

EXPLANATORY MEMORANDUM TO

The Brucellosis Control (Amendment) Order (Northern Ireland) 2012

S.R. 2012 No.315

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule is made under powers conferred by the Diseases of Animals (Northern Ireland) Order 1981.
- 1.2. It is not subject to any resolution procedure and not laid before the Northern Ireland Assembly.

2. Purpose

- 2.1. This Order amends the Brucellosis Control Order (Northern Ireland) 2004 ("the principal Order") which, inter alia, prescribes the amount of compensation payable for bovine animals ("animals") which are slaughtered or caused to be slaughtered by the Department because they are reactors when tested for brucellosis or have been exposed to the possibility of infection with the disease ("in-contact animals").
- 2.2. This Order amends the principal Order by providing that all animals slaughtered in accordance with the principal Order (where a notice requiring the slaughter of the animal, served pursuant to Article 15(2) of that Order, was served on or after 1st September 2012) are compensated for at the lesser of an amount equal to 75% of either (a) the animal's market value, or (b) a figure calculated in accordance with the provisions of Schedule 1 of the principal Order. Before the coming into operation of this Order, animals removed as in-contacts were compensated for at their market value. This Order extends the existing approach for compensating brucellosis reactor animals to in-contact animals.
- 2.3. All animals slaughtered in accordance with the principal Order where a notice requiring the slaughter of the animal, served pursuant to Article 15(2) of that Order, was served before 1st September 2012 will continue to be compensated for under the former arrangements.
- 2.4. In addition, the maximum amount of compensation payable by the Department in accordance with the provisions of Article 16(1) of the principal Order will be reduced by any amount received under related insurance schemes. This amendment complies with a requirement placed on member States by Commission Regulation (EC) No. 1857/2006.

3. Background

- 3.1. Brucellosis is a highly contagious disease of cattle caused by the bacterium *Brucella abortus*. The disease can spread between animals and is particularly dangerous to humans who come into contact with infected animals or material.

- 3.2. The north of Ireland is the only part of these islands still to eradicate brucellosis. The disease is now at a very low level here (confirmed herd incidence of 0.02% at 30 April 2012) and it is a Programme for Government target to achieve eradication by 31 March 2014.

4. Consultation

- 4.1. An 8 week public consultation on proposals for changes to TB and brucellosis compensation arrangements took place from 5 October to 2 December 2011. The consultation was accompanied by a Partial Regulatory Assessment (RIA), which set out an assessment of the costs and benefits of the proposals.
- 4.2. The Department received 10 substantive comments to the consultation. Of the 10 responses, only 3 made specific reference to the proposals for brucellosis. A summary of the consultation responses has been placed on the Department's website (www.dardni.gov.uk/consultations).

5. Equality Impact

- 5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of this Order have been assessed and deemed not to have any disproportionate impact on any of the Section 75 groups. An Equality Impact Assessment has not been carried out as the policy has been screened out. An Equality and Human Rights Screening document formed part of the consultation documentation and a copy can be obtained from the Department's website (www.dardni.gov.uk/consultations).

6. Regulatory Impact

- 6.1. A partial Regulatory Impact Assessment (RIA) was carried out and published as part of the public consultation. A copy of the RIA is available from the Department's website (www.dardni.gov.uk/consultations).
- 6.2. The amendment to the compensation arrangements for brucellosis in-contact animals has the potential to bring positive benefits to all herdkeepers, as herdkeepers will be encouraged to maximise their biosecurity measures. This will help push towards the eradication of brucellosis by 31 March 2014. Eradication of brucellosis is the initial step to achieving EU Officially Brucellosis Free (OBF) status, which could be obtained as soon as 2015. Achieving OBF status would lead to the progressive relaxation of brucellosis control measures such as annual testing and pre-movement testing and the associated costs that these place on both herdkeepers and taxpayers.
- 6.3. The reduction in the rate of compensation for brucellosis in-contact animals to 75% will affect all herdkeepers whose animals are removed for slaughter as in-contacts.
- 6.4. The introduction of a cap on brucellosis in-contact animals will have a financial impact on any herdkeeper with such animals with a market value above the cap.

- 6.5. Given the current low levels of brucellosis (confirmed herd incidence of 0.02% at 30 April 2012), the number of herdkeepers affected by the new compensation arrangements is expected to be very low.

7. Financial Implications

- 7.1. The 75% rate of compensation for brucellosis in-contact animals provided for in this Order will affect all herdkeepers who have such animals removed. The introduction of a cap on brucellosis in-contact animals will affect those herdkeepers whose animals are removed as in-contact animals and whose market value are above the monthly cap. However, given the current low levels of brucellosis, it is anticipated that only a small number of herdkeepers will be affected.
- 7.2. It is estimated that the new compensation arrangements for brucellosis in-contact animals will result in a small saving to taxpayers of £112,500 (based on the Order coming into operation on 1 September 2012). However, these new arrangements will greatly assist in eradicating brucellosis and subsequently achieving OBF status. OBF status would allow the Department to relax brucellosis controls which cost herdkeepers some £7 million per year and taxpayers some £10 million per year.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This Order is deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. As stated in paragraph 2.4, the maximum amount of compensation payable by the Department in accordance with the provisions of Article 16(1) of the principal Order will be reduced by any amount received under related insurance schemes. This amendment complies with a requirement placed on Member States by Commission Regulation (EC) No. 1857/2006.

10. Parity or Replicatory Measure

- 10.1. Great Britain and the south are Officially Brucellosis Free. However, there are still compensation arrangements in place for animals slaughtered for brucellosis.
- 10.2. Currently in the south, a compensation cap of €2,800 applies for any bovine animal (whether commercial or pedigree), except for one pedigree stock bull per farm, per disease breakdown, where a cap of €3,500 applies. Herdkeepers contribute through a levy towards the cost of the brucellosis (and TB) eradication schemes with the remainder being from public funds and the EU.
- 10.3. In England, Defra operates a system of table-based valuation for animals removed for Bovine TB, BSE, brucellosis, and Enzootic Bovine Leukosis.

11. Additional Information

- 11.1. Not applicable.