



Department  
for Environment  
Food & Rural Affairs

# Bovine TB: tackling infection in pigs, sheep, goats, captive deer and South American camelids

**A consultation exercise contributing to the delivery of  
the Government's Strategy for achieving Officially  
Bovine Tuberculosis Free (OTF) status for England**

**August 2016**



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## Part A: Background

1.1 Bovine TB is the most pressing and costly animal health problem in the UK. The disease threatens our cattle industry and presents a risk to other livestock, as well as wildlife species, pets and humans. The Government remains determined to eradicate bovine TB, including through a comprehensive programme of interventions, as set out in the *Strategy for achieving Officially Bovine Tuberculosis Free (OTF) status for England*, which was published in April 2014 and can be found at

<https://www.gov.uk/government/publications/a-strategy-for-achieving-officially-bovine-tuberculosis-free-status-for-england>.

1.2 This is the latest in a series of consultation exercises aimed at introducing sensible, proportionate and affordable TB<sup>1</sup> control measures that will, in combination, increase the probability that the goal of national official TB freedom will be achieved by the target date of 2038. In proposing changes to TB controls on non-bovine animals our aim is to strike a balance between robust disease control - aimed ultimately at achieving OTF status for England - and supporting sustainable livestock businesses.

1.3 For the purposes of this consultation exercise, non-bovine animal species are the following:

- Pigs
- Sheep
- Goats
- Deer (farmed and other captive deer)
- South American Camelids (hereafter referred to as SAC)

1.4 In August 2015 we published a call for views on the policy for TB in non-bovine species to gather evidence to inform future decisions that would:

- Ensure that proportionate measures are in place to address the risk posed by TB in non-bovine species.
- Enhance the sensitivity of TB surveillance in non-bovines.
- Introduce stricter measures for TB breakdowns in non-bovines.

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<sup>1</sup> In this document 'TB' means infection with *Mycobacterium bovis*/*M. bovis*.

1.5 The proposals set out in this consultation document have been informed by responses to the call for views and meetings since with many of the national representative organisations for the species concerned.

## Part B: Non bovine animals – the current legislative regime

2.1 There are around 20 million non-bovines<sup>2</sup> in England, the vast majority being pigs and sheep. All are susceptible to *Mycobacterium bovis* (*M. bovis*) infection but the risk of infection - and of them passing infection to cattle, wildlife or humans in England - is generally considered to be low.

2.2 The current legislation for TB in non-bovine animals is disparate and often unclear to many of those who are required to act in accordance with it. Current TB-specific legislation includes:

### **For all non-bovine species:**

- A duty on persons to report suspicion of TB in carcasses and the identification of *M. bovis* by laboratory examination of a sample taken from a live animal or carcass.
- Abattoir surveillance, which enables identification of suspect TB lesions in carcasses.
- Targeted non-bovine animal testing where they are contiguous to or co-located with a cattle herd breakdown.

### **For captive deer (i.e. farmed or park deer):**

- A duty on keepers and vets to notify suspicion of TB in a live deer.
- A duty on veterinary inspectors to carry out a veterinary inquiry on any premises in which there is a live deer or carcass affected by, or suspected of being affected by, TB.
- Powers that require keepers to have deer tested for TB – the costs of which fall to the keeper.
- Powers to order the compulsory slaughter of deer.
- A ban on TB vaccination of deer and a requirement for Secretary of State consent for any testing or therapeutic treatment.

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<sup>2</sup> Sheep, goats, pigs, captive deer, South American camelids.

- Powers to order the isolation of specific animals, prohibit the movement of some or all animals on to or off of premises and carry out cleansing, disinfection and waste treatment on premises where there is suspicion of TB.
- Powers allowing a veterinary inspector to remove deer from markets, shows etc. back to the holding from which it came or to any other premises approved for the purpose.
- Compensation for a compulsorily slaughtered deer at the lower of £600 or 50% of its market value.

#### **For SAC:**

- Powers that require keepers to have SACs tested for TB – the costs of which fall to the Government.
- A ban on TB vaccination of SACs and a requirement for Secretary of State consent for any testing or therapeutic treatment.
- Powers to order the compulsory slaughter of SACs.
- Powers allowing a veterinary inspector to remove SACs from markets, shows etc. back to the holding from which it came or to any other premises approved for the purpose.
- Compensation for a compulsorily slaughtered SAC at a fixed rate of £750.

#### **For other non-bovine species:**

- Powers under The Animal Health Act 1981 to restrict the movement of animals, order their testing and order compulsory slaughter.
- Compensation for compulsorily slaughtered animals in accordance with the Minister's determination of value for the animals under the Diseases of Animals (Ascertainment of Compensation) Order 1959.

## **Part C: Proposed changes to controls**

3.1 One of the benefits of implementing the proposals set out in this consultation document would be a more coherent and transparent regulatory regime making it simpler for businesses to comply and regulators to police and enforce.

3.2 The measures set out in this document cover the following matters, each of which is explained more fully below. Our judgement is that none will impose significant new burdens on any business sector. That is because they are, in effect, largely a reconstitution of existing but disparate legal provisions, the bringing together of which will

simplify and aid understanding for affected businesses. This view is reinforced by the Regulatory Triage Assessment published alongside this consultation document.

- **Reporting suspicion of disease**
- **Duty of veterinary inquiry**
- **Government testing of non-bovines**
- **Consent for private TB testing, treatment for TB and TB vaccination.**
- **Precautions against disease spread, including isolation and prohibition of movement of animals**
- **Non-bovine animals in markets and shows**
- **Compensation**

#### *Reporting suspicion of disease*

3.3 Suspicion of TB in non-bovine animals is normally a result of reporting by private veterinary surgeons, post-mortem abattoir surveillance and some TB testing of non-bovines which are contiguous to, or co-located with, a cattle TB breakdown. There is a statutory duty to report both any suspicion of TB in non-bovine carcasses and the identification of *M. bovis* by laboratory examination of a sample taken from a live animal or carcass. There is also a statutory duty to report suspicion of TB in live deer.

3.4 We propose to apply the duty to report suspicion of TB in live animals to include all other non-bovine species (i.e. pigs, goats, sheep, and SAC). This will bring the arrangements for non-bovines in-line with those for cattle and enhance surveillance and early detection of the disease, particularly for those species which are known to demonstrate clinical symptoms of the disease.

3.5 Compliance costs: We would not expect this to add significantly to compliance costs for the veterinary profession. The task of reporting is not likely to consume much time or effort, but more importantly, our understanding is that most vets that suspect TB in a client's herd, including non-bovine herds, would regard it as their professional duty to report that suspicion so the risk of disease can be managed at the earliest opportunity. That sense of professional duty may be reinforced by the RCVS Code of Professional Conduct for Veterinary Surgeons, which includes: *'Veterinary surgeons must seek to ensure the protection of public health and animal health and welfare, and must consider the impact of their actions on the environment'*.

**3.6 Do you agree that we should apply the duty to report suspicion of TB in live bovine animals to all non-bovine species?**

### *Duty of veterinary inquiry*

3.7 There is a duty on veterinary inspectors to carry out veterinary inquiries on any premises on which there is a live bovine or deer, or carcase thereof, affected by, or suspected of being affected by, TB. Veterinary inspectors are permitted, by law, to examine any deer or carcase (which should then be isolated and prevented from being moved); carry out tests and take samples for the purpose of diagnosis. He or she can also mark the deer or carcase, or request the keeper to do so. Inquiries may include asking for information on matters such as deer movements and contacts.

3.8 We propose to extend the duty on veterinary inspectors to carry out veterinary inquiries to include all other non-bovine species (i.e. pigs, goats, sheep, and SAC). This will bring the arrangements for non-bovines in-line with those for cattle and enhance surveillance and early detection of the disease.

3.9 Compliance costs: We would not expect this to add significantly to compliance costs since the proposed duty would be on veterinary inspectors appointed and paid for by the Government. In addition, section 3 of The Animal Health Act 1981 and article 7 of the Movement of Animals (Restrictions) (England) Order S.I. 2002/3229 already provides powers for veterinary inspectors to enter on any land or premises and apply such tests and take such samples they consider necessary, for the purpose of eradicating diseases including TB. Bringing this, and other, provisions together would simplify the regulatory regime and provide greater certainty and transparency for keepers of non-bovines.

**3.10 Do you agree that we should apply to all non-bovine species the duty on veterinary inspectors to carry out a veterinary inquiry where he or she has reason to believe that there is on any premises a live non-bovine animal or carcase affected by, or suspected of being affected by, TB?**

### *Government testing of non-bovines*

3.11 For all non-bovine species we intend to maintain the current system of passive surveillance (i.e. the first line of defence will continue to be notification of suspicion of TB by the keeper) and there are no current plans to introduce statutory surveillance. Nevertheless, it is important that not only is TB detected in a herd or flock at the earliest opportunity but that, once confirmed, all infected animals are removed.

3.12 In the past, where government funded TB testing of pigs, sheep or goats has been required it has been done with the explicit agreement and permission of the keeper of the animals. However, there have been cases where keepers have refused such testing and the powers provided by Section 3 of The Animal Health Act 1981 and/or article 7 of the



Movement of Animals (Restrictions) (England) Order S.I. 2002/3229 have been used to enforce testing.

3.13 Use of these generic powers can be confusing for keepers. We are, therefore, proposing to apply to all non-bovine species the powers that can be used to require a keeper to have any bovine animal tested for tuberculosis with a relevant test by a specified date. Such testing would only take place when deemed necessary by APHA vets and it is likely that slaughterhouse and voluntary industry surveillance would continue to be the primary routes through which TB is detected in non-bovines.

3.14 Currently, where APHA mandate TB testing in deer this testing is funded by the keeper of the animals. This has been the situation since 1989 and is in contrast to all other non-bovines where government funds such testing. We therefore propose to align the arrangements for all species so that all statutory TB testing (i.e. testing required by APHA) is government funded.

3.15 Compliance costs: We would not expect this to add to compliance costs since section 3 of The Animal Health Act 1981 and article 7 of the Movement of Animals (Restrictions) (England) Order S.I. 2002/3229 already provide the means by which Ministers may authorise the carrying out of such tests. Bringing these and other provisions together in would simplify the regulatory regime and provide greater certainty and transparency for keepers of non-bovines.

3.16 Removing the need for deer keepers to pay for Government mandated testing would also result in a small saving for that sector.

**3.17 Do you agree that we should apply to all non-bovine species the powers that require a keeper to have any animal tested for tuberculosis with a relevant test by a specified date?**

**3.18 Do you agree that government mandated testing of captive deer should be funded by Government, in line with the arrangements for other non-bovine species?**

*Consent for private TB testing, treatment for TB and TB vaccination*

3.19 To aid national disease control, it is important that Government is aware of plans for non-statutory TB testing, including in non-bovine species, and is informed of the results. The statutory provisions already in place for bovines, SACs and deer prevent private testing unless this is with the written consent of the Secretary of State (given by APHA) and all positive tests must then be reported to APHA.

3.20 Similarly, there are also provisions in place to prohibit the vaccination of deer and SAC against TB and prohibition of any therapeutic treatment of TB without the prior written consent of the Secretary of State (in practice delegated to APHA) other than for animal welfare reasons.

3.21 To aid national disease control efforts, we propose that these provisions are applied to all non-bovine species. This will ensure that APHA have a comprehensive overview of all TB testing, vaccination and treatment in sheep, goats, pigs, deer and SAC in England.

3.22 Compliance costs: We would not expect this to add significantly to compliance costs. Non-bovines in which TB is suspected or confirmed should be under restriction with the keepers having access to an APHA veterinarian. So there is already a route for seeking written consent. In any case, given the lack of an efficacious non-bovine treatment or vaccine for TB, we would expect applications for consent to treat or vaccinate non-bovines to be very rare. Applications for private testing may be more common and there is already a process in place for this for SAC (so no new compliance costs would arise for their keepers). For other non-bovine species, unless and until there are other validated tests, any requests for testing are likely to be for private skin testing. Since APHA holds the stock of tuberculin, it is already necessary for requests for private testing to be made to the Agency. New compliance costs arising from the proposals in this consultation are therefore likely to be negligible.

**3.23 Do you agree we should apply to all non-bovine species the prohibitions and consent requirements relating to testing, treatment and vaccination that currently apply to bovines?**

*Precautions against disease spread, including isolation and prohibition of movement of animals*

3.24 It is important that veterinary inspectors have explicit powers that enable them to take swift, justifiable and proportionate action when TB is suspected on premises in which any non-bovine animal is kept. For bovines, deer and SACs there are existing powers to order the isolation of specific animals, prohibit the movement of some or all animals on to or off of premises and carry out cleansing, disinfection and waste treatment on premises where there is suspicion of TB.

3.25 We propose to extend these provisions to pigs, sheep and goats. This would mean that APHA would have explicit powers to issue notices requiring keepers to take any reasonable steps to prevent TB affected non-bovine animals from coming into contact with

any other farmed animal on the same premises or on adjoining premises. APHA would also have explicit powers to prevent the movement of all non-bovines on to, or off, such premises, except where the movement is licensed. The reasonable steps might include isolation of any non-bovine, prevention of use of any part of the premises, cleansing and disinfection and/or treatment, storage and use of animal waste.

3.26 Compliance costs: We would not expect this to add significantly to compliance costs since Article 4 of The Movement of Animals (Restrictions) (England) Order 2002 already provides powers for veterinary inspectors to prohibit the movement of animals (or carcasses or other things) on to or from premises on which disease is suspected. Bringing this, and other, provisions together will simplify the regulatory regime and provide greater certainty and transparency for keepers of non-bovines.

**3.27 Do you agree that we should apply to all non-bovine species powers that enable an inspector to require the isolation of specific animals and prohibit the movement of some or all animals on to or off of premises, except under licence?**

*Non-bovine animals in markets and shows*

3.28 It is important that there are explicit powers for APHA to manage the risks of disease that flow from the presence in markets, other sales, fairs, shows and lairages of animals which have been affected by, or exposed to TB. These powers exist when the animals are bovines, deer or SACs but not other non-bovine species.

3.29 We propose to extend the provisions that already apply in respect of bovines, SACs and deer. This would mean that APHA would have explicit powers to issue notices requiring:

- The occupier of markets, other sales, fairs, shows or lairages to take steps that might include keeping non-bovines away from any part of the premises.
- Cleansing and disinfecting parts of the premises and disposing of any manure, slurry or other farmed animal waste, straw, litter or other matter which has or might have come into contact with non-bovines which are affected by, or have been in contact with *M.bovis*.

APHA would also have powers to require the removal of an affected or exposed animal from a market, sale, lairage, fair or show to specified premises where it must be isolated.

3.30 Compliance costs: We would not expect this to add significantly to compliance costs since article 4 of the Movement of Animals (Restrictions) (England) Order S.I. 2002/3229 already provides powers for veterinary inspectors to serve notices containing restrictions or requirements as considered necessary for the purpose of preventing the spread of

disease on any premises (that would include markets and shows etc.). Aligning these powers would simplify the regulatory regime and provide greater certainty and transparency for keepers of non-bovines.

**3.31 Do you agree we should apply to all non-bovine species the powers for a veterinary inspector to require steps to be taken by the operators of markets, shows etc. to manage the risks posed by animals affected by, or exposed to, TB and, if necessary, remove specified animals from such premises?**

## **Part D: Proposed changes to compensation for compulsorily slaughtered non-bovines**

4.1 Where TB infection is confirmed or strongly suspected in a herd or flock of animals it is important to quickly remove the affected animal(s). In the case of cattle and SACs, specific statutory compensation schemes enable this to happen without delays caused by independent valuation being required prior to culling.

4.2 For other animals the default statutory basis for compensating keepers for compulsory slaughter is The Diseases of Animals (Ascertainment of Compensation) Order 1959. This Order requires the Minister to provide a valuation for the animals. In cases where the valuation is disputed, a statutory arbitration process applies. This can be a lengthy and burdensome process for both the keeper and the Department.

4.3 Given this, Defra's 2015 non-bovine call for views invited comments on whether specific rates of statutory compensation for compulsory slaughter should be extended to all non-bovine animals and, if so, how the amounts should be set. It also noted that in developing a new compensation regime we should aim to ensure good value for public money, whilst also considering how we can achieve:

- High levels of compliance with disease control measures.
- Incentivisation of keepers to manage their own disease risks.
- Protection of the economic sustainability of animal keepers' businesses.

4.4 After considering the call for views and following subsequent discussions with representative bodies, we propose specific rates of statutory compensation for all non-bovine species that are compulsorily slaughtered for TB disease control reasons. These compensation rates will be based on proxy values for healthy non-bovines – which are referred to below as base values. This will require the values for deer and SACs to be revised and new values to be derived for sheep, goats and pigs.

4.5 Our plan is to introduce a number of pre-defined compensation categories and base values for all non-bovine species to better reflect the structure of the industries and livestock types – differentiating between animal types (e.g. breeding, fattening, ornamental), the market values of which can be very different. The proposed categories and base values are set out in the Annex and have been informed by market information supplied by the industry, or from data in the John Nix Pocketbook 46<sup>th</sup> Edition (2015). If used in the manner proposed herein, these base values would be reviewed after five years.

4.6 Using the figures in Annex A, we propose to pay compensation at 50% of those base values for all non-bovine species. This is in reflection of the fact that:

- The impact of the disease on the sustainability of these non-bovine sectors as a whole is far less than for bovines as cases of TB in non-bovines are comparatively rare.
- This level of compensation has worked effectively in the deer sector for many years and is therefore considered a suitable level to maintain reporting of the disease.
- The values chosen should represent good value for the taxpayer, whilst not compromising disease control in these sectors.

4.7 *Compliance costs:* For pigs, sheep and goats this is likely to mean there is an increase in the current levels of compensation most farmers would be entitled to receive if TB was found in their herd. For some SACs – primarily those used purely for ornamental purposes or as pets - it would represent a reduction in compensation from £750 to £175. For registered breeding and non-breeding SACs it would mean an increase in compensation from £750 to £1,100 and £800 respectively.

#### **4.8 Do you agree the proposed compensation rates in the Annex are appropriate?**

4.9 There may be circumstances where a slaughterhouse is prepared to accept TB-affected animals and will make a ‘salvage’ payment to a keeper which is actually greater than anything the keeper could expect from a legislative process. We do not intend that the introduction of statutory compensation for some non-bovine species – or any changes to existing arrangements – should prevent keepers seeking to negotiate salvage payments.

## **Part E: Tell us what you think**

5.1 If you wish to respond, please submit your comments by **8 November 2016**.

5.2 You can respond in one of three ways.

**Online** by completing the questionnaire at <https://consult.defra.gov.uk/bovine-tb/consultation-on-proposals-for-enhanced-tb-controls>

**Email** to [bTBengage@defra.gsi.gov.uk](mailto:bTBengage@defra.gsi.gov.uk)

**Post** to:

Defra

Non-Bovines Team

Area 5D, Nobel House

17 Smith Square

London SW1P 3JR

5.3 Our preferred method is online because it is the fastest and most cost-effective way for us to collate, analyse and summarise responses. If you require a different format please let us know.

5.4 Given our obligations under the Freedom of Information Act and the Environmental Information Regulations, the responses we receive may be published. If you do not wish to be identified as the author of your response, please state this clearly.

## **Annex: proposed base rates and compensation amounts for non-bovine animals compulsorily slaughtered for reasons of TB control**

As explained at paragraph 4.6, we propose to pay compensation at 50% of these base values for any non-bovines compulsorily slaughtered for TB disease control reasons.

### Pigs<sup>3</sup>

<b>Category</b>	<b>Base value</b>	<b>Compensation amount</b>
In gilt pig	£200	£100
Sow	£150	£75
Boar	£750	£375
Weaner	£100	£50

### Sheep<sup>3</sup>

<b>Category</b>	<b>Base value</b>	<b>Compensation amount</b>
Rams	£480	£240
Ewes	£140	£70
Lambs	£75	£37.50

### Goats<sup>4</sup>

<b>Category</b>	<b>Base value</b>	<b>Compensation amount</b>
Billies	£150	£75
Nannies	£220	£110
Kids (under 6 months)	£80	£40

### Alpacas & Llamas<sup>5</sup>

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<sup>3</sup> **Source:** Nix Pocketbook 46th edition (2015). These values take averages for the replacement values given by Nix for spring lambing flocks and for upland spring lambing flocks, for which the prices are slightly lower.

<sup>4</sup> **Source:** Nix Pocketbook 46th edition (2015).

<b>Sex</b>	<b>Registration Status</b>	<b>Breeding v Non-breeding</b>	<b>Base value</b>	<b>Compensation amount</b>
Male	Registered	Entire	£2,200	£1,100
		Castrated	£1,600	£800
	Unregistered		£350	£175
Female	Registered	Breeding	£2,200	£1,100
		Non-breeding	£1,600	£800
	Unregistered		£350	£175

#### Deer<sup>6</sup>

<b>Category</b>	<b>Base value</b>	<b>Compensation amount</b>
Stag	£1,500	£750
Hind	£350	£175

<sup>5</sup> This is a simplified version of The Andersons Centre REVIEW OF COMPENSATION OPTIONS FOR ALPACAS SLAUGHTERED AS PART OF BOVINE TB ERADICATION PROGRAMME, submitted by BAS and the categories supplied by BLS.

<sup>6</sup> John Nix Pocketbook 46th edition (2015) - replacement values for red deer.