
STATUTORY INSTRUMENTS

1997 No. 2365

ANIMALS

ANIMAL HEALTH

**The Bovine Spongiform Encephalopathy
Compensation (Amendment) Order 1997**

Made - - - - 29th September 1997

Laid before Parliament 1st October 1997

Coming into force - - 24th October 1997

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 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 1997 and shall come into force on 24th October 1997.

Amendment of the Bovine Spongiform Encephalopathy Compensation Order 1996

2.—(1) The Bovine Spongiform Encephalopathy Compensation Order 1996(2) shall be amended in accordance with the following provisions of this article.

(2) In article 3(3)(c) after the words “the President of the Royal Institution of Chartered Surveyors” there shall be added the words “or, in the case of a bovine animal in Scotland, by the President of the Institute of Auctioneers and Appraisers in Scotland”.

(3) Sub-paragraph (c) in article 4(5) shall be revoked and the following sub-paragraph substituted—

(1) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”; section 32 was applied to bovine spongiform encephalopathy by S.I.1996/3183.
(2) S.I. 1996/3184.

“(c) where the determination is (on any single occasion) in respect of eleven or more animals kept on the same holding or owned by the same person, by agreement between two valuers, one appointed by the Minister and one by the owner of the animals.”.

(4) In article 4(6) after the words “the President of the Royal Institution of Chartered Surveyors” there shall be added the words “or, in the case of a bovine animal in Scotland, by the President of the Institute of Auctioneers and Appraisers in Scotland”.

(5) Paragraph 3 of Schedule 2 shall be revoked and the following paragraph substituted—

“3. In this Schedule “closed herd” means a herd into which no female bovine animal has been introduced during the period beginning on 15th October 1990 and ending on the date on which the first exposed animal in the herd was slaughtered.”.

24th September 1997

Jeff Rooker
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

26th September 1997

Brian Wilson
Minister of State, Scottish Office

Signed by authority of the Secretary of State for Wales

29th September 1997

Win Griffiths
Parliamentary Under-Secretary of State, Welsh
Office

We approve,

24th September 1997

Graham Allen
Jim Dowd
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bovine Spongiform Encephalopathy Compensation Order 1996.

Articles 3(3)(c) and 4(6) are amended to provide for the appointment of a valuer by the President of the Institute of Auctioneers and Appraisers in Scotland where an exposed animal in Scotland is to be slaughtered and the Minister and the animal's owner have not agreed on the valuation or the appointment of a valuer. Article 4(5)(c) is replaced by a provision which limits its application to herds of 11 or more animals. Paragraph 3 of Schedule 2 is replaced by a new definition of "closed herd" making it clear that the relevant period ends when the first animal is slaughtered.