

## **EXECUTIVE NOTE**

### **THE SPECIFIED ANIMAL PATHOGENS (SCOTLAND) ORDER 2009 SSI/2009/45**

The above instrument was made under the Animal Health Act 1981 and is not subject to parliamentary procedure.

#### **Policy Objective**

The objective of this instrument is to repeal and replace the Specified Animal Pathogens Order 1998 (SAPO) in order to provide a new enforcement framework for SAPO to enable the Health and Safety Executive (HSE) to become the lead inspection and enforcement body for specified animal pathogens.

#### **Background**

The purpose of SAPO was to prevent the release of dangerous animal pathogens into the environment where they may cause serious animal or human disease. Any laboratory wishing to work with a specified pathogen must be approved by Scottish Ministers and, once approved, laboratories are inspected periodically. At present, pre-approval inspections are carried out by a Veterinary Adviser to the Scottish Government and routine inspections are performed by Veterinary Officers from the Animal Health Agency.

Investigations into the outbreaks of Foot and Mouth Disease in 2007 concluded that the most likely cause was an accidental release of virus from Pirbright. In view of this finding, Sir Bill Callaghan was invited to lead a review of the regulatory framework for handling animal pathogens and recommend changes to strengthen the regulation of animal pathogens. One of the Callaghan Review's recommendations was that the responsibility for inspection and enforcement functions in respect of animal pathogens should move to an independent and expert body; namely, the HSE.

The new Order gives effect to the recommendation that the HSE should assume the inspection and enforcement functions under SAPO. The Order provides additional powers for inspectors similar to those which HSE have currently under the Health and Safety at Work Act etc 1974 when carrying out an inspection or investigation. It also provides for appeals against Improvement and Prohibition notices.

#### **Consultation**

All holders of licences issued under the Specified Animal Pathogens Order 1998 have been consulted about the changes recommended by Callaghan and are supportive of them.

#### **Financial Effects**

The change in the arrangements for approvals and inspections will have no financial effects on the laboratories handling animal pathogens.

#### **Rural Directorate**