

TO ALL PARTIES WITH AN INTEREST IN ANIMAL HEALTH AND WELFARE

Dear Sir/Madam

PROPOSED AMENDMENT TO THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS) (SCOTLAND) REGULATIONS 2010

Under section 20 of the Animal Health and Welfare (Scotland) Act 2006, it is an offence to carry out or cause a prohibited procedure which involves interference with the sensitive tissues or bone structure of a protected animal.

However, the Scottish Ministers may by regulations exempt any procedure which is carried out for a purpose which, in such manner as, and in accordance with such conditions as specified in any regulations.

Currently, the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 (as amended) ("the 2010 Regulations") include an exemption to enable ear tagging for bovine animals, pigs, sheep, goats and deer for the purposes of identification and the screening or routine or random testing for disease only.

When an ear tag is applied a small piece of tissue is cut out, and tags have been approved in the UK that collect these pieces of tissue in a sealed vial which can then be sent for laboratory analysis. Keepers may apply ear tissue tags themselves which is an advantage in terms of practical herd management and is the usual practice for official identifiers (tags).

Beef plays a pivotal role in Scottish farming - the biggest single sector, a quarter of agriculture output, with beef production in 2015 at 169,000 tonnes.

The Scottish Government has recently introduced a £45 million five-year Beef Efficiency Scheme under the Scottish Rural Development plan 2015-2020 (as funded under the Common Agricultural Policy of the European Union). The Scheme's main aim is to improve the sustainability of beef production, through improved breeding stock, and in particular to reduce greenhouse gas emissions through more efficient production in order to benefit our environment both locally and globally.

The scheme involves cattle keepers taking ear tissue samples from 20% of their herd for genetic analysis (also known as genotyping). The genomic data will over time be used to enhance pedigree based Estimated Breeding Values (EBVs) and has been shown to be particularly useful for traits such as female/maternal performance and health traits.

More generally, genetic analysis tools are becoming commonplace in livestock production. They are used for assigning parentage and for assessment of beneficial (and deleterious) genotypes that are associated with phenotypes such as feed conversion rates, conformation and disease susceptibility or resistance. Information

about these genotype-phenotype combinations can then be used to select animals for breeding in order to deliver breeding goals such as increased production efficiency. The Farm Animal Genetic Resource Committee (FAnGR) produced a report in August last year on how beef genetics can help profitability of the UK beef farmers. There are a number of recommendations in this report including the focus on genomic improvement in beef cattle. <https://www.gov.uk/government/publications/beef-genetics-increasing-profitability-for-uk-beef-farmers>

Under the 2010 Regulations, whilst it is currently acceptable to ear tag bovine animals for the purposes of identification and disease testing, this does not include ear tagging for any other purpose, including genetic analysis. This means that whilst the use of existing identification and management ear tags to take a tissue sample is authorised when applied primarily for the purpose of identification or disease testing, the application of ear tags principally for the purpose of taking a tissue sample for genetic analysis is not currently permitted.

The Scottish Government is therefore proposing that the 2010 Regulations should be amended also to authorise the ear tagging of bovine animals specifically for the purpose of taking ear tissue samples ('tissue tagging') for genetic analysis, in addition to the existing exemption for identification and disease testing.

A draft of the proposed amendment to the 2010 Regulations is attached at Annex A.

It is important to note that we are not proposing to allow any new procedures in addition to ear tagging; only to expand the scope of the currently permitted procedures to be used for other purposes.

Welfare Implications

Ear tagging using commercially available tags inserted in accordance with the manufacturer's instructions will cause momentary pain and discomfort at the time of application, but there are rarely any longer term adverse effects on the animal. Occasionally there is infection at the site of tagging but this can be minimised by storing and applying tags in hygienic conditions. Tags can sometimes be pulled out of ears if they become caught in fencing or other equipment and this may injure the ear at the time.

Ear tissue tags must be approved by the Scottish Ministers in the same way as any official identification tags and must meet their criteria. The welfare implications of using a tissue tag are equivalent to using a normal identity tag.

For the Beef Efficiency Scheme it is expected that the majority of tissue tag samples will be obtained using a management tag on the calf. The tag will be sent to keepers by a laboratory that is commissioned to carry out the genetic analysis and each farmer will test 20% of their herd. In considering the welfare implications of having an additional tag applied there are expected to be cumulative and permanent benefits to the national herd from improving genetic selection in respect of growth rates, feed conversion, maternal behaviour, nutrition practice and disease resistance.

Do you agree that:-

The Prohibited Procedures on Protected Animals (Exemptions)(Scotland) Regulations 2010 should be amended to allow ear tagging for the purpose of genetic analysis for bovine animals?

Timing

Subject to the Scottish Parliament's approval, the Scottish Government's aim is for the proposed amendment to the 2010 Regulations to come into force in autumn 2016.

Please send responses by **[29 August 2016]** to:

Email: bes.consultation@gov.scot

Post: Haylay Forbes
B1 Spur Saughton House
Broomhouse drive
Edinburgh
EH11 3XD

Draft Order laid before the Scottish Parliament under section 51(3) of the Animal Health and Welfare (Scotland) Act 2006, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

ANIMALS

**The Prohibited Procedures on Protected Animals (Exemptions)
(Scotland) Amendment Regulations 2016**

Made - - - - 2016

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 20(5)(b) of the Animal Health and Welfare (Scotland) Act 2006⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 20(6) of that Act, they have consulted such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

In accordance with section 51(3) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2016 and come into force on the day after the day on which they are made.

Amendment of the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010

2.—(1) The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010⁽²⁾ are amended as follows.

(2) In Schedule 1 (bovine animals) in column 2 (purpose), for the entry relating to ear tagging substitute—

“1. Identification;

(1) 2006 asp 11.

(2) S.S.I. 2010/387, as amended by S.S.I. 2011/164 and S.S.I. 2012/40.

2. Screening or routine or random testing for disease; or
3. Genetic analysis.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”) provides that it is an offence for a person to carry out a prohibited procedure on a protected animal, unless the procedure is carried out for the purpose of medical treatment of the animal or is specified in regulations. The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 (“the principal Regulations”) specify procedures which are not carried out for the purpose of medical treatment of an animal and to which section 20 of the 2006 Act does not apply.

These Regulations amend the principal Regulations to allow the ear tagging of bovine animals for the purpose of genetic analysis, in addition to the identification and the screening or routine or random testing of those animals for disease (as currently).