

**EXPLANATORY MEMORANDUM TO**  
**THE TUBERCULOSIS (MISCELLANEOUS AMENDMENTS) (ENGLAND) ORDER**  
**2015**

**2015 No. 1838**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs.

**2. Purpose of the instrument**

- 2.1 This instrument amends article 9 of the Tuberculosis (England) Order 2014 (S.I. 2014/2383) (“the 2014 Order”) and replaces a reference to that Order in the Schedule to the Cattle Compensation (England) Order (S.I.2012/1379) (“the 2012 Order”).

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 This instrument is not subject to parliamentary procedure.

**4. Legislative Context**

- 4.1 Both Orders subject to amendment by this amending instrument are made under the Animal Health Act 1981 c.22.

**5. Extent and Territorial Application**

- 5.1 This entire instrument applies only to England.

**6. European Convention on Human Rights**

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

**7. Policy background**

*What is being done and why*

- 7.1 When the 2014 Order revoked and replaced the Tuberculosis (England) Order 2007 article 9(3)(a) was amended by the insertion of extra words that were intended to make the policy clearer. However the additional words inadvertently changed the policy intent from the established practice regarding the extent of the exemption from requiring a tuberculosis skin test prior to movement of cattle. This amendment therefore ensures that the established policy under the 2007 Order is retained in the replacement 2014 Order.

### ***Consolidation***

- 7.2 This is the first small amendment to one sentence in article 9(3)(a) of the 2014 Order and therefore the Department does not believe that a consolidation is proportionate.

### **8. Consultation outcome**

- 8.1 No consultation was undertaken for the small amendment as there was no change in policy.

### **9. Guidance**

- 9.1 With regard to the pre-movement test requirements the guidance already properly reflects the position regarding the extent of the exemption for the animals that do not require a skin test prior to movement as the intention in the 2014 Order was not to change the policy already in place under the previous Tuberculosis (England) Order 2007.

### **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.  
10.2 There is no impact on the public sector.  
10.3 An Impact Assessment has not been prepared for this instrument.

### **11. Regulating small business**

- 11.1 The legislation applies to activities that are undertaken by small businesses.  
11.2 No specific action is proposed to minimise regulatory burdens on small businesses.  
11.3 The majority of cattle farmers are small businesses but as there has been no change in policy there is no impact on them from the amendment to the 2014 Order.

### **12. Monitoring & review**

- 12.1 The 2012 Order contains a requirement on the Secretary of State to review that Order before 1 July 2017, and the 2014 Order contains a requirement to review before 1st October 2019.

### **13. Contact**

- 13.1 Dan Hackett at the Department for Environment, Food and Rural Affairs Tel: 0207 238 6375 or email: dan.hackett@defra.gsi.gov.uk can answer any queries regarding the instrument.