

1995 No. 273

ANIMALS

**Diseases of Animals (Modification No. 2) Order
(Northern Ireland) 1995**

Made 3rd July 1995

Coming into operation 1st August 1995

The Department of Agriculture, being satisfied that the modification of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(a) set out in Article 2 is necessary or expedient for the purposes of that Order, in exercise of the powers conferred on it by Article 16(2) of that Order and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Modification No. 2) Order (Northern Ireland) 1995 and shall come into operation on 1st August 1995.

Modification of the Diseases of Animals (Northern Ireland) Order 1981

2. In Part II of Schedule 2 to the principal Order for paragraph 12A there shall be substituted the following paragraph—

“12A. Bovine spongiform encephalopathy:

(1) The compensation shall—

(a) where examination by the Department of tissues taken from the animal slaughtered confirms that it was affected with bovine spongiform encephalopathy, be either—

(i) the market value of the animal; or

(ii) the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is the less;

(b) where examination by the Department of tissues taken from the animal slaughtered does not confirm that it was affected with bovine spongiform encephalopathy, be either—

(i) the market value of the animal; or

(ii) 125% of the amount referred to in head (a)(ii),

whichever is the less.

(a) S.I. 1981/1115 (N.I. 22). The relevant amending Order is S.R. 1990 No. 135

(2) For the purpose of this paragraph—

(a) the indicative market price in respect of each month of the year shall be calculated in accordance with the following formula:

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

where

A is either 1 or the number of cattle aged less than 7 years when their market value was determined which were slaughtered in Northern Ireland in pursuance of paragraph 10A of Part I during the month of the year occurring two such months before the date of that valuation (“the calculation month”), whichever is the greater;

B is the average price during the calculation month for commercial grade cows and in-calf heifers both of which are intended for use in the production of milk, such price to be calculated by dividing the total of the sale prices paid for such animals in the returns for a 4 week period ending on the last Saturday of the calculation month by the total number of such animals shown in those returns to have been sold rounded down to the nearest £1;

C is either 1 or the number of cattle aged 7 years or more when their market value was determined which were slaughtered in Northern Ireland in pursuance of paragraph 10A of Part I during the calculation month, whichever is the greater;

D is the average price during the calculation month for cull cows, such price to be calculated by dividing the total of the sale prices paid for such animals in the returns for a 4 week period ending on the last Saturday of the calculation month by the total number of such animals shown in those returns to have been sold rounded down to the nearest £1;

(b) where, in respect of any calculation month, returns in respect of all the markets listed in Article 14 of the Bovine Spongiform Encephalopathy (Northern Ireland) Order 1995(a) have not been furnished to the Department by the 15th day of the following month of the year—

(i) if returns have been so furnished in respect of 3 or more of those markets, the average price for commercial grade cows and in-calf heifers or for cull cows as the case may be in respect of that calculation month shall be calculated in accordance with head (a) from the information shown in those returns;

(ii) in any other case, the average price for commercial grade cows and in-calf heifers or for cull cows, as the case may be, in respect of that calculation month shall be the same as that for the most recent previous calculation month for which such an average price was calculated in accordance with head (a).

(3) The Department shall take such steps as it considers appropriate for the purposes of bringing to the notice of persons concerned the indicative market price in respect of each month of the year and the total number of animals and the total sale price on which the calculation of such indicative market price was based.

(4) In this paragraph—

“cull cows” means adult female bovine animals which have had one or more calves and which are being sold for immediate slaughter;

“market value” in relation to an animal means the price which might reasonably have been obtained for the animal at the time of valuation in accordance with Article 13 of the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995 from a purchaser in the open market as if the animal was not affected or suspected of being affected with bovine spongiform encephalopathy;

“return” means a return furnished to the Department in accordance with Article 14 of the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995.”

Sealed with the Official Seal of the Department of Agriculture on 3rd July 1995.

(L.S.)

P. T. Toal

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order modifies Part II of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981 (“the principal Order”) in relation to the compensation payable in respect of cattle slaughtered as a result of being affected with bovine spongiform encephalopathy or suspected of being so affected and cattle which are in contact with cattle affected by the disease or which appear to be otherwise exposed to the infection of that disease.

The Order sets out a revised method by which compensation is calculated. Where the animal slaughtered was affected with bovine spongiform encephalopathy, the compensation payable is an amount equal to the lower of either the market value of the animal or the indicative market price for the month in which the market value of the animal was determined. Where a subsequent laboratory examination of tissues taken from the animal does not confirm that it was affected with bovine spongiform encephalopathy, the compensation payable is an amount equal to the lower of the market value of the animal or 125% of the indicative market price.

The indicative market price of a bovine animal for the purposes of such compensation is based on the number of commercial grade cows, in-calf heifers and cull cows sold at certain markets in Northern Ireland, the prices paid for such animals and the number of cattle slaughtered in accordance with paragraph 10A of Part I of Schedule 2 to the principal Order.