

2023 No. 565

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Exotic Equine Diseases (Compensation) (England) (No. 2)
Order 2023**

Made - - - - - *19th May 2023*

Laid before Parliament *22nd May 2023*

Coming into force in accordance with articles 1(2) and (3)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1 and 32(3) of the Animal Health Act 1981^(a) and now vested in the Secretary of State^(b).

In accordance with section 32(3) of that Act, this Order is made with the approval of the Treasury.

PART 1

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Exotic Equine Diseases (Compensation) (England) (No. 2) Order 2023.

(2) Part 1 and 2 of this Order come into force immediately before 14th June 2023.

(3) Part 3 of this Order comes into force on 14th June 2023.

(4) This Order extends to England and Wales.

(5) This Order applies in relation to England only.

PART 2

Revocation

(a) 1981 c. 22.

(b) The functions conferred by sections 1 and 32(2) were conferred on “the Ministers” and “the Minister” respectively; for those definitions, see section 86(1). Those functions, so far as exercisable by the Secretaries of State for Scotland and Wales, were transferred to the Minister of Agriculture, Fisheries and Food by S.I. 1999/3141. Functions of the Minister of Agriculture, Fisheries and Food were then transferred to the Secretary of State by S.I. 2002/794.

2. The Exotic Equine Diseases (Compensation) (England) Order 2023(a) is revoked.

PART 3

Interpretation

3. In this Order—

- (a) “disease” means a disease specified in the Schedule to this Order;
- (b) “horse” means an animal of the family Equidae and includes any cross between animals of that family.

Compensation

4.—(1) Where the Secretary of State causes a horse to be slaughtered on suspicion of being affected by disease under section 32 of the Animal Health Act 1981(b), the amount of compensation payable to the owner of the horse, following the results of laboratory testing for the relevant disease, is—

- (a) for a horse confirmed by the Secretary of State as affected by the relevant disease, £1.00;
- (b) for a horse, which following such a test is confirmed as not affected by the relevant disease, £2985.00, or the value of the horse immediately before it was slaughtered, whichever is less.

(2) In a case under paragraph (1)(b), the Secretary of State must carry out a valuation of the horse and notify the owner of the horse of that valuation in writing as soon as practicable.

(3) The value of the horse for the purposes of paragraph (1)(b) is to be determined in writing—

- (a) by the Secretary of State; or
- (b) where the determination of the value has been referred to an appointed valuer under paragraph (4), by that valuer.

(4) If the written valuation made by the Secretary of State under paragraph (2) is less than £2985.00 and the owner of the horse gives written notice to the Secretary of State disputing that valuation with reasons within 14 days of receiving that valuation, the Secretary of State must refer the determination of the value of that horse to an appointed valuer.

(5) The appointed valuer must be—

- (a) appointed jointly by the owner and the Secretary of State for the purpose of conducting a valuation under this Order; or
- (b) failing agreement on such appointment within 10 days of the Secretary of State’s receipt of the notice given under paragraph (4), appointed by the Secretary of State for that purpose.

(6) A determination of the value of a horse by the appointed valuer—

- (a) must be conducted without delay; and
- (b) is final and binding on the Secretary of State.

(7) Fees charged or expenses incurred by an appointed valuer for work done under this Order must be paid in full—

- (a) where the determination of the value of a horse made by the appointed valuer is equal to or less than the valuation made by the Secretary of State, by the owner;
- (b) in any other circumstances, by the Secretary of State.

(a) S.I. 2023/230.

(b) 1981 c. 22.

(8) Nothing in this Order authorises a delay in the killing of a horse for the purposes of disease control.

Revocation

5. The Equines Infectious Anaemia (Compensation) (England) Order 2006(a) is revoked.

19th May 2023

Benyon
Minister of State
Department for Environment, Food and Rural Affairs

We approve

Andrew Stephenson

Stuart Anderson
Two of the Lords Commissioners of His Majesty's Treasury

19th May 2023

SCHEDULE

Specified Diseases

Article 3(a)

Disease

Dourine (*Trypanosoma equiperdum*)
Epizootic Lymphangitis (*Histoplasma farciminosum*)
Equine Infectious Anaemia
Equine Viral Encephalomyelitis
Glanders (*Burkholderia mallei*)
Surra (*Trypanosoma evansi*)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to the application of section 32 of the Animal Health Act 1981 (c. 22) ("the Act") to the exotic equine diseases specified in the Schedule to this Order. These exotic equine diseases are listed, in relation to England, in article 2 of the Specified Diseases (Notification and Slaughter) Order 1992 (S.I. 1992/3159) as diseases to which section 32 of the Act applies.

Article 2 revokes the Exotic Equine Diseases (Compensation) (England) Order 2023 (S.I.2023/230).

Article 4 sets out the amount payable in compensation by the Secretary of State under section 32(3) of the Act where the Secretary of State causes a horse to be slaughtered due to suspicion of being affected with specified exotic equine diseases and the process for determining the amount of compensation payable following laboratory testing.

Article 5 revokes the Equine Infectious Anaemia (Compensation)(England) Order 2006 (S.I. 2006/2740).

(a) S.I. 2006/2740.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private voluntary or public sector is foreseen.

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