

Consultation on the implementation of EU Directive 2003/99/EC - the Zoonoses (Monitoring) Regulations 2006-10-23

Response of the Deer Initiative

Introduction

The Deer Initiative (DI) is a wide partnership of statutory, non-statutory, voluntary and private interests. Whilst originally set up by the Forestry Commission and still, in the main, funded by the Forestry Commission and English Nature, it has a core staff whose activities are both to co-ordinate the relevant activities of the partners and to deliver some functions directly. Our major partners in Wales are the Forestry Commission (Wales) and the Countryside Council for Wales but many of our other Partners have a remit that includes Wales. We currently receive funding from Defra to support a Deer Liaison Officer in South West England, part of whose role includes a national remit to assist disease surveillance in wild deer – particularly with regard to BTb. We are currently working with WAG and our Partners to increase awareness and surveillance for this Btb in wild deer in Wales.

The aim of the DI is “to ensure the delivery of a sustainable, well managed wild deer population in England and Wales”. The staff and finances of the DI are managed through the DI Ltd, a charitable company limited by guarantee, dedicated to supporting the DI. This response reflects the views of the staff of the DI, our partner organisations affected by this proposed legislation will no doubt respond separately.

Our remit is restricted to wild deer however we believe our comments probably also apply to other wild large mammals such as wild boar.

Detailed Comment

We believe that of the proposed options, only Options 4 & 5 would produce the necessary safeguards required for any future monitoring programme.

However the DI is concerned at the implications of Option 5 in relation to the wide ranging powers of ‘sampling’ wild animals, its broad scope and its potential impact.

It would appear (paragraph 32) that Option 4 would comply with the requirement of the Directive since it is apparently not intended currently to begin a continuous programme directed at all species. Option 5 thus goes further than the Directive and, although the consultation puts forward an argument about flexibility for the future, the proposals regarding ‘sampling’ wild animals (and pet animals) are vague and leave many questions unanswered.

We understand from discussions with officials that the intention of the legislation was to allow the sampling of wild birds and small mammals on premises however the proposal (Option 5) is much more wide ranging and as drafted could also include wild large mammals.

The Defra consultation in England (Paragraph 63)¹ discusses ‘capturing’ wild animals, and appears naïve in respect of wild deer. The approach applied to farm livestock of capturing and sampling is unlikely to be directly applicable to wild animals, living wild on the land in question. In such circumstances what might ‘sampling’ entail? Would

¹ <http://www.defra.gov.uk/corporate/consult/zoonoses-monitoring/index.htm>

it include killing wild animals for the purpose of determining possible disease presence? What, if any, safeguards would there be as to the methods used or the time of year it was undertaken? For example, different species/sexes of deer are covered by close seasons and controls over the methods that can be used to kill them. (Deer Act 1991) Would these safeguards still apply or be overridden?

Presumably, although it is not clear, the landowner themselves will not be required to 'sample' the wildlife? In which case the sampling would presumably be undertaken by the inspector(s)? The Defra wild deer action plan² acknowledges that 'primary responsibility for deer management lies with landowners and deer managers' and the proposed licensing system confirms that it is not Government's intention to intervene in culling.

It is not clear from the draft SI of the proposed Regulations quite what 'samples' are. It refers to carcasses but is this intended to cover animals which are already dead or does it extend to killing them for the purpose of providing the sample? In relation to wild animals, in many cases 'sampling' could be rather a euphemism for killing wild animals. For example, wild deer are very difficult to catch alive and the process can be enormously stressful to the animals. In such a situation sampling may therefore entail killing deer but it is not clear whether this is the intention. In the context and example provided in paragraph 9.1, one might therefore envisage a situation in which inspectors enter National Trust land to shoot deer. Such a situation has considerable implications which, in our view, have not been fully considered or discussed in the consultation document or properly aired.

Whilst we recognise that there may be situations with emerging zoonoses that require radical action we are not convinced that such wide ranging (and currently un-defined) powers are necessary.

For example; what expertise, skills or training might such inspectors have that might enable them to undertake such work humanely? Such sampling of wild animals is also likely to be more time consuming and therefore potentially costly than in relation to farm livestock yet this does not appear to have been incorporated into the costs in Table 3.

If it intended that culling and sampling is indeed a potential option we would be happy to provide costings based on our work on Btb in conjunction with the SVS and Defra(AH) in the south west of England.

Given this and the fact that Option 5 goes further than the Directive the DI is concerned at the broad scope of Option 5 and would therefore favour Option 4.

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² The sustainable management of wild deer populations in England: An action plan.