
STATUTORY INSTRUMENTS

2019 No. 945

The Cattle Compensation (England) Order 2019

Citation and commencement

1. This Order may be cited as the Cattle Compensation (England) Order 2019 and comes into force on 1st July 2019.

Interpretation

2.—(1) 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” means a cattle passport as defined in, and issued in accordance with, the Cattle Identification Regulations 2007(1);

“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 20 of the Brucellosis (England) Order 2015(2);
- (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(3);
- (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, resulting in its being classified as a reactor and therefore consistent with its being affected with tuberculosis, is read;
 - (iii) where a last skin test carried out before slaughter 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;

(1) [S.I. 2007/529](#), amended by [S.I. 2017/101](#) and prospectively amended by [S.I. 2018/1238](#), to come into force on exit day; there are other amending instruments but none is relevant.

(2) [S.I. 2015/364](#).

(3) [S.I. 2000/2056](#), to which there are amendments not relevant to this Order.

- (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 relevant date for that affected or suspected animal;
- (v) where no diagnostic test for tuberculosis has been carried out but the animal is slaughtered because, following clinical examination by a veterinary surgeon, it is found to be affected or suspected of being affected with tuberculosis, the date of that examination;

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

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

(2) In paragraph (1), “skin test” means the single intradermal comparative cervical tuberculin test for tuberculosis.

Compensation for an animal slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis

3. Subject to article 4, 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, compensation payable under section 32(3) is to be determined in accordance with this Order.

Animal slaughtered for reasons of tuberculosis where the owner is licensed to remove the animal to a slaughter house of the owner’s choice

4.—(1) This article applies where—

- (a) the Secretary of State causes an animal to be slaughtered under section 32(1) of the Act in its application to tuberculosis, and
- (b) an inspector has served a notice under article 15(1) of the Tuberculosis (England) Order 2014(4) and the owner is licensed to remove the animal to a slaughter house of the owner’s choice.

(2) No compensation is payable under article 3 where the owner receives a commercial payment for the value of the slaughtered animal from the slaughter house operator.

Calculation of compensation

5.—(1) Where the conditions in article 6 are met, compensation payable by the Secretary of State under section 32(3) of the Act is to be determined in accordance with this article.

(2) For domestic cattle (other than in the circumstances mentioned in paragraph (3)(a)), compensation is to be calculated in accordance with paragraph 2 of the Schedule.

(3) The compensation payable for the following type of animal is the market value as determined in accordance with an order made under section 34(7)(a) of the Act(5), subject to any reduction applicable in accordance with the Schedule—

- (a) domestic cattle, where paragraph 3(2)(b) of the Schedule applies and the Secretary of State decides to act in accordance with that provision, or
- (b) a buffalo or bison.

(4) S.I. 2014/2383, to which there are amendments not relevant to this Order.

(5) The Individual Ascertainment of Value (England) Order 2019 (S.I. 2019/946).

Conditions for receipt of compensation payment

6. The conditions referred to in article 5(1) are that—
- (a) the animal must be identified by means of ear tags at the time of removal for slaughter,
 - (b) a cattle passport for the animal 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, and
 - (c) where the Secretary of State so requests, for the purpose of verifying a person's claim to ownership of an animal, that person must declare that, to the best of the person's knowledge, there is no other person who may claim such ownership.

Saving

7. The expiry of the Cattle Compensation (England) Order 2012⁽⁶⁾ on 1st July 2019 does not affect any calculation of compensation or payment made by the Secretary of State under the provisions of that Order and notified to the owner before the expiry of that Order.

20th May 2019

Robert Goodwill
Minister of State
Department for Environment, Food and Rural
Affairs

We approve

20th May 2019

David Rutley
Craig Whittaker
Two of the Lords Commissioners of Her
Majesty's Treasury

(6) [S.I. 2012/1379](#), as amended by [S.I. 2015/1838](#), [2018/754](#).