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Finlay Carson MSP
Convener of the Rural Affairs and Islands Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Copied to UKSIs@parliament.scot

25 May 2023

Dear Finlay,

DEFRA AH/080: The Validating Alternative Methods for Salmonella Typing (Amendment) Regulations 2023

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation relating to the amendment of several pieces of retained European Union (EU) law to include a reference to a standard adopted by the International Organization for Standardization (ISO) for validating alternative methods for salmonella typing in poultry and poultry products.

I attach a Type 1 notification which sets out the details of the SI which UK government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

The UK Government intends to lay the instrument on 13 July 2023.

As matters stand, a response from the Committee is requested by 30 June 2023. Such a timescale would allow the Scottish Parliament 28 days to scrutinise the instrument prior to the laying of this instrument in the UK Parliament.

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

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,



MAIRI GOUGEON

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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NOTIFICATION TO THE SCOTTISH PARLIAMENT

The Validating Alternative Methods for Salmonella Typing (Amendment) Regulations 2023 (“the instrument”)

Is the notification Type 1 or Type 2

Type 1

A brief overview of the SI (including reserved provision)

The instrument amends several pieces of retained European Union (EU) law to include a reference to a standard adopted by the International Organization for Standardization (ISO) for validating alternative methods for salmonella typing in poultry and poultry products (ISO 16140-6).

This instrument is subject to negative procedure and is due to be laid in the UK Parliament on 13 July 2023.

Details of the provisions that Scottish Ministers are being asked to consent to

The instrument amends the following retained EU legislation to include a reference to a standard adopted by the ISO for validating alternative methods for salmonella typing in poultry and poultry products (ISO 16140-6):

- [Commission Regulation \(EU\) No 1190/2012](#) concerning a Union target for the reduction of Salmonella Enteritidis and Salmonella Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council
- [Commission Regulation \(EU\) No 517/2011](#) implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain Salmonella serotypes in laying hens of Gallus Gallus and amending Regulation (EC) No 2160/2003 and Commission Regulation (EU) No 200/2010
- [Commission Regulation \(EU\) No 200/2012](#) concerning a Union target for the reduction of Salmonella enteritidis and Salmonella typhimurium in flocks of broilers, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council
- [Commission Regulation \(EU\) No 200/2010](#) implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of Salmonella serotypes in adult breeding flocks of Gallus Gallus

The instrument is made in exercise of powers contained in Article 4 of [Regulation \(EC\) 2160/2003](#) on the control of salmonella and other specified food-borne zoonotic agents. The power provides in relation to targets for the reduction of the prevalence of zoonoses and zoonotic agents and requires the definition of the testing schemes necessary to verify the achievement of the target be included in any such target. Where this power is to be exercised by the Secretary of State in relation to Scotland, the consent of the Scottish Ministers is required.

Summary of Proposals

The instrument amends several pieces of retained EU legislation to include a reference to ISO 16140-6 for validating alternative methods for salmonella typing in poultry and poultry products. Under retained EU legislation, National Control Programmes (NCPs) for the reduction and control of certain Salmonella serovars are in place for commercially significant flocks of chicken breeders, broilers, laying hens, turkey breeders, and turkey fatteners. Within the regulatory framework of the NCPs, serotyping is required to confirm the presence of regulated serovars of Salmonella in poultry to reduce the prevalence and risk they pose to public health.

The legislation to be amended by this instrument references an ISO standard for alternative detection methods (ISO 16140-2) which means conventional serological methods must be used for serotyping. At the time the legislation was introduced, there was no International Standard for validation of alternative typing methods, such as Whole Genome Sequencing (WGS) – ISO 16140-6 was introduced to cover this later. Amending the legislation to include a reference to ISO 16140-6, will ensure that WGS can be used as an alternative typing method to determine the serotype of Salmonella in poultry samples for NCP sectors.

Does the SI relate to a common framework or other scheme?

None.

Summary of stakeholder engagement/consultation

The instrument and the policy within have been developed by Defra in collaboration with the Scottish Government and Welsh Government. Defra has written to stakeholders across Great Britain (GB) to advise of the proposed changes and to give the opportunity for any concerns to be raised.

A note of other impact assessments, (if available)

There is no, or no significant, impact on the public sector.

A full impact assessment has not been produced for this instrument as Defra's assessment is that there is no, or no significant, impact on the private, voluntary or public sectors.

Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation

The Scottish Ministers consider the changes proposed in the instrument are necessary and appropriate to enable WGS to be used for serotyping Salmonella NCP isolates. The policy objectives of Scottish and UK Ministers are aligned and the legislation to be amended already applies at a GB level. Proceeding by way

of a GB SI means there will only be one piece of legislation required, which is arguably clearer than each administration producing separate instruments in order to achieve the same aim. The Scottish Ministers therefore consider that is appropriate for the instrument to be made by the UK Government.

Intended laying date (if known) of instruments likely to arise

The instrument is due to be laid on 13 July 2023.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?

The Scottish Parliament will have 28 days to scrutinise the Scottish Ministers proposal to consent.

Information about any time dependency associated with the proposal

Not applicable.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

None.

Any significant financial implications?

The amendments made by this instrument will enable WGS to be used to determine the serotype of Salmonella in poultry samples for NCP sectors. Serotyping is conducted at the National Reference Laboratory for Salmonella and is paid for by Government. WGS is more expensive than conventional serotyping (£115 compared to £70 per isolate) however it provides additional information on the genetic structure that is helpful for outbreak detection and control.

SI NOTIFICATION: SUMMARY

Title of Instrument The Validating Alternative Methods for Salmonella Typing (Amendment) Regulations 2023
Proposed laying date at Westminster 13 July 2023
Date by which Committee has been asked to respond 30 June 2023
Power(s) under which SI is to be made The instrument is made in exercise of powers contained in Article 4 of Regulation (EC) 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents.
Categorisation under SI Protocol Type 1
Purpose This instrument amends several pieces of retained European Union (EU) law to include a reference to a standard adopted by the International Organization for Standardization (ISO) for validating alternative methods for salmonella typing in poultry and poultry products (ISO 16140-6).
Other information Amending the legislation to include a reference to ISO 16140-6, will ensure that Whole Genome Sequencing (WGS) can be used as an alternative typing method to determine the serotype of Salmonella in poultry samples for National Control Programme (NCP) sectors. WGS facilitates identification of the link between human and animal disease, which is key for aiding epidemiological outbreak investigations. The Scottish Ministers are satisfied that the changes proposed in the instrument are necessary and appropriate to enable WGS to be used for serotyping of Salmonella NCP isolates.
SG Policy contact: Eilidh Wallace Animal Health and Welfare Division: Disease Control Agriculture and Rural Economy Directorate