STATUTORY INSTRUMENTS

1998 No. 1647

ANIMALS

ANIMAL HEALTH

The Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998

Made - - - -	*7th July 1998*
Laid before Parliament	*8th July 1998*
Coming into force - -	*29th July 1998*

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**), 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, hereby make the following Order:—

Title and Commencement

1. This Order may be cited as the Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998 and shall come into force on 29th July 1998.

Interpretation

2. In this Order, unless the context otherwise requires—

"affected animal" means a sheep or goat which is affected with any transmissible spongiform encephalopathy;

"average cull price for sheep" means the price calculated in accordance with article 3(3) below;

"average cull price for goats" means the price which may be calculated in accordance with article 3(4) below;

"cull animal" means an animal at the end of its productive life;

"market value" means the price which might reasonably have been obtained for the animal at the time of its slaughter from a purchaser in the open market if the animal were not an affected or suspected animal; and

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(**1**) 1981 c. 22; see section 86(1) for definitions of "the Minister" and "the Ministers". Section 32 was applied to any transmissible spongiform encephalopathy by article 7(1) of the Sheep and Goats Spongiform Encephalopathy Order S.I.1998/1645.

"suspected animal" means a sheep or goat which is suspected of being affected with any transmissible spongiform encephalopathy.

Compensation for affected and suspected animals slaughtered for transmissible spongiform encephalopathy

3.—(1) Where the Minister causes an animal to be slaughtered as a suspected or affected animal under the powers conferred on him by section 32(1) of the Animal Health Act 1981 in its application to any transmissible spongiform encephalopathy and an examination at a veterinary laboratory of the Ministry of tissues taken from the carcase of the animal confirms that it was an affected animal, the compensation payable by him shall be an amount equal to—

    (a) in the case of a sheep, the average cull price for sheep for the calender month two months prior to the month in which the animal is slaughtered; and

    (b) in the case of a goat—

        (i) the average cull price for goats for the calendar month two months prior to the month in which the animal is slaughtered; or

        (ii) if the Minister has not determined the average cull price for goats for that calendar month, the average cull price for sheep for that calendar month.

(2) Where the Minister causes an animal to be slaughtered as a suspected or affected animal under the powers conferred on him by section 32(1) of the Animal Health Act 1981 in its application to any transmissible spongiform encephalopathy and an examination at a veterinary laboratory of the Ministry of tissues taken from the carcase of the animal does not confirm that it was an affected animal, the compensation payable by him shall be whatever is the greater of—

    (a) the amount which would be payable under paragraph (1) above if the examination had confirmed it was an affected animal; and

    (b) such sum as appears to him, having regard to any evidence provided by the owner of the animal slaughtered, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

(3) The Minister shall determine the average cull price for sheep for each calender month on the basis of information available to him in relation to sheep sold in Great Britain for slaughter as cull animals in that calendar month.

(4) The Minister may determine the average cull price for goats for a calendar month on the basis of the information available to him in relation to goats sold in Great Britain for slaughter as cull animals in that calendar month, if he considers that the information available to him is sufficiently representative of such sales for that purpose.

(5) The Minister shall, in respect of each determination of an average cull price for sheep or goats under this article, take such steps as he considers appropriate for the purpose of bringing—

    (a) the determination; and

    (b) the number of animals, and the sale price of the animals, on which the determination was based,

to the attention of such organisations as appear to him to be representative of owners of sheep and goats.

Jeff Rooker
Minister of State Ministry of Agriculture,
Fisheries and Food

7th July 1998

Sewel
Parliamentary Under Secretary of State Scottish Office

3rd July 1998

Signed by authority of the Secretary of State for Wales

Win Griffiths
Parliamentary Under Secretary of State Welsh Office

6th July 1998

We approve,

Bob Ainsworth
Jim Dowd
Two of the Lords Commissioners of Her Majesty's Treasury

6th July 1998

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the amount of compensation payable for sheep and goats 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 with, or are suspected of being affected with, any transmissible spongiform encephalopathy. The amount of compensation payable is set out in Article 3.

A Regulatory Appraisal has been prepared and placed in the library of each House of Parliament. Copies can be obtained from Animal Health (BSE) Division, Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.