
EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Cattle Compensation (England) Order 2005 (S.I.2005/3433) with amendments. It amends the savings provision to provide that the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 (S.I. 1978/1483) continues to apply in respect of any bovine animal of the genus *Bos* slaughtered for tuberculosis pursuant to a notice for slaughter served before this Order comes into force or as a result of a positive or inconclusive skin test or any other relevant test carried out before this Order comes into force. There are no other changes of substance to the revoked Order.

The Order provides for rates of compensation where the Secretary of State causes a bovine animal to be slaughtered under section 32 of the Animal Health Act 1981 (c. 22) in its application to brucellosis, tuberculosis or enzootic bovine leukosis.

Under this Order the amount of compensation payable on slaughter of a bovine animal, in the case of buffalo or bison, is the market value of that animal, ascertained in accordance with the Individual Ascertainment of Value (England) Order 2005, S.I. 2005/3434, and in the case of a bovine animal of the genus *Bos* is either the average market price for the bovine category into which the slaughtered animal falls at the relevant date, calculated in accordance with Part 1 of the Schedule, or the market value of the animal. Again, market value is ascertained in accordance with the Individual Ascertainment of Value (England) Order 2005.

The bovine categories in this Order are defined by the breed, age, sex, pedigree status and breeding history of the animal and the average market price for each category is published every month on the Department for Environment, Food and Rural Affairs' website at www.defra.gov.uk.

This Order is made under section 32(3) of the Animal Health Act 1981, which provides that orders made under it shall be subject to annulment in pursuance of a resolution of either House of Parliament. The Individual Ascertainment of Value (England) Order 2005 is made under section 34(7) of the Animal Health Act 1981, which gives the Secretary of State the power to make orders for prescribing the mode of ascertainment of value of an animal slaughtered and does not require that orders made under this section be laid before Parliament. The provisions governing individual valuation therefore appear in that separate Order.

A full regulatory impact assessment of the effect this instrument will have on the costs of business is available from Area 104, TB Division, Department for Environment, Food and Rural Affairs, 1A Page Street, London, SW1P 4PQ.