

Response from the

Welsh Agri-food Partnership Organic Strategy Group

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to the Welsh Assembly Government consultation on

The Tuberculosis and Brucellosis (Wales) Order 2010

<http://wales.gov.uk/consultations/environmentandcountryside/contbbrucellosisorder2010/?lang=en>

Introduction:

The aim of this consultation is to seek views of interested parties and members of the public on the Tuberculosis and Brucellosis (Wales) Order 2010 and which contains a number of changes for consideration. The two main areas affected by the Order are Pre-movement Testing exemptions and changes to the compensation regime in Wales. This follows a consultation on the compensation policy earlier in 2009. It also addresses changes to terminology and introduction of fixed penalty notices.

Response

The Organic Strategy Group agrees with the proposals to increase the penalties for flagrant disregard for the TB controls put in place in Wales and also the tightening up on exemptions for Pre-Movement Testing that may in the past have increased the risk of TB spread. Specific comments to the consultation questions asked are provided below.

Section A: Tuberculosis and Brucellosis (Wales) Order 2010 (The Order)

Q1. Do you agree with this approach with regard to Fixed Penalty Notices (set out in 3.2) aimed as it is at correcting bad practice without the need for a court appearance and possible conviction?

We agree in principle with the idea of Fixed Penalty Notices.

We would also query what the proposed course of action is for those keepers that repeatedly non-comply? We feel that if, after the issue of **one** Fixed Penalty Notice the keeper is found to be non-compliant again then a court appearance and possible conviction should follow; notwithstanding exceptional circumstances.

Q2. Do you agree that, subject to appropriate agreement, policy for Pre-movement Testing exemptions and any rates reducing compensation (as set by Welsh Ministers) should be managed via an administrative route?

Yes we agree that, subject to appropriate agreement, policy related to Pre-movement Testing Exemption and compensation rate reduction for non compliance should be

managed via an administrative route if this means that changes can be implemented more rapidly and effectively.

However, compensation should not be reduced below valuation levels for those who have acted responsibly or have been subject to exceptional circumstances that have handicapped their ability to do so.

Q3. Is the Royal Institute of Chartered Surveyors the appropriate body to administer the valuation process on behalf of the Welsh Assembly Government?

More information needs to be provided by the Welsh Assembly Government in order to provide an answer to this question. If the service currently being provided by the Royal Institute of Chartered Surveyors is not appropriate, or is resulting in delays in animals being valued and removed for slaughter then alternative options need to be investigated and proposed to the industry. The status quo does limit Welsh Assembly Government choice and flexibility, but there may be other benefits to keeping the arrangement.

Perhaps the CAAV should also be considered.

We would emphasize that valuers need to be made aware of values for specialist groups of livestock such as organic – particularly when they may not handle sales of these animals regularly and there are no published pricing schedules available. The normally higher value of organic stock needs to be understood and compensated for.

Section B: Change to Pre-movement Testing Policy

We are pleased to see the removal of some exemptions that may pose an increased risk of TB spread. Common grazing poses a risk to effective biosecurity. Stock from TB free and TB affected herds should not be mixed and the proposed exemption needs further consideration. Pre movement testing before cattle are moved onto *shared* grazing common land is essential and testing and quarantine on returning to the farm should also form part of the TB order. WAG should also give consideration to disallowing common shared sheep grazing where sheep flocks are coming from TB affected farms.

However, because in some circumstances the movement of cattle to some commons would not represent a risk as the commons either have no other graziers, no other cattle grazing on the common, or are remote from other cattle (perhaps many miles on a large common) that are turned out on the same land, some form of risk assessment would be valuable.

Q1. Are the exemptions that we intend to manage administratively under Article 12 paragraph 3(c) of the draft Order appropriate?

The exemptions that are intended to be managed administratively appear to be appropriate.

Q2. Should other administrative exemptions be considered? If yes, please state and give reasons why it should be included.

No

Q3. If Sole Occupation Authorities (SOAs) were to be retained, via the administrative process, then would a maximum effective distance of, for example, 16km where a Pre-movement Test was not required, be an appropriate option?

We do not feel that we have been provided with enough information in this consultation document to say whether this suggestion is appropriate or not. Cattle moving between blocks of land (whether a greater or lesser distance than 16km) pose an increased risk for the transmission of TB (by exposure to different populations of wildlife, access to larger area of boundary fencing and potential for nose to nose contact with other cattle etc.) regardless of whether the land is under an SOA or not.

Section C: Change to TB compensation policy

Q1. What are your views on the proposed policy and the schedule of reductions?

We feel that increased penalties for non-compliance with statutory requirements regarding TB testing is highly appropriate.

Q2. Do you agree that the appeals procedure outlined in Annex B is fair and allows herd keepers the opportunity to question decisions made?

Yes we agree that the appeals procedure in Annex B is fair.