

EXPLANATORY MEMORANDUM TO
THE TUBERCULOSIS (NON-BOVINE ANIMALS) SLAUGHTER AND
COMPENSATION (ENGLAND) ORDER 2017

2017 No. 1254

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The Tuberculosis (Non-bovine Animals) Slaughter and Compensation (England) Order 2017 applies the power in section 32 of the Animal Health Act 1981 for the Secretary of State to slaughter any animal affected, or suspected of being affected, by *Mycobacterium bovis* ('TB'). It introduces specific rates of statutory compensation for pigs, sheep, goats, captive deer, alpacas, llamas, vicuna and guanaco) that are subject to compulsory slaughter for TB disease control purposes. The Tuberculosis (Deer and Camelid) Slaughter and Compensation (England) Order 2014 is revoked.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.1 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 When the Minister exercises his powers under Section 32 of the Animal Health Act 1981 to slaughter an animal that is affected (or suspected of being affected) with TB, or has been exposed to TB infection, statutory compensation is payable to the owner.
- 4.2 In accordance with section 32(3), the instrument sets out statutory compensation for certain non-bovine animals in the Schedule.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

What is being done and why

- 7.1 There are an estimated 20 million non-bovine animals farmed in England, the vast majority being pigs and sheep. All are susceptible to TB, however the risk of them passing infection to cattle, other wildlife and people is generally considered to be low. There are on average 140 test-positive animals (reactors) a year across all non-bovine species; this compares to around 28,000 TB reactor cattle a year.
- 7.2 Where TB infection is confirmed, or strongly suspected in a herd or flock of animals, it is important to quickly remove the affected animals for slaughter. Where animals are slaughtered, the keeper of those animals is entitled to statutory compensation. Pigs, sheep and goats have to date been individually valued at the point of slaughter whilst deer and camelids have been valued at a flat rate with no differentiation to reflect the diversity of the relevant business sectors.
- 7.3 This Order extends specific rates of compensation for pigs, sheep and goats, and makes changes to the current rates of compensation for deer and camelids, simplifying compensation arrangements. Certainty of rates of statutory compensation may provide a greater incentive for owners to report suspicion of disease at an earlier stage, which will help to limit spread of infection thereafter.

8. Consultation outcome

- 8.1 A public consultation took place from 30 August 2016 to 8 November 2016. Defra received 155 responses from individuals and organisations. 73% of respondents disagreed with the compensation proposal, the main objection being that the proposed rate of 50% compensation for non-bovines was considered unreasonable. As a result of concerns raised, Ministers decided to pay 100% of standard and specified value rates across the non-bovine species.

9. Guidance

- 9.1 Details of the changes being made in the Order will be communicated through Defra and its Executive Agency, the Animal and Plant Health Agency (APHA) websites and via the TBHub (<http://www.tbhub.co.uk/>), a national TB advice website available to all farmers.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies has been calculated as zero.
- 10.2 The impact on the public sector is nil.
- 10.3 An Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the [legislation.gov.uk](http://www.legislation.gov.uk) website.

11. Regulating small business

- 11.1 The legislation applies to farm businesses most of which are micro-businesses.
- 11.2 The compensatory payments are believed to reflect a fair value where non-bovines have to be slaughtered to stop the spread of TB.

12. Monitoring & review

- 12.1 The instrument will be reviewed within 5 years of coming into force, with an assessment of the extent to which it has achieved its objectives, and whether the compensation sums payable to keepers remain appropriate.

13. Contact

- 13.1 Dan Hackett at the Department of Environment, Food and Rural Affairs. Email: Dan.Hackett@Defra.gsi.gov.uk.