20 June 2018

Dear Convener

On 13 June 2018 my office was contacted by Steve Farrell, Clerk to the Rural Economy and Connectivity Committee. Mr Farrell kindly informed us that the NFUS had submitted a note to the Committee highlighting concerns with the consultation process undertaken last year on proposals to introduce changes to TB policy and associated compensation arrangements. The Committee are due to consider The Tuberculosis (Miscellaneous Amendments) (Scotland) Order 2018 today (20 June 2018).

Earlier this month it came to light that two consultation responses, one from the NFUS and the other from the British Veterinary Association (BVA), had not been received by the Scottish Government. Both these consultation responses did eventually get picked up in the dedicated mailbox set up as an alternative response route to Citizen Space, but only after the consultation had closed and the summary report on the consultation published. The reason why these two responses did not arrive in the dedicated mailbox is not known, however quite clearly some IT issue has occurred. Policy officials did ask IT colleagues to investigate, however to date they have not been able to identify why these particular responses were not received. The 15 responses that were received were submitted through the Citizen Space public consultation interface on the Scottish Government web site.

The Scottish Government is of course disappointed that both the NFUS and BVA responses were not received in time to be included in our analysis and subsequent consultation summary report. Both organisations are key stakeholders with whom we share an excellent working relationship and their input is always valued, helpful and welcomed. It is most unfortunate therefore that an unforeseen IT issue led to their respective responses being received after the consultation closing date, despite being sent on time.

The Scottish Government has undertaken a retrospective review of the NFUS and BVA consultation responses. Whilst requesting clarity on some aspects of our policy, the BVA supports the Scottish Government’s proposals. The Scottish Government will of course be writing to the BVA separately to provide this clarity and to apologise for the unfortunate circumstances that led to their response not being considered on time. The NFUS also support the majority of the measures adopted in the amending Order and this is welcomed.
The NFUS, however, clearly have concerns with our proposal for a blanket £5000 compensation cap for any single animal culled for disease control reasons. While the Scottish Government believes that its proposed cap is both fair and proportionate and will in practice affect a very small number of keepers, we feel that it would be prudent to engage further with the NFUS on this matter, particularly given their significance as a key and valued stakeholder. Accordingly, I can confirm that at the earliest opportunity we will bring forward a further Instrument to revoke The Tuberculosis (Miscellaneous Amendments) (Scotland) Order 2018. The Scottish Government will seek to introduce a new Order to amend our TB controls at a future date.

Yours sincerely,

Sheila Voas
Chief Veterinary Officer for Scotland