

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2006 No. (W.)

ANIMALS, WALES

ANIMAL HEALTH

**The Cattle Compensation (Wales)
Order 2006**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 and the Enzootic Bovine Leukosis (Compensation) Order 1980 insofar as they apply in Wales only.

The Order provides for rates of compensation where the National Assembly causes a bovine animal to be slaughtered under section 32 of the Animal Health Act 1981 in its application to brucellosis, tuberculosis or enzootic bovine leukosis.

Under this Order the amount of compensation payable on slaughter of a bovine animal, in the case of buffalo or bison, is the market value of that animal, ascertained in accordance with article 4, and in the case of a bovine animal of the genus *Bos* is either the average market price for the bovine category into which the slaughtered animal falls at the relevant date, calculated in accordance with Part 1 of the Schedule, or the market value of the animal. Again, market value is ascertained in accordance with article 4. Section 34(7) of the Animal Health Act 1981 gives the National Assembly the power to prescribe the mode for ascertaining the value of a slaughtered animal.

The bovine categories in this Order are defined by the breed, age, sex, pedigree status and breeding history of the animal and the average market price for each category will be published every month on the Department for Environment, Food and Rural Affairs' website at www.defra.gov.uk.

This Order is made under Section 32(3) and 34(7) of the Animal Health Act 1981.

A regulatory appraisal has been prepared. Copies may be obtained from the Office of the Chief Veterinary Officer, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2006 No. (W.)

ANIMALS, WALES

ANIMAL HEALTH

**The Cattle Compensation (Wales)
Order 2006**

Made [2006]

Coming into force 25 May 2006

The National Assembly for Wales, in exercise of the powers conferred by section 32(3) and section 34(7) of the Animal Health Act 1981(1) and now vested in it(2), makes the following Order:

Title, application and commencement

1.—(1) The title of this Order is the Cattle Compensation (Wales) Order 2006 and it will come into force on 25 May 2006.

(2) This Order applies in Wales only.

Interpretation

2. In this Order—

“affected animal” means—

- (a) in relation to brucellosis, a bovine animal which is affected with brucellosis;
- (b) in relation to tuberculosis, a cow which is affected with tuberculosis of the udder or is giving tuberculosis milk, or a bovine animal which is affected with tuberculosis emaciation, or is excreting or discharging

(1) 1981 c.22. See section 86(1) for the definition of “the Minister” and “the Ministers”.

(2) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the National Assembly. The functions of “the Minister” so far as exercisable in relation to Wales was transferred to the National Assembly, by the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3004). Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

tuberculosis material, or is affected with a chronic cough or shows any other clinical signs of tuberculosis;

- (c) in relation to enzootic bovine leukosis, a bovine animal that is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

“average market price” means—

- (a) in respect of a non-pedigree bovine category, for any given month, a price calculated in accordance with paragraph 1 of Schedule 1;
- (b) in respect of a pedigree bovine category, for any given month, a price calculated in accordance with paragraph 2 of Schedule 1;

“bovine animal” means any domestic cattle of the genus *Bos*, buffalo or bison;

“bovine category” means a category of bovine animal of the genus *Bos* set out in the table in Part 2 of Schedule 1;

“brucellosis” means infection with *Brucella abortus*, otherwise known as contagious abortion;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998(1);

“market value” in relation to a bovine animal slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis means the price which may reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal was not an affected animal or a suspected animal;

“national assembly” means the National Assembly for Wales

“non-pedigree animal” means a bovine animal of the genus *Bos* which has not been issued with a pedigree certificate by a recognised breed society, or an animal for which, by the day of the assessment of the category into which the animal falls, the pedigree certificate has not been presented to the National Assembly or an agent acting on its behalf;

“non-pedigree bovine category” means a bovine category consisting of non-pedigree animals;

“pedigree animal” means a bovine animal of the genus *Bos* in respect of which a pedigree certificate has been issued by a recognised breed society and presented to the National Assembly or an agent acting on its behalf by the day of the assessment of the category into which the animal falls;

(1) S.I. 1998/871 to which there are amendments not relevant to this Order.

“pedigree bovine category” means a bovine category consisting of pedigree animals;

“reactor” means, in relation to tuberculosis or brucellosis, a bovine animal which gives rise to a reaction to a relevant test which is consistent with its being affected with tuberculosis or brucellosis.

“recognised breed society” means a breeders’ organisation or association which fulfils the conditions of Council Decision 84/247/EEC laying down the criteria for the recognition of breeders’ organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species⁽¹⁾;

“relevant test” means a skin test or other diagnostic test for tuberculosis or brucellosis;

“skin test” means the single intradermal comparative cervical tuberculin test for tuberculosis;

“suspected animal” means—

- (a) in relation to brucellosis or tuberculosis, a bovine animal which is suspected of being infected with tuberculosis or brucellosis and includes a reactor; and
- (b) in relation to Enzootic Bovine Leukosis, the same as in the Enzootic Bovine Leukosis (Wales) Order 2006⁽²⁾; and

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

Compensation for bovine animals slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis

3.—(1) Subject to article 5, where the National Assembly causes a bovine animal to be slaughtered under the powers conferred by section 32 of the Animal Health Act 1981 in its application to —

- (a) brucellosis,
- (b) tuberculosis, or
- (c) enzootic bovine leukosis,

compensation is payable in relation to those animals which are identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification Regulations 1998 and must be determined in accordance with the following provisions of this article.

(2) The compensation payable by the National Assembly in respect of buffalo or bison must be at the level of its market value ascertained as detailed in article 4 below.

⁽¹⁾ OJ No. 125, 12.05.1984, p.58.

⁽²⁾ S.I. 2006/xxxx(W).

(3) Subject to paragraph (7), the compensation payable in respect of a bovine animal of the genus *Bos* must be at the level of the average market price for the bovine category into which that animal falls at the relevant date.

(4) The National Assembly must determine the bovine category into which a bovine animal of the genus *Bos* falls at the relevant date and for the purposes of that determination, the date of birth of that animal must be as shown on its cattle passport and the age of the animal must be calculated accordingly.

(5) For the purposes of this article, relevant date means—

- (a) in respect of animals slaughtered for brucellosis or enzootic bovine leukosis, the date on which a notice requiring the slaughter of the animal is served pursuant to article 19 of the Brucellosis (Wales) Order 2006⁽¹⁾ or article 12 of the Enzootic Bovine Leukosis (Wales) Order 2006 respectively;
- (b) in respect of affected animals or suspected animals slaughtered for tuberculosis—
 - (i) the date on which a positive or inconclusive skin test for that animal is read; or
 - (ii) where the skin test is negative, or no skin test has been carried out, the date on which a clinical sample is taken from that animal for the purposes of any other relevant test; or
 - (iii) where no other relevant test has been carried out, but the animal has been slaughtered because it has been exposed to infection as a result of contact with, or close proximity to, an affected or suspected animal, the same date as the relevant date for that affected or suspected animal.

(6) The National Assembly may appoint an agent to act on its behalf for the purposes of the determination referred to in article (4).

(7) In any case where, in accordance with paragraph 1(3) or paragraph 2(3) of Schedule 1, the National Assembly considers that sales price data for any particular bovine category in any given month are inadequate, or such data are unavailable, it may opt to pay compensation at the level of the market value of the animal in question, as ascertained under article 4 of this Order.

4.-(1) Where pursuant to articles 3(2) and 3(7) above, the market value of a bovine animal falls to be

(1) S.I. 2006/XXXX(W.).

ascertained, it must be ascertained by means of a valuation carried out in accordance with this article.

(2) A valuation must be carried out-

(a) by a valuer appointed jointly by the National Assembly and the owner of the animal; or

(b) failing such appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors and appointed by the National Assembly.

(3) Only individuals acting alone may be appointed for the purposes of paragraph 2.

(4) The valuer must give a certificate in writing of the value of the bovine animal to the National Assembly and owner of the animal.

Revocation

4. The Orders set out in Schedule 2 are revoked in so far as they apply in Wales.

Savings

5.-The provisions of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978(1) relating to tuberculosis will continue to apply to any bovine animal that is slaughtered for tuberculosis-

(a) following a notice served before 25 May 2006 under article 10 of the Tuberculosis (England and Wales) Order 1984(2);

(b) as a result of a positive or inconclusive skin test read before 25 May 2006; or

(c) as a result of any other relevant test for tuberculosis, the clinical sample of which was taken before 25 May 2006.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

Date

The Presiding Officer of the National Assembly

(1) S.I. 1978/1483 as amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073

(2) S.I. 1984/1943 to which there are amendments not relevant to this Order.

(3) 1998 c.38

SCHEDULE 1

Articles 2 and 3

Calculation of Compensation

PART 1

Calculation of the average market price for bovine animals of the genus *Bos*

1.—(1) The average market price for each non-pedigree bovine category must be calculated in respect of each month from data collected in Great Britain relating to the sale prices of animals of that category in the preceding month.

(2) Subject to sub-paragraph (3), it will be the amount obtained by dividing the sum of those sale prices by the total number of animals of that category for which sale price data have been collected.

(3) Where, in respect of any non-pedigree bovine category in any given month, the National Assembly considers that the sale price data collected pursuant to sub-paragraph (1) are inadequate, or where no such data are available, the average market price for the month must be the most recently ascertained average market price for the same category, where one has been previously calculated.

2.—(1) The average market price for each pedigree bovine category must be calculated in respect of each month from data collected in Great Britain relating to the sale price of animals of that category in the preceding six months.

(2) Subject to sub-paragraph (3) it must be the amount obtained by dividing the sum of those sale prices by the total number of animals in that category for which sale price data have been collected.

(3) Where, in respect of any particular pedigree bovine category in any given month, there is no available sale price data for any of the preceding six months or the National Assembly considers that the available data for every one of these months is inadequate, the average market price for the month must be the most recently ascertained average market price for the same category, where one has been previously calculated.

3. The sale price data referred to in paragraphs 1 and 2 must be collected from store markets, prime markets, rearing calf sales, breeding sales and dispersal sales.

PART 2

Bovine categories for bovine animals of the genus *Bos*

Table of Bovine Categories

<i>Male</i>	<i>Female</i>
Beef Sector – non-pedigree animal	
Up to 3 months	Up to 3 months
Over 3 months up to 6 months	Over 3 months up to 6 months
Over 6 months up to 9 months	Over 6 months up to 9 months
Over 9 months up to 12 months	Over 9 months up to 12 months
Over 12 months up to 16 months	Over 12 months up to 16 months
Over 16 months up to 20 months	Over 16 months up to 20 months
20 months and over	20 months and over
Breeding bulls 20 months and over	Calved
Dairy Sector – non-pedigree animal	
Up to 3 months	Up to 3 months
Over 3 months up to 6 months	Over 3 months up to 6 months
Over 6 months up to 12 months	Over 6 months up to 12 months
Over 12 months up to 16 months	Over 12 months up to 16 months
Over 16 months up to 20 months	Over 16 months up to 20 months
20 months and over	20 months and over
	Calved
Beef Sector – pedigree animal	
6 months up to 12 months	6 months up to 12 months
Over 12 months up to 24 months	Over 12 months up to 24 months
Bull 24 months and over	24 months and over (not calved)
	Calved under 36 months
	Calved 36 months and over
Dairy Sector – pedigree animal	
Up to 2 months	Up to 2 months
Over 2 months up to 12 months	Over 2 months up to 10 months
Over 12 months up to 24 months	Over 10 months up to 18 months
Bull 24 months and over	18 months and over not calved
	Calved under 36 months
	Calved 36 months and over

SCHEDULE 2

Article 4

Revocations

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978	SI 1978/1483	In so far as it applies in Wales
The Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1981	SI 1981/1412	In so far as it applies in Wales
The Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1996	SI 1996/1352	In so far as it applies in Wales
The Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1998	SI 1998/2073	In so far as it applies in Wales
The Enzootic Bovine Leukosis (Compensation) Order 1980	SI 1980/80	In so far as it applies in Wales

