

## **EXPLANATORY MEMORANDUM TO**

### **The Tuberculosis Control (Amendment) Order (Northern Ireland) 2012**

**S.R. 2012 No.314**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule is made under powers conferred by the Diseases of Animals (Northern Ireland) Order 1981.
- 1.2. It is not subject to any resolution procedure and not laid before the Northern Ireland Assembly.

#### **2. Purpose**

- 2.1. This Order amends the Tuberculosis Control Order (Northern Ireland) 1999 ("the principal Order") which, inter alia, prescribes the amount of compensation payable for bovine animals ("animals") which are slaughtered or caused to be slaughtered by the Department because they are reactors when tested for tuberculosis or have been exposed to the possibility of infection with the disease ("in-contact animals").
- 2.2. This Order amends the principal Order by providing that the maximum amount of compensation payable by the Department in accordance with the provisions of Article 11(1) of the principal Order will be reduced by any amount received under related insurance schemes. This amendment is being brought forward in order to comply with a requirement placed on Member States by Commission Regulation (EC) No. 1857/2006.

#### **3. Background**

- 3.1. Tuberculosis (TB) is a very complex disease caused by the bacterium *Mycobacterium bovis* (*M. bovis*) and affects bovine animals as well as deer, goats, pigs, dogs, cats and many others mammals (notably badgers). It can spread between animals and can be passed on to humans.
- 3.2. The Tuberculosis Control Order (Northern Ireland) 1999 provides the Department with the powers to slaughter animals affected with, or suspected of having, TB. Where the Department causes an animal to be slaughtered as a TB reactor or in-contact animal, it pays compensation at the rate of 100% of the animal's market value.

#### **4. Consultation**

- 4.1. An 8 week public consultation on proposals for changes to TB and brucellosis compensation arrangements took place from 5 October to 2 December 2011. The consultation was accompanied by a partial Regulatory Assessment (RIA), which set out an assessment of the costs and benefits of the proposals.
- 4.2. The Department received 10 substantive comments to the consultation. None of these responses related to the proposals to provide that the maximum amount of compensation payable by the Department in

accordance with the provisions of Article 11(1) of the principal Order will be reduced by any amount received under related insurance schemes.

## **5. Equality Impact**

- 5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of this Order have been assessed and deemed not to have any disproportionate impact on any of the Section 75 groups. An Equality Impact Assessment has not been carried out as the policy has been screened out. An Equality and Human Rights Screening document formed part of the consultation documentation and a copy can be obtained on the Department's website ([www.dardni.gov.uk/consultations](http://www.dardni.gov.uk/consultations)).

## **6. Regulatory Impact**

- 6.1. A partial Regulatory Impact Assessment (RIA) was carried out and published as part of the public consultation. A copy of the RIA is available from the Department's website ([www.dardni.gov.uk/consultations](http://www.dardni.gov.uk/consultations)). The RIA found that the proposed changes are unlikely to result in additional costs being borne by farmers as most insurance compensation paid currently is in respect of consequential losses.

## **7. Financial Implications**

- 7.1. It is not expected that the changes made by this Order will have any major financial impact on herdkeepers as TB compensation is paid out at a rate of 100% of an animal's market value. Therefore insurance against losses incurred by the disease is rarely taken out by herdkeepers.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. This Order is deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. As stated in paragraph 2.2, the maximum amount of compensation payable by the Department in accordance with the provisions of Article 11(1) of the principal Order will be reduced by any amount received under related insurance schemes. This amendment is being brought forward in order to comply with a requirement placed on Member States by Commission Regulation (EC) No. 1857/2006.

## **10. Parity or Replicatory Measure**

- 10.1. Currently in the south, a compensation cap of €2,800 applies for any bovine animal (whether commercial or pedigree), except for one pedigree stock bull per farm, per disease breakdown, where a cap of €3,500 applies. Herdkeepers contribute through a levy towards the cost of the TB (and brucellosis) eradication schemes with the remainder being from public funds and the EU.
- 10.2. In England, Defra operates a system of table-based valuation for animals removed for Bovine TB, BSE, brucellosis, and Enzootic Bovine Leukosis. In addition, compensation for TB can be reduced as a result of overdue TB tests.

10.3. In Wales, compensation for TB is paid at 100% of market value. However, compensation can be reduced as a result of overdue TB tests or failure to comply with relevant legislation or Veterinary Improvement Notices.

**11. Additional Information**

11.1. Not applicable.