Edward Mountain MSP
Convenor
Rural Economy and Connectivity Committee
Scottish Parliament
Edinburgh
EH99 1SP

2 October 2018

Dear Convenor

Further to my letter of the 26 June 2018 in connection with the Rural Economy and Connectivity Committee’s consideration of the Tuberculosis (Miscellaneous Amendments) (Scotland) Order 2018 (“the 2018 Order”) on the 20 June 2018, I now write to update the Committee on the subsequent corrective action taken.

The Committee had raised concerns about an issue that had come to light with receipt of the TB consultation responses submitted by the National Farmers Union Scotland (NFUS) and the British Veterinary Association (BVA) which meant they had not been included in the consultation analysis or decision making process. The Scottish Beef Association (SBA) although not directly affected by the issue had also raised concerns.

It was therefore felt prudent to engage further with these stakeholders to ensure transparency and that due process was followed, and accordingly the Scottish Government took the decision to revoke the 2018 Order with immediate effect.

The NFUS, BVA and SBA welcomed the opportunity to meet with Animal Health officials and those meetings have now concluded. All recognised the importance of Scotland’s officially tuberculosis free status and the necessity for tighter controls to ensure compliance in relation to TB testing and cattle movements. They were supportive of all the changes being proposed by the consultation, with the exception of the introduction of the £5,000 cap on compensation payments for individual animals affected by TB.

The NFUS and the SBA were concerned that capping compensation at £5,000 would disadvantage keepers/breeders of higher value pedigree animals, which are as a general rule lower risk in terms of TB. Officials agreed to review the valuation data for animals valued over £5,000 and consider whether an alternative approach for these animals would be feasible.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Following that review the Scottish Government maintains the view that the £5,000 cap is proportionate and fair to both industry and the tax payer. However in recognition of the arguments put forward by both the NFUS and the SBA in relation to pedigree animals, I have instructed that the proposed £5,000 compensation cap be retained for all non-pedigree animals, but with the addition of an extended cap of £7,500 for all fully certificated pure-bred pedigree animals.

An errata to the summary of consultation responses will shortly be published on the Scottish Government website and officials are in the process of amending the relevant legislative provisions to reflect this policy change. All those who responded to the consultation will be contacted and made aware.

A new Order (The Tuberculosis (Miscellaneous Amendments) (No. 2) (Scotland) Order 2018) is timetabled to be laid before Parliament at the end of October with a proposed “in force” date of 11 December 2018.

FERGUS EWING