

**2018 No. 754**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

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

<i>Made</i> - - - -	<i>21st June 2018</i>
<i>Laid before Parliament</i>	<i>25th June 2018</i>
<i>Coming into force</i> - -	<i>1st November 2018</i>

The Secretary of State, with the approval of the Treasury and in exercise of the powers conferred by sections 1 and 32(3) of the Animal Health Act 1981(a) and now vested in the Secretary of State(b), makes the following Order.

**Citation, commencement and application**

1.—(1) This Order may be cited as the Cattle Compensation (England) (Amendment) Order 2018.

(2) This Order comes into force on 1st November 2018 and applies in England only.

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

2.—(1) The Cattle Compensation (England) Order 2012(c) 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(d), and

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(a) 1981 c. 22.

(b) Functions conferred under the Animal Health Act 1981 on “the Ministers” (as defined in section 86 of that Act) in relation to England are now exercisable by the Secretary of State. Functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by S.I. 2002/794.

(c) S.I. 2012/1379, to which there is an amendment not relevant to this Order.

(d) S.I. 2014/2014, to which there is an amendment not relevant to this Order.

(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 carcase due to the presence of tuberculosis lesions that are revealed in a post mortem examination of the carcase.”.

(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(a);”;
- (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)(b),

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.

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(a) OJ No L171, 29.6.2016, p. 66.  
(b) OJ No L139, 30.4.2004, p. 55.

(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)(a) 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).";

(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".

20th June 2018

*George Eustice*  
Minister of State  
Department for Environment, Food and Rural Affairs

We consent

21st June 2018

*Craig Whittaker*  
*Paul Maynard*  
Two of the Lords Commissioners of Her Majesty's Treasury

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(a) 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@chcs.co.uk](mailto:info@chcs.co.uk).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Cattle Compensation (England) Order 2012 (S.I.2012/1379) (“the 2012 Order”).

It inserts a new article 3A into the 2012 Order providing that compensation is only payable for animals where the official veterinarian in the slaughter house condemns the whole carcase due to the presence of tuberculosis lesions that are revealed in the post mortem examination of the carcase.

New paragraphs 5A, 5B and 5C are inserted into the Schedule to the 2012 Order. Paragraph 5A provides for a 50% reduction in compensation payable where the official veterinarian is of the opinion that an animal does not meet the cleanliness and hygiene requirements contained in Annex III of Regulation (EC) No 853/2004 of the European Council and of the Council laying down specific hygiene rules for on the hygiene of foodstuffs (OJ No L139, 30.4.2004, p. 55). The Food Standards Agency in May 2016 has published relevant guidance entitled ‘Clean livestock Policy’ which can be viewed at <https://www.food.gov.uk>, or which is available from the Agency at Floor 6, 70 Petty France, Westminster, London SW1H9EX.

Paragraph 5B provides for a 50% reduction where a herd keeper brings an animal into a herd that has already lost its tuberculosis-free status and that animal subsequently is suspected of being affected, or found to be affected, with tuberculosis before the herd regains its tuberculosis-free status. The reduction does not apply where the herd had been accredited under a tuberculosis cattle health scheme that is licensed by the Cattle Health Certification Standards (UK) prior to the herd’s loss of its tuberculosis-free status.

Paragraph 5C provides for the situation where both previous paragraphs 5A and 5B apply in respect of the same animal. The total reduction is 50% of the compensation which would otherwise be payable under the Schedule to the 2012 Order.

The definition of “pedigree animal” has been amended to take account of a change in the EU legislation relating to purebred breeding animals.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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