



Fur Farming (Prohibition) Act 2000

2000 CHAPTER 33

5 Compensation for existing businesses.

- (1) The appropriate authority may (and, in the case of the [^{F1}Secretary of State], shall) by order make a scheme for the making of payments by that authority to persons in respect of income and non-income losses incurred by them as a result of ceasing, by reason of the enactment or coming into force of section 1, to carry on their businesses so far as they consist of activities prohibited by that section.
- (2) A scheme shall, in particular, specify—
 - (a) the description or descriptions of income losses and the description or descriptions of non-income losses in respect of which payments are to be made, and
 - (b) the description or descriptions of businesses in respect of which payments are to be made,but need not provide for the making of payments in respect of all income losses or all non-income losses or (as the case may be) in respect of all businesses.
- (3) A scheme shall also, in particular—
 - (a) specify the basis or bases of valuation for determining losses,
 - (b) specify the amounts of the payments to be made or the basis or bases on which such amounts are to be calculated,
 - (c) provide for the procedure to be followed (including the time within which claims must be made and the provision of information) in respect of claims under the scheme and for the determination of such claims.
- (4) Before making a scheme under this section, the appropriate authority shall consult such persons as appear to it to be likely to be entitled to payments under such a scheme and such organisations as appear to it to represent such persons.
- (5) Subsection (6) applies to any dispute as to a person's entitlement to payments under a scheme or the amounts of any such payments which—
 - (a) has not been resolved within nine months of the day on which the original decision as to entitlement or amounts was notified in writing to the person concerned by the appropriate authority, and

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- (b) has not been referred by agreement to arbitration.
- (6) The dispute shall be referred by the appropriate authority to, and determined by, the [^{F2}Upper Tribunal].
- (7) An order under this section shall be made by statutory instrument which, except in the case of an instrument made by the National Assembly for Wales, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
“income losses” means losses of income, and
“non-income losses” means losses other than income losses.

Textual Amendments

- F1** Words in s. 5(1) substituted (27.3.2002) by [S.I. 2002/794](#), art. 5(1), **Sch. 1 para 40** (with arts. 5(3), (6))
- F2** Words in s. 5(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 268** (with Sch. 5)

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