



Department
for Environment
Food & Rural Affairs

Consultation on proposals to implement Council Directive 92/35/EEC on the control of African Horse Sickness

Consultation summary

December 2012

Department for Environment, Food and Rural Affairs

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1 Background

1.1 In this consultation, Defra invited comments on proposals to introduce new legislation on the control of African horse sickness and the draft associated control strategy.

1.2 African horse sickness is a notifiable exotic animal disease which is recognised as causing damage to the international equine industry through direct losses of susceptible animals and damage to related industries and trade.

1.3 Legislation on the control of African horse sickness in England must be consistent with European Union Council Directive 92/35/EEC. The aim was to produce domestic legislation that closely follows the Directive as far as possible.

1.4 The consultation ran from December 2009 to March 2010 (<http://webarchive.nationalarchives.gov.uk/20101230160533/http://www.defra.gov.uk/corporate/consult/african-horse-sickness/index.htm>). This response to the consultation, the making of new regulations and publication of the control strategy was postponed until the new regulations underwent further scrutiny to ensure they were fit for purpose. This process included independent scrutiny in England by the Regulatory Policy Committee, which reviewed the evidence and analysis supporting the new regulations in England. The final impact assessment for The African Horse Sickness (England) Regulations 2012 is available at <http://www.ialibrary.bis.gov.uk/uploaded/DEFRA0113%20AHS%20Final%20IA.pdf>.

2 Summary of responses

2.1 Twenty-two responses were received. A list of those who responded is in the Annex. The key themes that emerged are described below.

Compensation

2.2 A number of respondents questioned the new cap on compensation payable to owners of horses and other equidae that are slaughtered as a disease control measure but which test results subsequently show are negative for African horse sickness. The proposed cap on compensation in such circumstances was £2,500.

2.3 Defra has worked with various stakeholder groups to arrive at the maximum compensation value, and having considered the consultation responses we maintain the view that our policy to cap the maximum payment is a proportionate and fair balance between the interests of the horse owner and the interests of the taxpayer in protecting the public purse from large compensation liabilities. There is an overriding consideration of protecting public expenditure in an outbreak and also of protecting against the problems

associated with attempting to accurately place a market value on a high-value horse immediately before it was put down.

2.4 It would not be appropriate to pay compensation for horses that have been killed by Government and have subsequently tested positive for the disease. Veterinary evidence indicates that the vast majority of horses will die within the first week of becoming infected. Therefore, if infected horses are not killed by Government, they will invariably deteriorate in health and die from the disease, or need to be destroyed for welfare reasons. As such, it would not be appropriate for the taxpayer to shoulder the burden of compensation payments where the disease has such a high rate of mortality.

Slaughter

2.5 Some respondents questioned whether compulsory slaughter of equidae was necessary, and whether the new regulations would contain sufficient flexibility regarding whether or not to use slaughter as a control measure.

2.6 The killing provisions provided for in the African Horse Sickness (England) Regulations 2012 (or The African Horse Sickness (Scotland) Order 2012) are a power and not a requirement on the Secretary of State to kill all equidae that present clinical signs of African horse sickness. The flexibility built into this regulation is necessary to deal with changes in the control measures that may be required, as anticipated by Article 11 of Directive 92/35/EEC. It also ensures that the Secretary of State is not under an automatic obligation to kill suspect equidae on a contact premises, but can take such a decision based on the necessary clinical and epidemiological information.

2.7 The control strategy will be clear that compulsory slaughter would not continue once it is evident that it is no longer the most effective way of controlling the spread of the disease. Ceasing to compulsorily slaughter would need to be determined on a case-by-case basis on advice from experts on the epidemiological risk, climate, evidence of infected midges circulating and location of nearby horses, amongst other factors.

Movement controls

2.8 It was asked whether wider controls, beyond the control, protection and surveillance zones centred on infected premises, might be useful. Powers to establish a temporary movement restriction zone have been included in new regulations, which could restrict the movement of equidae nation-wide if necessary in an outbreak.

3 Next steps

3.1 The African Horse Sickness (Scotland) Order 2012 and the African Horse Sickness (England) Regulations 2012 are now in place, and include slaughter and compensation

powers as detailed above, as well as provision for temporary movement restriction zones. Similar regulations will be introduced in Wales.

3.2 The African Horse Sickness Control Strategy for Great Britain will guide the reader through the new legislation, and details the actions to be taken when there is a heightened risk of disease incursion or suspected or confirmed disease.

Annex - Responses received by 11 March 2010

- Association of Show and Agricultural Organisations
- British and Irish Association of Zoos and Aquariums
- British Equine Veterinary Association
- British Horse Industry Confederation
- British Horse Society
- Horserace Betting Levy Board
- Irish Draught Horse Society
- Joseph Skinner
- Local Authority Co-ordinators of Regulatory Services (LACORS)
- National Standing Committee on Farm Animal Genetic Resources
- Racecourse Association
- RSPCA
- Sally Hodgson
- Sue Bingham
- Sue Orpen
- Thoroughbred Breeders Association
- Trading Standards Institute
- Warmwell.co.uk
- World Horse Welfare – Keith Meldrum