

## SCHEDULE

Article 5

### Calculation of compensation

## PART 1

### Method of calculation

#### Interpretation

**1.** In this Schedule—

“category” means a category of animal set out in the table in paragraph 9(5);

“non-pedigree animal” means an animal that is not a pedigree animal;

“pedigree animal” means a purebred breeding animal which is entered or registered in the main section of a breeding book, and for which a zootechnical certificate has been issued by a breed society that has been recognised by the Secretary of State under Article 4 of Regulation (EU) 2016/1012;

“pedigree category” means a category consisting of pedigree animals which meet the conditions set out in paragraph 9(3);

“Regulation (EU) 2016/1012” means Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof<sup>(1)</sup>.

#### Commencement Information

**II** Sch. para. 1 in force at 1.7.2019, see [art. 1](#)

#### The average market price

**2.**—(1) Subject to paragraphs 4, 6, 7 and 8, the compensation payable to the owner of an animal is the average market price for the category into which the animal falls at the relevant date.

(2) The average market price for each category is to be derived from sales of animals in that category occurring during the relevant period.

(3) For the purposes of this paragraph and paragraph 3, the relevant period is—

(a) in the case of non-pedigree animals, the period of one month ending on the twentieth day of the month preceding that in which the relevant date falls;

(b) in the case of pedigree animals, the period of six months ending on the twentieth day of the month preceding that in which the relevant date falls.

(4) The average market price for a category for which sale price data have been collected is the amount obtained by dividing the sum of the amounts obtained by way of sale prices for all the animals in that category sold during the relevant period by the total number of animals in that category so sold.

<sup>(1)</sup> OJ No L 171, 29.6.2016, p. 66.

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**Changes to legislation:** There are currently no known outstanding effects for the The Cattle Compensation (England) Order 2019, SCHEDULE. (See end of Document for details)

#### Commencement Information

**I2** Sch. para. 2 in force at 1.7.2019, see art. 1

#### No sale price data or inadequate sale price data

**3.—**(1) This paragraph applies where either there are no available sale price data, or the Secretary of State considers there to be inadequate sale price data, for calculating the average market price for a category of animal.

(2) Where this paragraph applies—

- (a) the average market price is the most recently ascertained average market price for the relevant category of animal;
- (b) but if the most recently ascertained average market price was ascertained more than two months before the relevant date, the Secretary of State may instead decide to pay compensation at the level of the market value of the animal in question, as determined in accordance with an order made under section 34(7)(a) of the Act(2).

#### Commencement Information

**I3** Sch. para. 3 in force at 1.7.2019, see art. 1

#### Compensation payable following delays in testing for tuberculosis

**4.—**(1) Compensation payable for an animal is to be calculated using the formula set out in paragraph (2) where—

- (a) a notice has been served under article 8(1) of the Tuberculosis (England) Order 2014;
- (b) there is a failure to carry out the tuberculosis test by the latest date specified in the notice,
- (c) a test has subsequently been carried out, and
- (d) the animal has been slaughtered following that test.

(2) The formula referred to in paragraph (1) is  $A \times B$  where—

- (a) A is the average market price for the category into which the animal falls at the relevant date (or the market value as determined in the circumstances identified in article 5(3)), and
- (b) B is the figure specified in sub-paragraph (3).

(3) Where the interval between the latest date specified in the notice and the date of the test is—

- (a) not more than 60 days, B is 1;
- (b) more than 60 but not more than 90 days, B is 0.75;
- (c) more than 90 but not more than 180 days, B is 0.5;
- (d) more than 180 days, B is 0.05.

(4) The Secretary of State must notify the owner in writing of any decision to reduce compensation following a delay in testing for tuberculosis of more than 60 days after the latest date specified in the notice, giving the reasons for the decision and explaining that the owner may make written representations to a person appointed by the Secretary of State in accordance with paragraph 5.

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

**Commencement Information**

**I4** Sch. para. 4 in force at 1.7.2019, see **art. 1**

**Review of decision to reduce compensation under paragraph 4**

**5.**—(1) Before the end of 21 days beginning with the day after that on which the notification under paragraph 4(4) is received, the owner may make written representations to a person appointed by the Secretary of State for the purpose of reviewing the decision to reduce the compensation, and provide a copy of such representations to the Secretary of State.

(2) Before the end of 14 days beginning with the day after that on which written representations under sub-paragraph (1) are received by the Secretary of State, the Secretary of State may make written representations to the appointed person, and provide a copy of such representations to the owner.

(3) The appointed person must consider any written representations made under sub-paragraphs (1) and (2) and, before the end of 28 days beginning with the day after that on which the period described in sub-paragraph (2) ends, must report in writing to the Secretary of State with a recommended course of action resulting from the review.

(4) The Secretary of State must consider the report of the appointed person before making a decision on whether to maintain, amend or withdraw the decision under paragraph 4 and, before the end of 28 days beginning with the day after that on which the report of the appointed person is received by the Secretary of State, must notify the owner of the decision and provide a copy of the report of the appointed person.

**Commencement Information**

**I5** Sch. para. 5 in force at 1.7.2019, see **art. 1**

**Tuberculosis compensation reduction due to unclean animal presented for slaughter**

**6.**—(1) The compensation payable in respect of an animal's slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 2 to 5 where—

- (a) the animal is presented for slaughter for reasons of tuberculosis, and
- (b) the official veterinarian at the slaughter house is of the opinion that the animal is not in a clean condition in accordance with the requirement in point 4 of Chapter 4 of Section 1 of Annex 3 to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(3)</sup>.

(2) The Secretary of State must notify the owner in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (1).

**Commencement Information**

**I6** Sch. para. 6 in force at 1.7.2019, see **art. 1**

(3) OJ No L 139, 30.4.2004, p. 55, as last amended by Commission Regulation (EU) 2017/1981 (OJ No L 285, 1.11.2017, p. 10).

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### **Tuberculosis compensation reduction for an animal brought into a herd where the animal is subsequently slaughtered for reasons of tuberculosis**

7.—(1) The compensation payable in respect of an animal's slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 2 to 5 where—

- (a) an owner brings the animal into a herd in circumstances where that herd has already lost its tuberculosis-free status, and
- (b) the animal is subsequently affected with tuberculosis before the herd regains its tuberculosis-free status.

(2) The Secretary of State must notify the owner in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (1).

(3) The reduction in compensation under sub-paragraph (1) does not apply where, before the herd lost its tuberculosis-free status, it was accredited under a cattle health scheme licensed by the Cattle Health Certification Standards (UK)(4) in respect of tuberculosis.

#### **Commencement Information**

**I7** Sch. para. 7 in force at 1.7.2019, see [art. 1](#)

### **Tuberculosis compensation where both paragraphs 6 and 7 apply**

8.—(1) This paragraph applies where both paragraphs 6 and 7 apply in respect of an animal.

(2) Where this paragraph applies, the compensation payable in respect of the animal's slaughter is 50% of the compensation which would otherwise be payable in accordance with paragraphs 2 to 5.

(3) The Secretary of State must notify the owner in writing of the reason for the decision to reduce compensation in accordance with sub-paragraph (2).

#### **Commencement Information**

**I8** Sch. para. 8 in force at 1.7.2019, see [art. 1](#)

## **PART 2**

### **Categories**

#### **Determination of category**

9.—(1) The Secretary of State must determine from the table in sub-paragraph (5) the category into which an animal falls at the relevant date and may appoint an agent for the purpose of that determination.

(2) For the purpose of the determination, the date of birth of the animal is the date shown on the cattle passport for the animal and the age of the animal is to be calculated accordingly.

- (3) For an animal to fall within a pedigree category—
  - (a) the animal must—

(4) Cattle Health Certification Standards (UK) operate from Dairy House, Unit 31, Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2LY and an electronic mail address at [info@cheecs.co.uk](mailto:info@cheecs.co.uk).

- (i) be a pedigree animal which meets the requirements set out in Chapter 4 of Regulation (EU) 2016/1012 for entry in the main section of a herd-book for pure-bred breeding animals of the bovine species and be entered in the main section of such a herd-book before the relevant date, and
- (ii) be entire, and
- (b) the pedigree certificate in respect of that animal must be presented to the Secretary of State, or an agent acting on behalf of the Secretary of State, not later than 10 days after the relevant date.
- (4) An animal which does not meet the conditions specified in sub-paragraph (3) is treated for the purposes of calculating compensation as a non-pedigree animal.
- (5) The categories of domestic cattle are as follows—

<i>Male</i>	<i>Female</i>
<b>Beef Sector – non-pedigree</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months, breeding bulls	Over 20 months, calved
Over 20 months, non-breeding bulls	Over 20 months, not calved
<b>Dairy Sector – non-pedigree</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months up to and including 84 months, calved
	Over 20 months up to and including 84 months, not calved
	Over 84 months
<b>Beef Sector – pedigree</b>	
Up to and including 6 months	Up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months, not calved
	Over 24 months up to and including 36 months, calved
	Over 36 months, calved
<b>Dairy Sector – pedigree</b>	

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<i>Male</i>	<i>Female</i>
Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months, not calved
	Over 18 months up to and including 36 months, calved
	Over 36 months up to and including 84 months, calved
	Over 84 months, calved

**Commencement Information**

**19** Sch. para. 9 in force at 1.7.2019, see **art. 1**

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