

2023 No. 230

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Exotic Equine Diseases (Compensation) (England) Order
2023**

<i>Made</i> - - - -	<i>27th February 2023</i>
<i>Laid before Parliament</i>	<i>1st March 2023</i>
<i>Coming into force</i> - -	<i>22nd March 2023</i>

The Secretary of State, with the approval of the Treasury, makes the following Order in exercise of the powers conferred by section 32 of the Animal Health Act 1981(a).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Exotic Equine Diseases (Compensation) (England) Order 2023 and comes into force on the 22nd March 2023.

(2) This Order extends to England and Wales but applies in relation to England only.

Interpretation

2. In this Order—

- (a) “disease” means a disease specified in the Schedule to this Order;
- (b) “horse” means an animal of the family Equidae and includes any cross between animals of that family.

Compensation

3.—(1) Where the Secretary of State causes a horse to be killed on suspicion of disease, the amount of compensation payable in respect of that horse, following the results of laboratory testing for the relevant disease, is—

- (a) for a horse confirmed by the Secretary of State as affected by disease, £1.00;
- (b) for a horse, which following such a test is confirmed as not affected by disease, £2985.00, or the value of the horse immediately before it was killed, whichever is less.

(2) In a case within paragraph (1)(b), the Secretary of State must carry out a valuation of the horse and notify the owner of the horse of that valuation in writing as soon as practicable.

(a) 1981 c. 22. For a definition of “the Minister”, see section 86(1)(a). Functions were transferred to the Secretary of State by S.I. 2002/794. The diseases to which section 32 applies were specified by S.I. 1992/3159, as amended by S.I. 2006/2166, 2012/2629 and 2021/443, and as indirectly amended by S.I. 2022/1108.

- (3) The value of the horse for the purposes of paragraph (1)(b) is to be determined in writing—
- (a) by the Secretary of State; or
 - (b) where the determination of the value has been referred to an appointed valuer under paragraph (4), by that valuer.
- (4) If the written valuation made by the Secretary of State under paragraph (2) is less than £2985.00 and within 14 days of receiving that valuation, the owner of the horse for which compensation is offered gives written notice to the Secretary of State disputing that valuation with reasons, the Secretary of State must refer the determination of the value of that horse to an appointed valuer.
- (5) The appointed valuer must be—
- (a) appointed jointly by the owner and the Secretary of State for the purpose of conducting a valuation under this Order; or
 - (b) failing agreement on such appointment within 10 days of the Secretary of State's receipt of the notice given under paragraph (4), appointed by the Secretary of State for that purpose.
- (6) A determination of the value of a horse by the appointed valuer is final and binding on the Secretary of State.
- (7) Fees charged or expenses incurred by an appointed valuer for work done under this Order must be paid—
- (a) where the determination of the value of a horse made by the appointed valuer is equal to or less than the valuation made by the Secretary of State, by the owner;
 - (b) in any other circumstances, by the Secretary of State.
- (8) Nothing in this Order authorises a delay in the killing of a horse for the purposes of disease control.

Revocation

4. The Equine Infectious Anaemia (Compensation) (England) Order 2006(a) is revoked.

27th February 2023

Benyon
Minister of State
Department of Food, Rural Affairs and Environment

SCHEDULE

Specified Diseases

Article 2(a)

Dourine (*Trypanosoma equiperdum*)
Epizootic Lymphangitis (*Histoplasma farciminosum*)
Equine Infectious Anaemia
Equine Viral Encephalomyelitis
Glanders (*Burkholderia mallei*)
Surra (*Trypanosoma evansi*)

(a) S.I. 2006/2740.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to England only, sets out the amount payable in compensation by the Secretary of State for Environment, Food and Rural Affairs where an animal is killed for the purposes of the control of exotic equine diseases listed in the Schedule to this Order.

Article 3(1)(a) sets the amount of compensation payable where an animal is culled after disease has been confirmed at £1.00.

In relation to an animal, other than a diseased animal, article 3 sets out the process for determining the amount of compensation to be paid for the slaughter of an animal for disease control purposes and sets a maximum amount of compensation payable (£2985.00).

Article 4 revokes the Equine Infectious Anaemia (Compensation) (England) Order 2006 (S.I. 2006/2740).

The schedule specifies the diseases to which this Order applies.

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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