

SUMMARY OF CONSULTATION RESPONSES ON DRAFT AVIAN INFLUENZA (SCOTLAND) ORDER AND REGULATIONS 2006

Background

As part of the transposition of the Directive into Scottish legislation, views were sought from stakeholders on the draft Avian Influenza Order and Regulations 2006. The draft regulations were accompanied by a Regulatory Impact Assessment.

The consultation paper was issued to 71 organisations on 13 March 2006 with a closing date of 7 May 2006. The standard 12 week consultation period was reduced in agreement with key stakeholders given the benefits early transposition across the UK could provide. This approach reflects the increased flexibility which the new Directive provides in support of disease control response. We continue to meet with industry on a regular basis and bilateral meetings have been offered to discuss the industry perspective in more detail. The consultation paper was also available on the internet and open to all to contribute. The closed consultation paper can be found at the following address:

<http://www.scotland.gov.uk/Publications/2006/03/13154600/0>.

A list of the organisations or individuals who responded to the consultation is provided at Annex A.

Copies of the individual responses are available from the Scottish Executive Library at Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD (tel no: 0131 244 4565).

Responses

We received 10 written responses to the consultation. All respondents supported the legislation as a whole. Some issues were identified that fell outwith national discretion or the scope of the legislation. Others related to the practical implementation of any disease control response. The overwhelming consensus was that the draft regulations will aid the objective of achieving disease control and eradication as quickly as possible in the event of disease outbreak. Respondents did not identify a preferred option but broadly welcomed the proposed legislation including the additional measures found under Option 3.

Specific Points

A number of specific points were made by consultees. Many of these related to issues surrounding the response to, and implications of, an avian influenza outbreak rather than the draft legislation per se.

Measures where avian influenza is suspected on premises

The provision relating to the removal of poultry feed should be extended to cover feed for all classes of livestock and all feed materials.

Cleansing and Disinfection

There was a concern that delays in meeting cleansing and disinfection requirements on behalf of the occupier may delay the lifting of restrictions with an impact on other producers.

RIA – Businesses Affected

One respondent felt the RIA underestimated the impact of these measures on country sports and tourism industries and in particular the shooting industry. This was echoed in two separate responses. Another respondent asked that feed manufacturers / merchants be included under 'businesses affected'.

Special Category Premises

One respondent argued that raptor owners / handlers have specific needs which are not all covered by the 'special category premises' umbrella and therefore raptors need to be considered as a separate group of species.

Compensation

There was a request for clarity as to how compensation rates are arrived at in the case of slaughter for raptors.

Another respondent expressed concern there has been no developments regarding financial compensation for hauliers in the event of a standstill.

One respondent asked for a change to the valuation procedure for poultry disease whereby compensation is calculated according to the value at time of the first veterinary inspection and not at the time of slaughter.

Another asked that compensation provision be extended to other economic interests such as game rearing and tourism.

Welfare

One respondent highlighted a health and welfare concern if the usual foodstuffs for raptors cannot be sourced in the event of movement restrictions.

Licensing

The system of licensing was broadly supported with one respondent asking that general licences be used in preference to specific licences.

Restrictions

It was highlighted that movement restrictions and a ban on bird gatherings could seriously affect a person's income e.g. those involved in public bird displays.

Game rearing and shooting

The prohibition of the release of game birds in Infected Areas was welcomed by one respondent although they felt the Order should go further and allow for the restriction on release of game birds in Prevention Zones where veterinary advice considers this to be a risk. This respondent was primarily concerned with the continuation of the game bird rearing and

release cycle in the presence of avian influenza and the possible biosecurity risks associated with this. The respondent also expressed concern over the welfare implications that may arise in the event of overcrowding created by movement restrictions being placed on rearing farms.

Animal Health and Welfare Division
SEERAD
June 2006

ANNEX A

Organisation

Agricultural Industries Confederation

Aviagen

League Against Cruel Sports

North Ayrshire Council

RICS Scotland

Road Haulage Association

Scottish Association of Meat Wholesalers

The Scottish Hawk Board

Scottish Rural Property and Business Association

State Veterinary Service