

Notifiable Diseases in Poultry/Captive Birds: Compensation and valuation

The government has powers to cull (slaughter) animals to control the spread of notifiable avian diseases (NAD). The Animal Health Act 1981 (as amended) provides legal basis for government's compensation policy in Great Britain for birds culled for disease control purposes. Only poultry or other captive birds killed under orders from government can be compensated for.

The policy on compensation is based on the principles below:

- After confirmation of disease, APHA make arrangements for the birds to be culled. Once arrangements have been made, an APHA veterinary inspector makes a clinical assessment of the disease status of all kept birds on the infected premises.
- This assessment is based on a clinical inspection and veterinary judgment of the number of birds considered to be affected with the disease for which they are being killed. The assessment is made by walking through the house / pen in a random pattern, stopping inspecting the birds and recording the findings before moving on. The keeper or private vet is entitled to accompany the APHA vet and see the findings.
- The assessment, which determines the maximum number birds that are eligible for compensation is made shortly before the killing of birds begins (not when disease is confirmed). This assessment is made no more than 24 hours before culling is due to start.

Who is eligible for compensation?

Owners whose animals are culled by government for the purposes to control spread of notifiable avian disease are eligible to receive compensation on healthy birds (not affected by NAD) in accordance with The Animal Health Act 1981.

- Owners will generally receive compensation
 - for any healthy poultry or other captive birds culled, at the value of the birds immediately before killing.
 - for poultry or other captive birds that were unaffected by NAD following initial veterinary assessment but subsequently become diseased (but do not die) before culling has commenced.
- Owners generally would not receive any compensation for birds that:
 - the keeper voluntarily kill independently of an official cull e.g., welfare culls
 - were dead or die before they are culled, even if they were healthy at the veterinary assessment.
 - are assessed as diseased or affected during the initial veterinary assessment.

- Keepers will not receive compensation for any eggs or poultry meat that are required to be disposed of at the infected premises (IP) or following tracing investigations from an IP (as they are from affected birds).

How compensation is calculated for notifiable avian disease?

The value of healthy unaffected poultry (including game birds and poultry kept as pets) and other captive birds will be carried out by one of the following methods:

- Valuation by APHA using a [valuation rate card](#) – this is the default option where this is available for the species and type of bird to be killed. These rate cards are updated periodically. If a rate card is not available, APHA may commission a new generic or bespoke rate card. The new cards are added to the APHA library and if still relevant, can be used in future outbreaks.
- Specialist poultry consultants/valuers may be used when no other method of valuation is possible.
- In exceptional circumstances, APHA may consider a request by a keeper to use a bespoke valuation commissioned by the keeper, where they feel the birds are not commercial and are particularly rare. This option would also apply to primary breeding stock. This valuation will need to be accompanied by full details (including photographs) of the age and breed of poultry. APHA may appoint an independent valuer who is suitably qualified and experienced to review this valuation

How is the owner informed of the amount of compensation payable?

Following the completion of culling APHA will use the information on the number of birds culled to calculate the amount of compensation payable. The information will be provided to the owner on a standard form (EXD34).

This form will detail the number of birds valued and the compensation payable (noting that not all birds valued may be eligible for compensation). Additional supporting information and detail will also be provided on a separate proforma document (EXD31). The process for disputing a valuation is detailed in the Notes for owner/agent on the form.

How does an owner/agent dispute a valuation?

If the owner disagrees with the valuation of any animal or wishes to dispute the statement of valuation, they must give **counter notice in writing** to the Head of Field Delivery (England, Scotland, or Wales as appropriate) within **14 days** of the date on the EXD34.

Disputed valuation process?

On receipt of the counter notice APHA will acknowledge receipt and review the counter notice.

- a) If the dispute is a clear matter of fact, such as an arithmetic miscalculation, or contains further information that supports the claim, such as evidence that the animal was a pedigree animal or the wrong tables had been used, or the ages were wrong, then the compensation will be re-calculated, and a new statement provided.
- b) If the dispute is not a clear matter, it will be referred to the APHA National Disease Control Centre (NDCC) Field Operations (Ops) (National Oversight) Team who will liaise with Defra, Scottish Government (SG) and Welsh Government (WG) as appropriate. This may involve contacting the owner / agent for more information or engaging a specialist valuer or breed expert.

Once they have concluded their assessment, the APHA Field Ops Team may agree with some or all of the points raised in the counter notice, in which case they will respond in writing to the owner/agent detailing their findings and setting out the revised statement of valuation, noting any areas where they disagree with the counter notice claims. If some or all the disputed valuation claims are rejected, this will be explained in the letter as well. This letter is normally the end of the dispute process.

- c) If the owner/agent, following receipt of this letter wishes to continue to challenge the amount of the compensation offered, there is a formal arbitration process available to them, as set out in [The Diseases of Animals \(Ascertainment of Compensation\) Order, 1959](#).

The arbitration process will involve appointing an independent arbitrator that will preside over the case where the outcome will be upheld. Compensation will be paid in accordance with the award made by the arbitrator following the hearing. Liability for the costs of arbitration will be determined by the arbitrator.