SIT) at the end of all TB breakdowns as a valid pre-movement test.
- Shorten the period during which a pre-movement test with negative results remains valid, from the current 60 days to 30 days after tuberculin injection.
- Reduce compensation for unclean cattle at slaughter by 50%.
- Include requirements for 'isolation' in legislation to ensure that proper isolation of reactors and inconclusive reactors is undertaken.
- Reduce compensation for reactors or IRs which are not properly isolated.

### **Changes not being implemented**

- Strengthen the TB isolation requirements by specifying a location for isolation to take place.
- Include a reduction in compensation where subsequent reactors in the herd are found as a result of a failure to properly isolate a reactor or IR.

Although a small majority (52.63%) agreed with the proposal on specifying a location for isolation, it was considered that this would require a significant amount of resource to action and there wasn't enough of a benefit to change this from the status quo. It was considered that a more appropriate route would be to provide clear guidance on the isolation requirements, in tandem with the clearer statutory definition of isolation which will be provided through the proposal being taken forward to include these requirements in legislation.

In relation to the reduction in compensation for subsequent reactors, it was recognised that the majority of respondents disagreed with this proposal (52.63%) where respondents noted that it would be very difficult to prove that a reactor or IR which had not been isolated was the cause of disease in subsequent animals, and infection could occur for a number of reasons other than this. On balance we tended to agree with these comments that proof of the source would be difficult to establish and as a result this proposal is not being taken forward.

## **6. List of Responding organisations (with permission to publish names)**

- Scottish Badgers
- Scottish Beef Association
- The Institute of Auctioneers and Appraisers in Scotland
- National Farmers Union, Scotland
- British Cattle Veterinary Association
- British Veterinary Association



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