

**EXPLANATORY MEMORANDUM TO
THE BLUETONGUE (COMPENSATION) ORDER 2007
2007 No. 2996**

1. This Explanatory Memorandum has been prepared by The Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order sets out the requirements for the payment of compensation where animals are culled in the event of an outbreak of Bluetongue disease.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 This Order was made on 17th October and comes into force on 20th October 2007. This paragraph explains why the 21-day rule was not complied with.

3.2 As explained below, Member States are required to take measures to control Bluetongue, including slaughter of animals, and an Order is required to provide for the payment of compensation in relation to that slaughter. Failure to introduce the measure immediately would result in delay in compensating farmers whose animals are culled as a result of being affected, or suspected of being affected, with bluetongue. Consequently, it was not possible to comply with the 21-day rule.

4. Legislative Background

4.1 The Bluetongue Order 2003, S.I. 2003/130, as amended by the Bluetongue (Amendment) (No.2) Order 2007, S.I. 2007/2808, transposes Council Directive 2000/75/EC on the control of Bluetongue (“the Directive”).

4.2 The Directive requires all Member States to take official action on suspicion of disease, and implement control measures on confirmation of disease. These control measures include the slaughter of animals where considered necessary to control disease. Under the Animal Health Act 1981, an Order is needed to provide for the payment of compensation in relation to this slaughter.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights.

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The contingency plans to deal with an outbreak of Bluetongue were reviewed during 2007 in light of emerging evidence from outbreaks in 2006/07 in the Netherlands, Belgium, Luxembourg, in parts of Western Germany and in areas in Northern France. The UK Control Strategy envisages slaughter in some

circumstances (for example for imported animals, or before circulation of virus between animals and midges is confirmed).

7.2 In light of the outbreak in England in September 2007, this Order is intended to provide for the compensation elements associated with the use of slaughter powers under the existing policy and legislation, as required under the Animal Health Act 1981.

8. Impact

An impact assessment has not been prepared for this instrument as this does not represent a change to existing policy and no additional costs on the voluntary or private sectors are foreseen.

9. Contact

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