

The Presiding Officer  
c/o The Chamber Desk  
Room G10  
Scottish Parliament  
EDINBURGH  
EH99 1SP

26 August 2022

Dear Presiding Officer,

## **THE NON-COMMERCIAL MOVEMENT OF PET ANIMALS (SCOTLAND) AMENDMENT (NO.2) REGULATIONS 2022**

The Non-Commercial Movement of Pet Animals (Scotland) Amendment (No.2) Regulations 2022, SSI 2022/262 was made by the Scottish Ministers under Articles 38 and 39(6) of Regulation (EU) 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals on Wednesday 31 August 2022 and laid before the Scottish Parliament on the same day. It comes into force on Saturday 1 October 2022.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and to meet the requirements of section 31(3) that Act, this letter explains why.

As a result of the conflict in Ukraine, the Scottish Government, in alignment with the UK Government and Welsh Government, have introduced a temporary streamlined process for Ukrainian Nationals entering Great Britain with their pets. On 9 April 2022, as part of these measures, the [Non-Commercial Movement of Pet Animals \(Scotland\) Amendment Regulations 2022](#) introduced a provision to give Scottish Ministers the ability until 1 October 2022, to administer an alternative rabies antibody test (a specific form of *enzyme-linked immunosorbent assay (ELISA) test*), which has a turnaround time of two to three days. Under normal circumstances, there is only one type of antibody titre test that can be used for entry into GB from Ukraine and to authorise release from quarantine if the animal is non-compliant on entry. This test (*the Fluorescent Antibody Virus Neutralisation (FAVN) test*<sup>1</sup>) has a turnaround time of two weeks. As pets must remain in quarantine until there is confirmation of their vaccination status, the ELISA test has been used since 9 April 2022 to reduce time in quarantine. This instrument extends the ability to administer the ELISA test from 1 October 2022 to 1 April 2023.

It has not been possible to comply with the 28 day rule because the need to extend the ability to administer the ELISA test beyond 1 October 2022 has become apparent during the

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<sup>1</sup> [Fluorescent Antibody Virus Neutralisation \(FAVN\) Tests \(defra.gov.uk\)](#)

summer recess. Whilst the initial influx of refugees and their pets from Ukraine has diminished, extending this provision will significantly speed up the rabies testing process at a time when the system still faces a significant backlog. Although quarantine facilities are not currently at capacity there are a finite number of spaces available and, at this time, there are approximately 600 outstanding applications for pets from Ukraine waiting to enter Great Britain. In addition, if the situation in Ukraine were to deteriorate then it may be possible that we would see a further influx of persons with pets that are displaced by the conflict. Extending the provision permitting the use of the ELISA test will continue to meet the urgent need to relieve pressure on quarantine facilities and enable refugees to be reunited with their pets earlier than if the normal rabies antibody titration test were used.

The date of the coming into force of this instrument could not be moved until 3 October 2022, without there being a gap in the ability to use the ELISA test and disruption to the operational delivery of this work. England<sup>2</sup> and Wales<sup>3</sup> have similar provisions in place permitting the use of the ELISA test (which is carried out on behalf of all administrations by the Animal and Plant Health Agency) and will be extending these provisions to permit use of the test from 1 October 2022. The extension is being brought into force at the same time as England and Wales in order to ensure there is no disruption to the operational delivery of this work and the best use of quarantine facilities throughout Great Britain.

The Scottish Government fully acknowledge the difficulties that breaching the 28 day rule poses in terms of Parliamentary scrutiny, and regret that on this occasion it has not been possible to comply with this requirement.

Yours faithfully,

**JESUS GALLEGO**  
Deputy Chief Veterinary Officer Scotland

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<sup>2</sup> [The Non-Commercial Movement of Pet Animals \(Amendment\) \(England\) Regulations 2022 \(legislation.gov.uk\)](#)

<sup>3</sup> [The Non-Commercial Movement of Pet Animals \(Amendment\) \(Wales\) Regulations 2022 \(legislation.gov.uk\)](#)