

1. Strengthening cross compliance TB controls – financial penalties for overdue TB tests

2. Introduction of six-monthly surveillance tests in the part of Cheshire that falls within the TB Edge Area

Bovine TB information note 05/14

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Introduction

TB testing of cattle herds is the foundation for England's bovine TB programme. Two specific new measures – one covering the whole of England and the other affecting a part of Cheshire - will come into effect on 1 January 2015 to reinforce that testing regime.

1. Extending the scope of cross compliance penalties for late TB testing

Introduction

On 1 January 2014 we enhanced cross compliance controls for overdue TB surveillance and check tests – with deductions made to farm subsidy payments for claimants that failed to complete their tests by prescribed deadlines. As a result of this measure the number of overdue TB tests dropped significantly. On 1 January 2015, as notified in our [cattle measures consultation](#) of June 2014, we will extend this approach to include most other types of TB tests.

What is cross compliance?

Cross compliance refers to the requirement for recipients of certain Common Agricultural Policy (CAP) subsidy payments to meet a range of agricultural and environmental standards. These apply to you if you receive direct payments under the Single Farm Payment Scheme (SPS) and/or through certain Rural Development Schemes. Cross compliance rules will also have to be met by recipients of subsidy from the Basic Payments Scheme (BPS) when it replaces SPS in 2015.

What's changing?

From 1 January 2015 the existing cross-compliance approach to late TB tests will be **extended** to include all types of TB tests **except** those which result from tracings of animals following a TB breakdown elsewhere.

Those extended test types where the notification of the test requirement is issued on or after 01/01/2015, will be subject to the same process as those currently included within the existing cross-compliance measures.

A list of the test types subject to zero tolerance is at Annex A.

If your herd is required to have a TB test you must ensure the test is conducted within the required period (or window), otherwise you risk being financially penalised (see below).

Under existing cross compliance rules, RPA apply a percentage reduction to CAP Scheme payments (Pillar 1 and Pillar 2) claimed by those cattle keepers who have not met their TB testing obligations. The level of reduction depends on by how long the test is overdue, and other relevant criteria, such as repeated instances of late testing.

Will I be affected by the changes?

This change applies to all cattle keepers who claim CAP Scheme payments.

Why are these changes being introduced?

To reduce the risk of the spread of TB – delays to TB testing increases the disease risk for the herd and for neighbouring herds. Book your test as soon as you hear from APHA. Don't put your business, or those of your neighbours, at risk.

How will I know if a TB test is due on my herd?

The Animal and Plant Health Agency (APHA, which includes what was previously AHVLA) notify cattle keepers in writing of their TB testing window for all tests. If you are at all unsure, contact your local APHA office or look on the APHA pages of the Gov.uk website.

Please contact your nominated vet as soon as you receive your TB test notification letter to book your test with them. The test must be completed (not just started) within the notified testing window.

What should I do if I know I will have a problem completing the test on time?

Cattle keepers should contact their local APHA office, at the earliest opportunity, if they think they will not be able to complete their herd test on time.

If there are extenuating circumstances preventing the completion of the testing within the notified testing window evidence of these circumstances must be provided in writing to APHA as soon as possible, and no later than 10 days after the testing window closes. This evidence will be considered prior to referral of the case to the RPA for cross compliance action.

How will I be notified if a reduction is to be applied to my CAP Scheme payments and how much do I stand to lose?

RPA will inform you and explain the reason for the level of reduction resulting from the TB test breach.

Where a test is overdue by between one and ten days, a 1% reduction will generally be applied. Where a test is overdue by between eleven and thirty days, a 3% reduction will generally be applied. Tests overdue by more than 30 days will generally result in a 5% reduction.

What if I'm not at fault?

You must speak to your local APHA office as soon as you think you won't be able to carry out your TB tests by the due date. If there are extenuating circumstances, you should write explaining what these are. APHA will take them into account when assessing which cases are referred to RPA.

Should any cattle keeper feel that they have had reductions applied incorrectly, RPA operate an appeals process for CAP Scheme issues. For more information see the RPA pages of the Gov.uk website: <https://www.gov.uk/government/organisations/rural-payments-agency>.

How do I know what standards I need to meet?

For TB testing, it's clear – they must be completed by the prescribed deadlines.

The standards that have to be met are known as Statutory Management Requirements (SMRs). The controls for TB are currently under SMR 11 (Food and Feed Law), requirement D10, which is on page 67 of the online version of the 2014 Guide to Cross Compliance in England. Further information can be found at: <https://www.gov.uk/statutory-management-requirements>. From 2015, the Food and Feed Law will be renumbered as SMR 4.

Most cross compliance requirements are underpinned by standalone legislation that was in place before the cross compliance rules came in. Therefore farmers that don't comply with cross compliance rules may also face enforcement action and even prosecution, as well as a reduction to CAP Scheme payments.

What about cattle keepers who don't claim CAP Scheme payments? Will they get away with having overdue tests?

All cattle keepers have a legal obligation to test on time, whether they claim farm subsidies or not. APHA place holdings with overdue TB tests under immediate movement restrictions and notify Local Authorities. Local Authorities are responsible for enforcing TB legislation and undertake a range of enforcement action including prosecution against those that fail to meet their legal obligation to test cattle.

2. Introduction of six-monthly surveillance tests in the part of Cheshire that falls within the TB Edge Area

Introduction

The Edge Area is the part of the current annual bovine TB testing area adjoining the low risk counties of England where infection is either currently spreading or which is at risk of disease spread in the short to medium term. It spans the counties of Berkshire, Buckinghamshire, Hampshire, Leicestershire, Northamptonshire and Nottinghamshire and part of the counties of Cheshire, Derbyshire, Oxfordshire, East Sussex and Warwickshire. The objective of the Edge Area strategy is to focus effort on containing and then reversing the spread of the disease, through more intensive TB testing of cattle herds, enhanced TB breakdown management, increased support for badger vaccination and other measures.

In addition to annual herd testing, in Cheshire and Derbyshire these measures currently include testing of holdings within (or straddling) a 3km radius around a herd which has had its official TB freedom withdrawn due to a bovine TB breakdown with one or more visible lesion test reactors and/or culture positive animals. This is known as 'radial' testing. Radial testing in the Edge Area involves an immediate skin test, followed by an additional test after 6 months before reverting back to annual testing.

What is changing?

From 1 January 2015 six monthly whole herd testing will be introduced in the Edge Area part of Cheshire in order to replace the current annual whole herd testing and radial testing regimes which apply to herds in this area.

Why make this change?

A large proportion of herds in Cheshire have been affected by radial testing since this policy was introduced in January 2014 – about 50% of those in the Edge part of the county in the first six months of the year. Notification of radial tests will have come out of the blue for some herd owners, disrupting their TB testing plans. So, the objective of this change is to facilitate better the scheduling of tests by farmers, OV practices and APHA to speed up the detection of infected herds in this area of increasing incidence.

Does this cover all of Cheshire?

No. The High Risk area part of Cheshire remains in annual testing.

Will this change affect herd owners' ability to trade?

No – there will be no impact on herd owners' opportunities to trade their animals [as long as their herds remain officially TB free]. Cattle keepers not affected by TB movement restrictions will continue to be able to use as negative pre-movement TB tests any government-paid herd tests with negative results.

I am already due a radial test before January. What will happen now?

Herds in the affected area of Cheshire that are due a radial test before the new year should have their test as planned. If all of the cattle test clear the herd should then be subject to a whole herd test after six months.

I am already due a radial test in the New year. What will happen now?

Radial tests scheduled to take place between 1 January 2015 and 30 June 2015 should proceed as normal. If all of the cattle test clear the herd should then be subject to a whole herd test after six months.

Any herds that are due a radial test after 30 June 2015 will have it revoked and replaced by a whole herd test six months after the last negative radial test.

Will testing of herds contiguous to a new herd breakdown (OTFW) continue?

Immediate contiguous herd tests will not be triggered in the Edge part of Cheshire while the 6 monthly whole-herd testing policy remains in force except: (i) at the APHA case vet's

discretion – such as in cases where the new breakdown poses a very high risk to contiguous herds; and (ii) or where the contiguous herds are in Staffordshire, Derbyshire, Wales or in the annual testing area of Cheshire.

How can I find out more?

If you have any further questions on how these changes will affect you, please contact your local APHA office or RPA:

APHA	
For contact details of your local APHA Office use the postcode search tool on the APHA website: http://ahvla.defra.gov.uk/tb-test/index.asp	APHA SSC Cardiff – Overdue testing team: 02920 768 555
RPA	
https://www.gov.uk/government/organisations/rural-payments-agency https://www.gov.uk/government/collections/cross-compliance	RPA helpline: 0345 603 7777 Text Relay 18001 0845 603 7777 Email: CSC@rpa.gsi.gov.uk
Farming Advice Service	
Email: advice@farmingadvice.org.uk	Tel: 0345 345 1302

Annex A: TB tests subject to zero tolerance cross compliance controls

Tests subject to zero tolerance from 1 January 2014	
APHA test code	Description
RHT	Routine Herd Test (4 yearly TB testing area)
WHT	Whole Herd Test (annual TB testing area and in individual herds requiring annual testing)
CON	Contiguous to OTFW herds outside their regular test frequency
CON12	Carried out 12 months after a CON
CT-NH1	Test carried out when a new or reformed herd has been identified, within 12 months of arrival of the first animal
CT-NH2	Test carried out 12 months after a CT-NH1 test on reformed herds following depopulation for TB reasons.
CT-HS1	Test carried out if a holding is within a 3km radius of an incident, which triggers a potential hotspot area
CT-HS2	Test carried out 12 months after the CT-HS1 test.
CT(EM)	Check test
6M	Carried out 6 months from the date of the clear short interval test which led to the lifting of restrictions except in OTFS herds in 4 yearly testing areas.
12M	Carried out 12 months after 6M if that test was clear, or 6-12 months after the last SI of a breakdown with unconfirmed disease in 4 yearly testing areas.
Tests subject to zero tolerance from 1 January 2015	
IR	Inconclusive Reactor Retest
SIT	Short Interval Test
PSI	Partial Short Interval Test
DTG	Delayed Testing Group
ASG	Approved Segregated Group
CT(I&I)	Check Test
RAD RAD6 RAD12	Radial Herd Tests
TBU	TB Unit Test
POSTMT	Post-Movement Test
PII	Post Import (Irish) Test
PIO	Post Import (Other) Test

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This document/publication is also available on our website at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/series/bovine-tb-information-notes>

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