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STATUTORY INSTRUMENTS

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**2018 No. 754**

**The Cattle Compensation (England) (Amendment) Order 2018**

**Amendment of the Cattle Compensation (England) Order 2012**

2.—(1) The Cattle Compensation (England) Order 2012(1) is amended as follows.

(2) In article 3 (compensation for animals slaughtered for certain diseases), at the beginning insert “Subject to article 3A.”.

(3) After article 3 insert—

**“Animal slaughtered for reasons of tuberculosis where keeper is licensed to remove animal to a slaughter house of their choice**

3A.—(1) This article applies where—

- (a) the Secretary of State causes an animal to be slaughtered under section 32(1) in its application to tuberculosis, and
- (b) an inspector has—
  - (i) served a notice on the keeper under article 15(1) of the Tuberculosis (England) Order 2014(2), and
  - (ii) issued a license to the keeper under article 15(2) of that Order authorising movement of the animal direct to a slaughter house of the keeper’s choice.

(2) Other than in the circumstances in paragraph (3), no compensation under article 3 is payable where the keeper receives payment for the value of the slaughtered animal from the slaughter house operator.

(3) Compensation is payable under article 3 only where the official veterinarian in the slaughter house condemns the whole carcass due to the presence of tuberculosis lesions that are revealed in a post mortem examination of the carcass.”.

(4) In article 4 (calculation of compensation)—

- (a) in sub-paragraph (1)(b), for “paragraph 4” substitute “paragraphs 4, 5A, 5B and 5C”;
- (b) in sub-paragraph (1)(c), for “paragraph 4” substitute “paragraphs 4, 5A, 5B and 5C”.

(5) In the Schedule (calculation of compensation)—

(a) in paragraph 1, for the definition of “pedigree animal” substitute—

““pedigree animal” means a purebred breeding animal which is entered or registered and eligible for entry in the main section of a breeding book, and for which a zootechnical certificate has been issued by a breed society that has been recognised by the Secretary of State under Article 4 or Article 64(4) of Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals(3);”;

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(1) [S.I. 2012/1379](#), to which there is an amendment not relevant to this Order.

(2) [S.I. 2014/2014](#), to which there is an amendment not relevant to this Order.

(3) OJ No L171, 29.6.2016, p. 66.

- (b) in paragraph 2 (the average market price) in sub-paragraph (1), for “paragraph 4” substitute “paragraphs 4, 5A, 5B and 5C”;
- (c) in the heading to paragraph 5, after “compensation” insert “under paragraph 4”;
- (d) after paragraph 5 insert—

**“Tuberculosis compensation reduction due to unclean animal presented for slaughter**

**5A.—(1) Where—**

- (a) an animal is presented for slaughter for reasons of tuberculosis, and
- (b) the official veterinarian at the slaughter house is of the opinion that the animal is not in a clean condition in accordance with the requirement in point 4 of Chapter 4 of Annex 3 to Regulation (EC) No 853/2004 (slaughter hygiene)(4),

the compensation payable in respect of the animal’s slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 1 to 5 of this Schedule.

(2) The Secretary of State must notify the keeper in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (1).

**Tuberculosis compensation reduction for an animal brought into a herd that is subsequently slaughtered for reasons of tuberculosis**

**5B.—(1) Where—**

- (a) a keeper brings an animal into a herd in circumstances where that herd has already lost its tuberculosis-free status, and
- (b) that animal is subsequently affected with tuberculosis before the herd regains its tuberculosis-free status,

the compensation payable in respect of the animal’s slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 1 to 5 with this Schedule.

(2) The Secretary of State must notify the keeper in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (1).

(3) The reduction in compensation under sub-paragraph (1) does not apply where the herd has been accredited under a cattle health scheme that is licensed by the Cattle Health Certification Standards (UK)(5) in respect of tuberculosis prior to the herd losing its tuberculosis-free status.

**Tuberculosis compensation where both paragraphs 5A and 5B apply**

**5C.—(1)** This paragraph applies where both paragraph 5A and 5B apply in respect of an animal.

(2) Where this paragraph applies, the compensation payable in respect of the animal’s slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 1 to 5 of this Schedule.

(3) The Secretary of State must notify the keeper in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (2).”;

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(4) OJ No L139, 30.4.2004, p. 55.

(5) Cattle Health Certification Standards (UK) operate from Dairy House, Unit 31, Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2LY and an electronic mail address at [info@cheecs.co.uk](mailto:info@cheecs.co.uk).

- (e) in paragraph 6(3)(a)(i), for “Commission [Decision 84/419/EEC](#)” substitute “Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals”.