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STATUTORY INSTRUMENTS

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**1996 No. 1351**

**ANIMALS**

**ANIMAL HEALTH**

**The Bovine Spongiform Encephalopathy  
Compensation (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>20th May 1996</i>
<i>Laid before Parliament</i>		<i>21st May 1996</i>
<i>Coming into force</i>	- -	<i>23rd May 1996</i>

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by section 32(3) of the Animal Health Act 1981(1), and of all other powers enabling him in that behalf, with the approval of the Treasury in accordance with the said section 32(3), and the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by section 34(7) of the said Act, and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and Commencement**

1. This Order may be cited as the Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1996 and shall come into force on 23rd May 1996.

**Amendment of the Bovine Spongiform Encephalopathy Compensation Order 1994**

2.—(1) The Bovine Spongiform Encephalopathy Compensation Order 1994(2) shall have effect subject to the following amendments.

(2) In article 2 (interpretation) for the definition of “market value” there shall be substituted the following definition—

““market value” means

(a) in the case of a bovine animal over 30 months old, either—

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(1) 1981 c. 22; see section 86(1) for the definitions of “the Minister” and “the Ministers”. Section 32 was applied to bovine spongiform encephalopathy by S.I.1991/2246.  
(2) S.I. 1994/673.

- (i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected or suspected animal, or
- (ii) the purchase price which would have applied had the animal been slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(3)</sup>,

whichever is the higher,

- (b) in the case of a bovine animal under 30 months old, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected or suspected animal.”.

(3) In article 4 (revocation and saving), for paragraph (2) there shall be substituted the following paragraph—

“(2) In relation to those bovine animals for which compensation has been calculated under the provisions of this Order prior to 23rd May 1996, that calculation shall continue to apply.”.

(4) In the Schedule, in the words following the formula for the calculation of the indicative market price, for the words “D equals the average price for first and second quality barren cattle of dairy breeds” there shall be substituted the words,

“D equals the average purchase price paid in the case of barren cattle of dairy breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom.”.

20th May 1996

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

20th May 1996

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

14th May 1996

*Gwilym Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

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(3) O.J. No. L99, 19.4.96, p.14, as amended by Commission Regulation (EC) No. 774/96, O.J. No. L104, 27.4.96, p.21 and Commission Regulation (EC) No. 835/96, O.J. L112, 7.5.96, p.17.

We approve,

16th May 1996

*Derek Conway*  
*Simon Burns*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Bovine Spongiform Encephalopathy Compensation Order 1994—“the principal Order”. The principal Order prescribes the amount of compensation payable for bovine animals caused to be slaughtered by the Minister of Agriculture, Fisheries and Food under section 32 of the Animal Health Act 1981 because they are affected, or suspected of being affected, with bovine spongiform encephalopathy by reference to the lesser of either the market value of the animal or the indicative market price, calculated in accordance with the Schedule to the principal Order.

Subject to a saving in relation to animals for which compensation has been calculated before the coming into force of this Order, this Order amends the definition of “market value” so that in the case of animals over 30 months old the market value is the higher of either the price which could have been obtained for the animal on the open market or the price which would have applied if the animal had been slaughtered in accordance with Commission Regulation (EC) No. 716/96 (O.J. L99, 19.4.96, p.14), as amended (article 2(2)). It also amends the formula to be used to calculate the indicative market price in the Schedule by incorporating in that formula the average price paid for barren cattle of dairy breeds slaughtered in accordance with the above mentioned Commission Regulation (article 2(3)).

A Compliance Cost Assessment in relation to this Order has been placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.