

2014 No. 2338

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Tuberculosis (Deer and Camelid) Slaughter and
Compensation (England) Order 2014**

<i>Made</i> - - - -	<i>1st September 2014</i>
<i>Laid before Parliament</i>	<i>3rd September 2014</i>
<i>Coming into force</i> - -	<i>1st October 2014</i>

The Secretary of State in exercise of the powers conferred by section 32(2) and (3) of the Animal Health Act 1981(a) and now vested in the Secretary of State(b), and with the approval of the Treasury makes the following Order.

Title, commencement, application and expiry

1.—(1) This Order may be cited as the Tuberculosis (Deer and Camelid) Slaughter and Compensation (England) Order 2014 and comes into force on 1st October 2014.

(2) The Order applies in England.

(3) The Order ceases to have effect at the end of the period of seven years beginning with the day on which this Order comes into force.

Interpretation

2. In this Order—

“the Act” means the Animal Health Act 1981;

“camelid” means any species of South American camelid, including llama, alpaca, vicuna and guanaco;

“deer” means deer of any species that are managed by a keeper (including deer that are managed on enclosed park land);

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

Power to slaughter animals affected with tuberculosis

3. The Secretary of State directs that section 32(2) of the Act applies to tuberculosis.

(a) 1981 c. 22.

(b) Functions conferred under the Act were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141. Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by S.I. 2002/794.

Compensation payable for a slaughtered deer

4.—(1) This article applies where the Secretary of State exercises a power under section 32(1) of the Act to slaughter a deer—

- (a) affected or suspected of being affected with tuberculosis; or
- (b) that has been exposed to tuberculosis infection.

(2) The compensation payable to the owner of that deer is—

- (a) £600, or
- (b) an amount equal to 50 per cent of the market value of the deer^(a),

whichever is the less.

Compensation payable for a slaughtered camelid

5.—(1) This article applies where the Secretary of State exercises a power under section 32(1) of the Act to slaughter a camelid—

- (a) affected or suspected of being affected with tuberculosis; or
- (b) that has been exposed to tuberculosis infection.

(2) The compensation payable to the owner of that camelid is £750.

Revocation

6. The Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989^(b) is revoked.

Review

7.—(1) The Secretary of State must from time to time—

- (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 the regulatory system established 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.

(3) The first report under this article must be published before the end of the period of five years beginning with the day on which the Order comes into force.

(4) Reports under this article are afterwards to be published at intervals not exceeding five years.

21st August 2014

Dan Rogerson
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) Market value is determined in accordance with article 18 of S.I. 2014/2337.

(b) S.I. 1989/1316.

We approve

Gavin Barwell
Mark Lancaster

1st September 2014

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in England. It sets out the statutory compensation payable to the owner of a deer or camelid (any species of South American camelid including llama, alpaca, vicuna and guanaco) where such animal has been slaughtered because it is affected or suspected of being affected by tuberculosis, or has been exposed to the infection of tuberculosis.

Article 1(3) provides that this Order is to cease to have effect seven years after it comes into force.

Article 3 provides that tuberculosis is a disease for the purpose of section 32(2) of the Animal Health Act 1981 (c. 22) to enable the Secretary of State to slaughter cattle, sheep, goats, swine and all other ruminating animals (including deer and camelids) affected by tuberculosis.

Article 4 sets out the compensation payable for a slaughtered deer. Where the market value for deer needs to be ascertained for the purpose of article 3(b) it is to be assessed in accordance with article 18 of the Tuberculosis (Deer and Camelid) (England) Order 2014 (S.I. 2014/2337).

Article 5 sets out the compensation payable for a slaughtered camelid.

Article 6 revokes the Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989 (S.I. 1989/1316).

Article 7 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after the Order comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

An impact assessment of the effect that the camelid compensation aspects of this instrument will have on the costs of business, the voluntary sector and the public sector is available on the Defra website at www.gov.uk/defra. An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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