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## STATUTORY INSTRUMENTS

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# 2012 No. 1379

## The Cattle Compensation (England) Order 2012

### Title, commencement and expiry

1. This Order—
  - (a) may be cited as the Cattle Compensation (England) Order 2012;
  - (b) comes into force on 1st July 2012; and
  - (c) ceases to have effect on 1st July 2019.

### Interpretation

2. In this Order—
  - “the Act” means the Animal Health Act 1981;
  - “animal” means domestic cattle, buffalo or bison;
  - “brucellosis” means infection with the bacterium *Brucella abortus*, otherwise known as contagious abortion;
  - “cattle passport” has the same meaning as in the Cattle Identification Regulations 2007<sup>(1)</sup>;
  - “enzootic bovine leukosis” means infection with the enzootic bovine leukosis virus;
  - “market value” means, in relation to an animal slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were neither affected nor suspected of being affected with that disease;
  - “relevant date” means—
    - (a) in respect of an animal slaughtered for brucellosis, the date on which a notice requiring slaughter of the animal is served pursuant to article 19 of the Brucellosis (England) Order 2000<sup>(2)</sup>;
    - (b) in respect of an animal slaughtered for enzootic bovine leukosis, the date on which a notice requiring slaughter of the animal is served pursuant to article 12 of the Enzootic Bovine Leukosis (England) Order 2000<sup>(3)</sup>;
    - (c) in respect of an animal slaughtered for tuberculosis—
      - (i) the date on which a positive skin test for the animal is read;
      - (ii) the date on which an inconclusive skin test for the animal is read which results in its being classified as a reactor and therefore consistent with its being affected with tuberculosis;
      - (iii) where the skin test is negative, or no skin test has been carried out, the date on which a clinical sample is taken from the animal for the purposes of any other diagnostic test for tuberculosis;

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<sup>(1)</sup> S.I. 2007/529, amended by S.I. 2007/1046 and 2011/881.

<sup>(2)</sup> S.I. 2000/2055, amended by S.I. 2008/618 and 2009/2713.

<sup>(3)</sup> S.I. 2000/2056, amended by S.I. 2009/2713.

- (iv) where no diagnostic test for tuberculosis has been carried out, or where tests have been carried out on the animal with negative results, but the animal is slaughtered because it has been exposed to infection as a result of contact with, or close proximity to, an animal that is affected or suspected of being affected with tuberculosis, the same date as the relevant date for that affected or suspected animal; or
- (v) where no diagnostic test for tuberculosis has been carried out but the animal is slaughtered because it is affected or suspected of being affected with tuberculosis, following clinical examination by a veterinary surgeon, the date of that examination;

“sale price data” means data compiled in relation to domestic cattle from store markets, prime markets, rearing calf sales, breeding sales and dispersal sales in Great Britain;

“skin test” means the single intradermal comparative cervical tuberculin test for tuberculosis; and

“tuberculosis” means infection with the bacterium *Mycobacterium bovis* (*M.bovis*).

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

3. Where the Secretary of State causes an animal to be slaughtered under section 32(1) of the Act in its application to brucellosis, tuberculosis or enzootic bovine leukosis, the Secretary of State must pay compensation in accordance with this Order.

### **Calculation of compensation**

4.—(1) If the conditions in paragraph (2) are met, compensation payable under section 32(3) of the Act by the Secretary of State—

- (a) for domestic cattle (other than those referred to in (b)), is calculated in accordance with paragraph 2 of the Schedule;
  - (b) for domestic cattle where there are either no sale price data or only inadequate sale price data and the Secretary of State decides to act in accordance with paragraph 3(2)(b) of the Schedule, is the market value as determined under the Individual Ascertainment of Value (England) Order 2012(4), with any reduction in accordance with paragraph 4 of the Schedule where there has been a delay of more than 60 days in testing the domestic cattle for tuberculosis; and
  - (c) for a buffalo or bison is the market value as determined under the Individual Ascertainment of Value (England) Order 2012, with any reduction in accordance with paragraph 4 of the Schedule where there has been a delay of more than 60 days in testing the animal for tuberculosis.
- (2) The conditions are that—
- (a) the animal must be identified by means of ear tags at the time of removal for slaughter; and
  - (b) a cattle passport for the animal issued in accordance with the Cattle Identification Regulations 2007 must be presented to the Secretary of State, or an agent acting on behalf of the Secretary of State, before or at the time of removal for slaughter.

### **Review of this Order**

5.—(1) Before 1st July 2017 the Secretary of State must—

- (a) carry out a review of this Order;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish the report.
- (2) The report must, in particular—
- (a) set out the objectives intended to be achieved by this Order;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

### **Revocation and savings**

6.—(1) The Cattle Compensation (England) Order 2006<sup>(5)</sup> is revoked.

(2) In relation to any bovine animal (as defined in that Order) for which compensation has been calculated under the provisions of that Order prior to the coming into force of this Order, that calculation shall continue to apply.

14th May 2012

*Jim Paice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

We approve

16th May 2012

*Jeremy Wright*  
*Michael Fabricant*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Cattle Compensation (England) Order 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. para. 5 heading words inserted by [S.I. 2018/754 art. 2\(5\)\(c\)](#)
- Sch. para. 4(1)(a) words substituted by [S.I. 2015/1838 art. 2](#)
- Sch. para. 1 words substituted by [S.I. 2018/754 art. 2\(5\)\(a\)](#)
- Sch. para. 2(1) words substituted by [S.I. 2018/754 art. 2\(5\)\(b\)](#)
- Sch. para. 6(3)(a)(i) words substituted by [S.I. 2018/754 art. 2\(5\)\(e\)](#)
- art. 3 words inserted by [S.I. 2018/754 art. 2\(2\)](#)
- art. 4(1)(b) words substituted by [S.I. 2018/754 art. 2\(4\)\(a\)](#)
- art. 4(1)(c) words substituted by [S.I. 2018/754 art. 2\(4\)\(b\)](#)

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

- Order ceases to have effect by [S.I. 2012/1379 art. 1\(c\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 5A-5C inserted by [S.I. 2018/754 art. 2\(5\)\(d\)](#)
- art. 3A inserted by [S.I. 2018/754 art. 2\(3\)](#)