

Regulatory Triage Assessment

Title of measure	TB in non-bovines
Lead Department/Agency	Defra
Expected date of implementation	April 2017
Origin	Domestic
Date	15 July 2016
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Departmental Triage Assessment	Low-cost regulation (fast track)

Rationale for intervention and intended effects

Bovine Tuberculosis (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 (mainly badgers), pets and humans. In 2014/15, TB controls cost around £92 million to Defra.

The Government remains determined to eradicate bovine TB, and the proposals within this consultation are aimed at introducing sensible, proportionate and affordable TB 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. The main rationale for government intervention is that the benefits of disease freedom will be freely available to all keepers, but the costs of achieving this are likely to be borne by few. As disease freedom is likely to be underprovided if left to the market alone, government intervention is needed to achieve it.

In proposing changes to TB controls for non-bovine animals our aim is to strike a balance between robust disease control - aimed ultimately at achieving Officially TB Free (OTF) status for England - and supporting sustainable livestock businesses. For the purposes of this legislation, non-bovine animal species are the following: pigs, sheep, goats, deer (farmed and other captive deer) and South American camelids.

Specifically, 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. The proposals set out in this consultation would form a more coherent and transparent regulatory regime making it simpler for businesses to comply and regulators to police and enforce. They include applying to all non-bovine species the following powers:

- (1) Reporting suspicion of disease
- (2) Duty of veterinary inquiry
- (3) Government testing of non-bovines
- (4) Consent for private TB testing, treatment for TB and TB vaccination
- (5) Precautions against disease spread, including isolation and prohibition of movement of animals
- (6) Non-bovine animals in markets and shows
- (7) Compensation for compulsorily slaughtered non-bovine animals

Other than the changes to compensation values, all of the proposals either consolidate existing disparate legal provisions into one TB Order or simply extend relevant TB controls already in place for bovine animals to non-bovine animals. For compensation, we propose introducing a number of pre-defined compensation categories and values for all non-bovine species to better reflect the structure of the industries and livestock types, replacing the current two tier system. We are proposing to pay compensation at 50% of market value for all non-bovine species, reflecting 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.

Viable policy options (including alternatives to regulation)

Other than the status quo, we have considered the option of applying to non-bovine species the full range of TB controls that currently apply to cattle. But we concluded that the disease risk associated with these species does not warrant introduction of potentially burdensome and expensive (for Government and industry) requirements on, for example, individual animal identification, movement recording and pre and post movement TB testing.

Our preferred option is to make the existing provisions clearer, easier to understand and more robust from a disease control perspective. The majority of the proposals above either represent a simplification of existing legislation or an extension of existing provisions to a larger number of species for the purposes of disease control.

In relation to the proposals to introduce a new compensation scheme for all non-bovines slaughtered for TB control purposes, we have considered/are considering a number of factors to:

- ensure a fair valuation system that is reflective of the structure of each sector.
- establish the market values of each category of animal across the sectors, using market data and industry information to ensure these are reflective of reality.
- set the amount of compensation paid, between 0-100% of market value, considering the need to incentivise voluntary surveillance and maintain the sustainability of the industries in question, whilst protecting the interests of the taxpayer.

Our favoured proposal is for a rate of 50% of market value, but final decisions by Ministers on all of these matters will be informed by responses to the consultation exercise.

Initial assessment of impact on business

The proposed changes will affect up to 50,000 farm businesses. However, a small minority of these businesses are placed under restriction due to the detection of TB. By the end of 2015, around 150 farm businesses were under restriction for TB incidence in non-bovines, of which around a third of these are businesses that keep camelids.

Overall, we expect the proposed measures outlined to have a negligible cost on farm businesses 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. For these reasons, we expect familiarisation and ongoing additional compliance costs to be negligible. However, the changes in compensation arrangements are likely to be costly to some animal keepers while beneficial to others. On balance we expect the overall effect of the changes to compensation to be marginally beneficial to farmers.

BIT status/score

This is not a qualifying regulatory provision (NQR), and so out of scope for the Business Impact Target. This is because the proposals are a consolidation of existing measures, and the impact on business in the worst case scenario is below £1m p.a.

Rationale for Triage rating

This is a low cost regulation because its impact to business in the worst case scenario would be £118k p.a. which is less than £1m p.a.

Supporting evidence

1. The policy issue and rationale for Government intervention

Bovine TB is the most pressing and costly animal health problem in the UK¹. The disease threatens our cattle industry and presents a risk to other livestock, as well as wildlife species (mainly badgers), pets and humans. In 2014/15, TB controls cost around £92 million for Defra². In 2015, the number of cattle tests for TB in England was around 7.3 million, leading to the detection of 4,000 new herd TB incidents. This resulted in 2,900 herds being put under restrictions and 28,000 animals slaughtered³.

The Government remains determined to eradicate bovine TB, and the proposals within this consultation are aimed at introducing sensible, proportionate and affordable TB 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 2038⁴. The main rationale for government intervention is that the benefits of disease freedom will be freely available to all keepers; however the costs of achieving this are likely to be borne by few. As disease freedom is likely to be underprovided if left to the market alone, government intervention is needed to achieve it.

2. Policy objectives and intended effects

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 Officially TB Free (OTF) status for England - and supporting sustainable livestock businesses. For the purposes of this legislation, non-bovine animal species are the following:

- Pigs
- Sheep
- Goats
- Deer (farmed and other captive deer)
- South American Camelids.

Specifically, 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. The proposals set out in this consultation would form a more coherent and transparent regulatory regime making it simpler for businesses to comply and regulators to police and enforce. They include:

¹ Defra, [The Strategy for achieving Officially Bovine Tuberculosis Free status for England \(April 2014\)](#)

² Defra, [Annual Report and Accounts for 2014-15](#).

³ Defra, [Latest statistics on tuberculosis \(TB\) in cattle in Great Britain](#)

⁴ Defra, [The Strategy for achieving Officially Bovine Tuberculosis Free status for England \(April 2014\)](#).

- (1) **Reporting suspicion of disease** - applying the duty to report suspicion of TB in live animals to all non-bovine species.
- (2) **Duty of veterinary inquiry** – applying 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 bovine animal or carcase affected by, or suspected of being affected by TB.
- (3) **Government testing of non-bovines** – applying 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.
- (4) **Consent for private TB testing, treatment for TB and TB vaccination** - applying to all non-bovine species the prohibitions on testing, treatment and vaccination that currently apply to bovines.
- (5) **Precautions against disease spread including isolation and prohibition of movement of animals** - applying to all non-bovine species the powers enabling an inspector to control the spread of TB by requiring the isolation of specific animals and prohibiting the movement of some or all animals on to or off of premises, except under licence.
- (6) **Non-bovine animals in markets and shows** - applying to all non-bovine species the powers allowing a veterinary inspector to remove specified animals from markets, shows etc. and require steps to be taken by the operators of markets, shows etc. to manage the risks posed by the removed animals.
- (7) **Compensation for compulsorily slaughtered non-bovine animals** - introducing specific rates of compensation for all non-bovine species, including changes to the current rates of compensation for deer and camelids.

Other than the changes to compensation values, all of the proposals either consolidate existing disparate legal provisions or simply extend relevant TB controls already in place for bovine animals to non-bovine animals.

The changes to the compensation values are intended to replace a two tier system where:

- **Pigs, sheep and goats** are individually valued at the point of slaughter at their intrinsic value (e.g. given that the animal is infected with TB) – this can be a burdensome and protracted process for both government and farmers.
- **Deer and camelids** are valued at a flat rate with no differentiation to reflect the diversity of the relevant business sectors.

The proposed changes would introduce a number of pre-defined compensation categories and 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. It would also simplify the process of valuing animals and paying compensation.

We are proposing to pay compensation at 50% of market value for all non-bovine species, reflecting:

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.

For pigs, sheep and goats this will represent an increase in the current levels of compensation they would be entitled to receive if TB was found in their herd. For some camelids – primarily those used purely for ornamental purposes or as pets - it would represent an estimated reduction in compensation from £750 to £175. For registered breeding and non-breeding camelids it would mean estimated increases in compensation from £750 to £800 and £1,100 respectively. The proposed changes to compensation are shown in Table 3 (please see page 9).

3. Policy options considered, including alternatives to regulation

Other than the status quo, we have considered the option of applying to non-bovine species the full range of TB controls that currently apply to cattle. But we concluded that the disease risk associated with these species does not warrant introduction of potentially burdensome and expensive (for Government and industry) requirements on, for example, individual animal identification, movement recording and pre and post movement TB testing.

Our preferred option is to make the existing provisions clearer, easier to understand and more robust from a disease control perspective. The majority of the proposals above either represent a simplification of existing legislation or an extension of existing provisions to a larger number of species for the purposes of disease control.

In relation to the proposals to introduce a new compensation scheme for all non-bovines slaughtered for TB control purposes, we have considered/are considering the following:

- How to distinguish between different categories of animals within each industry to ensure a fair valuation system that is reflective of the structure of each sector. We will consider whether to distinguishing by sex, age, breeding status etc.

- How to establish the market values of each category of animal across the sectors, using market data and industry information to ensure these are reflective of reality.
- At what level to set the amount of compensation paid, between 0-100% of market value, considering the need to incentivise voluntary surveillance and maintain the sustainability of the industries in question, whilst protecting the interests of the taxpayer.

On the last point our proposal is for a rate of 50% of market value, but final decisions by Ministers on all of these matters will be informed by responses to the consultation exercise.

4. Expected level of business impact

Summary

Overall, we expect the proposed measures outlined to have a negligible cost on farm businesses 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. For these reasons, we expect familiarisation and ongoing additional compliance costs to be negligible. However, the changes in compensation arrangements are likely to be costly to some animal keepers while beneficial to others. On balance we expect the overall effect of the changes to compensation to be marginally beneficial to farmers.

Number of businesses and animals affected

The proposed changes will affect up to 50,000 farm businesses. **Table 1** presents the most up to date figures on the number of premises and animals affected by the measures proposed, broken down by species.

While the changes will affect a large number of animals and businesses, **Table 2** shows that TB is detected in a small minority of these. By the end of 2015, 150 farm businesses were under restriction due to suspicion or confirmed incidence of TB in non-bovine species, with a third of the affected holdings related to camelids. Overall, this represents 0.3% of all non-bovine holdings⁵. In contrast, 6.1% of cattle herds were still under restriction due to a TB incident⁶. This demonstrates that the associated disease risk with these species does not warrant the introduction of potentially burdensome and expensive TB controls seen in Bovine species (i.e. Cattle).

⁵ Estimated by dividing 150 (number of holdings under restriction), by the estimated number of farm businesses (48,500).

⁶ Defra, [Latest statistics on tuberculosis \(TB\) in cattle in Great Britain](#). Estimated by dividing the total number of herds not officially TB free at the end of 2015 (3,127) by the total number of cattle herds (51,232).

Table 1: Number of animals and holdings data for non-bovine species

Species Type	Number of holdings ^(a)	Number of animals	Average herd size per business
Sheep/lambs	36,850	15,388,984	418
Pigs	8,166	3,953,654	484
Goats	2,906	81,678	28
Deer	257	21,341	83
S A Camelids	250-300	10,000 ^(b)	33-40
TOTAL (rounded)	48,500	19,500,000	n/a

Data sources: Published Defra data on the [structure of the agricultural industry in England and the UK at June \(by farm type and size\)](#), and the [Camelid Statutory Compensation Scheme Validation Impact Assessment](#).

Notes: all data is from 2014 and is unrounded. ^(a)some holdings will keep more than one type of non-bovine species. ^(b)The total camelid population is between 28 and 34 thousand, and those not owned by businesses are kept as pets or ornamental animals.

Table 2: Headline TB in non-bovines statistics across England for 2015

Species	Number of premises:		Number of animal tests ¹	Number of animals removed as TB test reactors ²	No. of other animals removed ³
	(i) placed under movement restrictions during the calendar year	(ii) under movement restrictions at the end of the reporting period			
S A Camelids	48 ³	52 ⁶	3,769	201	99
Sheep	1	2	0	0	0
Goats	18 ⁴	27	316	1	0
Pigs	19	31	63	0	0
Deer	5 ⁵	19	263	5	1
Other	2	19 ⁷	166	0	0
TOTAL	93	150	4,577	207	100

Data source: Defra, [Bovine TB in non-bovine species - Combined 2015](#).

Notes: ¹ includes skin and blood tests. ² A reactor is an animal that fails a TB test. ³ as direct contacts or suspect clinical cases. ⁴ includes five holdings with more than one species of S.A Camelid. ⁵ Includes three holdings co-located with S.A. Camelids. ⁶ includes one holding co-located with S.A. Camelid. ⁷ Includes 14 holdings pending permission to test or remove animals. ⁷ all on one holding.

Impacts on affected business

In this section we will assess the impact of the proposals outlined in Section 2 in turn.

(1) Reporting suspicion of disease

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 Royal College of Veterinary Surgeons (RCVS) Code of

Professional Conduct⁷, 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*’.

(2) Duty of veterinary inquiry

We would not expect this to add significantly to compliance costs since the proposed duty would be on veterinary inspector appointed and paid for by the Government. In addition, section 3 of The Animal Health Act 1981⁸ and article 7 of The Movement of Animals (Restrictions) (England) Order 2002⁹ already provides powers for veterinary inspectors to enter on any land or premises and apply such tests and take such samples as he or she considers necessary, for the purpose of eradicating diseases including TB.

(3) Government testing of non-bovines

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 2002 already provide the means by which Ministers may authorise the carrying out of such tests. The proposal will also provide a saving to the deer sector as this removes the need for owners to pay for Government testing, as mandated in the existing The Tuberculosis (Deer and Camelid) (England) Order 2014¹⁰. However, the magnitude of this saving (benefit) is likely to be small given that there were only 263 TB tests on deer in 2015 (see **Table 2**).

(4) Consent for private TB testing, treatment for TB and TB vaccination

We expect new compliance costs are likely to be negligible. This is because requests for private skin testing currently have to be made to the Animal and Plant Health Agency (APHA) since only they hold the stock of tuberculin. Also, in the absence 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.

(5) Precautions against disease spread including isolation and prohibition of movement of animals

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.

(6) Non-bovine animals in markets and shows

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 serve notices containing restrictions or requirements as considered necessary for the purpose of

⁷ RCVS, [Code of Professional Conduct for Veterinary Surgeons](#)

⁸ [The Animal Health Act 1981](#)

⁹ [The Movement of Animals \(Restrictions\) \(England\) Order 2002](#)

¹⁰ [The Tuberculosis \(Deer and Camelid\) \(England\) Order 2014](#)

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.

(7) Compensation for compulsorily slaughtered non-bovine animals

We propose introducing specific rates of compensation for all non-bovine species, including changes to the current rates of compensation for deer and camelids. **Table 3** presents a summary of the current and proposed changes to compensation for each non-bovine species.

Table 3: Current and proposed compensation arrangements by species

Species Type	Current arrangements ¹	Proposed Market Values (of which 50% will be paid as compensation)
Sheep/lambs	Rates vary. TB infected animals are individually valued at the point of slaughter for their “intrinsic value” in line with The Diseases of Animals (Ascertainment of Compensation) Order 1959.	Rams: £480 Ewes: £140 Lambs: £75
Pigs		Boar: £750 In Gilt Pig: £200 Sow: £150 Weaner: £100
Goats	50% of market value up to a maximum of £600 per animal.	Nannies: £220 Billies: £150 Kids (under 6 months): £80
Deer		Stag: £1500 Hind: £350
S A Camelids (Alpacas and Llamas)	£750 flat rate per animal	Male / Registered ² / Entire (not castrated): £2200 Male / Registered / Castrated: £1600 Male / Unregistered: £350
		Female / Registered / Breeding: £2200 Female / Registered / Non-Breeding: £1600 Female / Unregistered: £350

Notes: ¹ please see [How to deal with TB in non-bovine animals](#) for further information. ² Camelid is registered with the relevant stakeholder group. This includes the British Alpaca Society (BAS) and the British Llama Society (BLS).

Data sources for valuations:

Sheep: *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.

Pigs: *John Nix Pocketbook, 46th edition (2015)*. Nix provides replacement values for a ‘cull sow’ and ‘in gilt pig’, but not for standard sows. We have therefore suggested a value between the two.

Goats: *Nix Pocketbook 46th edition (2015)*.

Deer: *John Nix Pocketbook 46th edition (2015)* - replacement values for red deer.

S A Camelids: 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.

For keepers of **camelids**, the current arrangement is that a flat fee of £750 is paid in compensation regardless of type. Under the proposals, the new table valuations represent:

- a benefit to keepers of registered camelids, as compensation payments increase by up to £350 per animal slaughtered.
- a cost to keepers of unregistered camelids, as compensation payments would decrease by £575 per animal slaughtered.

If we assume that all camelids that were slaughtered (i.e. removed as TB test reactors¹¹) in 2015 were unregistered, in the worse-case scenario the ongoing cost to farmers would be £116k¹² per year. In the best case, if all camelids were registered breeding males and females, then the on-going benefit would be around £70k per year¹³. However, as the majority of TB testing takes place on farm businesses which keep registered camelids, we expect that the changes to compensation will be a small benefit overall to camelid keepers.

For keepers of **deer**, the current arrangements are that for each TB infected animal slaughtered, keepers receive 50% of their market value up to a maximum of £600. Under the proposals, the new table valuations represent:

- a benefit to keepers of stags, as compensation payments would increase by a minimum of £150.
- a cost to keepers of hinds, as compensation payments could decrease by up to £425.

Both statements assumed the maximum value per animal (£600) could be claimed as mandated under existing arrangements. In any case, we estimate that the ongoing additional benefit or costs to deer keepers to be very low due to the small amount of TB reactors slaughtered in 2015. In the worst case scenario, if all the deer that were slaughtered in 2015 were hinds, then the maximum ongoing cost to farmers would be around £2k per year¹⁴.

Finally, for keepers of **pigs, sheep and goats**, the new pre-defined table valuations represent an increase in the current levels of compensation they would be entitled to if TB was detected in their herd. This is because under the current arrangements, any TB infected animals are individually valued at the point of slaughter for their *intrinsic value*. This is in line with The Diseases of Animals (Ascertainment of Compensation) Order 1959, and the process places a burden on farmers and government.

Under the proposals, such animals would receive compensation based on 50% of the market value of live clean (i.e. TB free) animal, which is greater than the intrinsic value of a TB infected animal at the point of slaughter. Such farmers would not only directly benefit from the increase in compensation received, they would also benefit from the reduced burden of not having to go through the individual valuation process. However, we expect the overall ongoing benefit to farmers to be very low as across these three species only 1 TB reactor was slaughtered in 2015 (see **Table 2**).

¹¹ A reactor is an animal that fails a TB test.

¹² 201 TB reactors multiplied by a loss of £575 per animal slaughtered.

¹³ 201 TB reactors multiplied by a gain of £350 per animal slaughtered.

¹⁴ 5 TB reactors multiplied by a “maximum loss” of £425 per animal. The “maximum loss” per animal is calculated by subtracting the new compensation rate (£175) from the maximum value that can be claimed under the current regime per animal (£600).

Summary of overall impacts

Overall, other than the changes to compensation values, we estimate that all of the proposals are likely to have negligible impact on compliance costs going forward. This is because they consolidate existing disparate legal provisions or simply extend relevant TB controls already in place for bovine animals to non-bovine animals. Bringing these and other, provisions together would simplify the regulatory regime and provide greater certainty and transparency for keepers of non-bovines.

With respect to changes to compensation we expect that the impact to be marginally beneficial overall. This is because for:

- **deer, pigs, sheep and goats**, the changes in compensation only affect a tiny minority of non-bovines that are slaughtered for TB.
- **camelids**, as the majority of TB testing takes place on farm businesses which keep registered camelids, we expect that the changes to compensation will be a small benefit overall to camelid keepers.

This is a low cost regulation because its impact to business in the worst case scenario would be £118k¹⁵ per annum, which is less than £1m p.a.

¹⁵ £118k = £116k (assuming all camelids which were slaughtered were unregistered – see footnote 13) + £2k (assuming all slaughtered deer were hinds – see footnote 15)