
STATUTORY INSTRUMENTS

2014 No. 2337

The Tuberculosis (Deer and Camelid) (England) Order 2014

PART 4

General provisions

Enforcement

16.—(1) A person who does anything in contravention of this Order commits an offence under section 73 of the Act.

(2) This Order is enforced by the local authority.

(3) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that the Secretary of State will enforce this Order instead of the local authority.

(4) Where the Secretary of State makes a direction under paragraph (3), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under this Order.

Notices, licences and consents

17.—(1) Any notice, licence or consent under this Order may be amended, suspended or revoked in writing at any time.

(2) A licence granted under this Order may be—

- (a) general or specific;
- (b) subject to conditions.

(3) Where an animal is moved under the authority of a specific licence issued under this Order—

- (a) the animal must be accompanied throughout such movement by that licence; and
- (b) the keeper must on demand of an appropriate officer, an inspector of the local authority or a police officer produce the licence and allow a copy to be taken.

(4) A notice may be served on or given to a person by sending it by electronic means to the person's email address.

(5) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(6) In the case of a partnership a notice may be served on or given to a partner or a person having control or management of the partnership business.

(7) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.

(8) If the name or address of any occupier of premises on whom a notice is to be served or given under this Order cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(9) A notice may specify that a person in receipt of it must immediately inform an appropriate officer of its safe receipt.

(10) If any person on whom a notice is served fails to comply with the requirements of the notice, the Secretary of State may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the Secretary of State for the purpose of making good the default is recoverable as a civil debt from the person in default.

Ascertainment of market value of deer for purposes of payment of compensation

18.—(1) Where it is necessary to ascertain the market value for the purpose of establishing 50% of the market value of a deer in accordance with article 3(1)(b) of the Tuberculosis (Deer and Camelid) Slaughter and Compensation (England) Order 2014⁽¹⁾ the following applies.

(2) The market value is to be determined—

- (a) by agreement between the Secretary of State and the owner;
- (b) by a valuer appointed jointly by the Secretary of State and the owner; or
- (c) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

(3) A valuer appointed or nominated under paragraph (2)(b) or (c) must—

- (a) be paid by the Secretary of State; and
- (b) give to the Secretary of State and the owner a certificate in writing of the value.

(4) For the purpose of obtaining an agreement under paragraph (2)(a) the Secretary of State may employ a valuer to agree the market value with the owner.

(5) For the purposes of this article, the market value of a deer is the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market—

- (a) in the case of an affected deer, as if the deer were not an affected deer;
- (b) in the case of a deer which has been exposed to the infection of tuberculosis, as if it had not been so exposed.

Revocations

19. The following Orders are revoked—

- (a) the Tuberculosis (Deer) Order 1989⁽²⁾; and
- (b) the Tuberculosis (Deer) (Amendment) Order 1993⁽³⁾.

Transitional provisions

20. Any notice, licence or consent issued or given under the Tuberculosis (Deer) Order 1989 and which has effect at the coming into force of this Order remains in force as if it were a notice, licence or consent issued or given under this Order.

Review

21.—(1) The Secretary of State must from time to time—

- (a) carry out a review of this Order,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(1) [S.I. 2014/2338](#).

(2) [S.I. 1989/878](#), amended by [S.I. 1993/2010](#) and [2009/2713](#).

(3) [S.I. 1993/2010](#).

- (2) The report must in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by this Order,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) The first report under this article must be published before the end of the period of five years beginning with the day on which the Order comes into force.
- (4) Reports under this article are afterwards to be published at intervals not exceeding five years.