EXPLANATORY MEMORANDUM TO

THE TUBERCULOSIS (NON-BOVINE ANIMALS) SLAUGHTER AND COMPENSATION (ENGLAND) (AMENDMENT) ORDER 2024

2024 No. 1279

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Daniel Zeichner, Minister of State at the Department for Environment, Food and Rural Affairs, confirms that this Explanatory Memorandum meets the required standard.

2.2 Eleanor Brown, Deputy Director for the TB Programme, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Paul Davenport at the Department for Environment, Food and Rural Affairs Telephone: 020 8026 3848 or email: paul.davenport@defra.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Tuberculosis (Non-bovine animals) Slaughter and Compensation (England) Order 2017 by omitting article 1(3) of that Order, which provided for that Order to expire on 2 January 2025.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 The provisions of the 2017 Order support owners of farmed livestock in England by enabling government to slaughter animals infected by bovine TB (bTB) and compensate owners of non-bovine animals for their loss (compensation for bovine animals is dealt with in the Cattle Compensation (England) Order 2019). The 2017 Order sets out the compensation rates Defra pays for farmed goats, deer, camelids, pigs and sheep. The ability to slaughter animals and compensate owners for their loss

helps reduce the risk of disease spread within herds, between herds and to wildlife – it is therefore an important part of the bTB eradication strategy for England.

5.2 The 2017 Order was due to expire on 2 January 2025. This Order removes the expiry provision in the 2017 Order, so that that Order can remain in force and the existing compensation rates in the 2017 Order can continue to apply.

What was the previous policy, how is this different?

5.3 This Order does not change existing policy. It removes the expiry date of the 2017 Order so that the Secretary of State continues to have the power to slaughter animals affected with tuberculosis, and the compensation rates in that Order continue to apply.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends the 2017 Order by removing the expiry date of that Order. The 2017 Order is made under powers in section 32 of the Animal Health Act 1981 for the Secretary of State to slaughter any animal affected, or suspected of being affected, by *Mycobacterium bovis* (TB). It introduces specific rates of statutory compensation for pigs, sheep, goats, captive deer, alpacas, llamas, vicuna and guanaco) that are subject to compulsory slaughter for TB disease control purposes. The removal of the expiry date in the 2017 Order permits that Order to continue in force.

Why was this approach taken to change the law?

6.2 Because without amending the expiry provision the 2017 Order would cease to have effect, which would result in the loss of important disease control powers and the existing statutory compensation scheme. That scheme was finalised through a full consultation with affected stakeholders and was subsequently endorsed by those stakeholders in a post-implementation review of the policy carried out in 2022-23.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation of the main non-bovine species stakeholder bodies was undertaken in April 2024. Those consulted all agreed with Defra's proposal to maintain the current rates. The rates will be kept under regular review.

8. Applicable Guidance

8.1 As this is a technical change to amend existing legislation the department is not providing guidance for this Order.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because payments under the compensation scheme are well below the £10m per year threshold. A De Minimis Assessment (DMA) has been produced, copies of which are available from Defra. The DMA supports maintaining the statutory TB compensation regime for non-bovines set out in the 2017 Order.

Impact on businesses, charities and voluntary bodies

9.2 The legislation has a positive impact on business as it enables the payment of compensation to owners whose non-bovine animals are slaughtered for TB control purposes. There is no impact on charities or voluntary bodies.

9.3 The legislation has a beneficial impact on small or micro businesses in compensating for loss of stock.

9.4 There is no impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This instrument does not include a statutory review clause as it amends the Tuberculosis (Non-bovine Animals) Slaughter and Compensation (England) Order 2017, which is already subject to review by virtue of existing provision in that Order. This instrument therefore falls under the exemption in section 28(3)(e) of the Small Business, Enterprise and Employment Act 2015.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Daniel Zeichner, Minister of State at the Department for Environment, Food and Rural Affairs, has made the following statement regarding Human Rights:

"In my view the provisions of The Tuberculosis (Non-bovine animals) Slaughter and Compensation (England) (Amendment) Order 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").