
STATUTORY INSTRUMENTS

2006 No. 168

The Cattle Compensation (England) Order 2006

Compensation for bovine animals slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis

3.—(1) Subject to article 6, where the Secretary of State causes a bovine animal to be slaughtered under the powers conferred by section 32 of the Animal Health Act 1981 in its application to—

- (a) brucellosis,
- (b) tuberculosis, or
- (c) enzootic bovine leukosis,

compensation is payable in relation to those animals which are identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification Regulations 1998 and shall be determined in accordance with the following provisions of this article.

(2) The compensation payable by the Secretary of State in respect of buffalo or bison shall be at the level of its market value as ascertained under the Individual Ascertainment of Value (England) Order 2005(1).

(3) Subject to paragraph (7), the compensation payable in respect of a bovine animal of the genus *Bos* shall be at the level of the average market price for the bovine category into which that animal falls at the relevant date.

(4) The Secretary of State shall determine the bovine category into which a bovine animal of the genus *Bos* falls at the relevant date and, for the purposes of that determination, the date of birth of that animal shall be as shown on its cattle passport and the age of the animal shall be calculated accordingly.

(5) For the purposes of this article, the relevant date means—

- (a) in respect of animals slaughtered for brucellosis or enzootic bovine leukosis, the date on which a notice requiring the slaughter of the animal is served pursuant to article 19 of the Brucellosis (England) Order 2000(2) or article 12 of the Enzootic Bovine Leukosis (England) Order 2000 respectively;
- (b) in respect of affected animals or suspected animals slaughtered for tuberculosis—
 - (i) the date on which a positive or inconclusive skin test for that animal is read;
 - (ii) where the skin test is negative, or no skin test has been carried out, the date on which a clinical sample is taken from that animal for the purposes of any other relevant test; or
 - (iii) where no other relevant test has been carried out, but the animal has been slaughtered because it has been exposed to infection as a result of contact with, or close proximity to, an affected or suspected animal, the same date as the relevant date for that affected or suspected animal.

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(6) The Secretary of State may appoint an agent to act on her behalf for the purposes of the determination referred to in paragraph (4).

(7) In any case where, in accordance with paragraph 1(3) or paragraph 2(3) of Schedule 1, the Secretary of State considers that sales price data for any particular bovine category in any given month are inadequate, or such data are unavailable, she may opt to pay compensation at the level of the market value of the animal in question, as ascertained under the Individual Ascertainment of Value (England) Order 2005.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- [Order revoked by S.I. 2012/1379 art. 6\(1\)](#)