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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 238**

**ANIMALS**

**Diseases of Animals (Modification)  
Order (Northern Ireland) 1996**

*Made* - - - - *14th June 1996*

*Coming into operation* *17th June 1996*

The Department of Agriculture, being satisfied that the modification of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(1) 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, commencement and interpretation**

1.—(1) This Order may be cited as the Diseases of Animals (Modification) Order (Northern Ireland) 1996 and shall come into operation on 17th June 1996.

(2) In this Order “the principal Order” means the Diseases of Animals (Northern Ireland) Order 1981.

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

2. In Part II of Schedule 2 to the principal Order, in paragraph 12A(2) —

(a) in sub-paragraph (2)(a) for the words from “D is the average price” to the end there shall be substituted—

“D is the average price paid during the calculation month for cull cows slaughtered in accordance with Commission Regulation (EC) 716/96 adopting exceptional support measures for the beef market in the United Kingdom(3);”;

(b) in sub-paragraph (2)(b)(i) and (ii) the words “or for cull cows, as the case may be,” shall be deleted in each place where they occur;

(c) in sub-paragraph (3) after the words “sale price” there shall be inserted “(and in the case of cull cows, the average price)”;

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(1) S.I.1981/1115 (N.I. 22). The relevant amending Orders are S.R. 1990 No. 135 and S.R. 1995 No. 273

(2) Paragraph 12A as substituted by S.R. 1995 No. 273

(3) O.J. No. L99, 19.4.96, p. 14

(d) in sub-paragraph (4) for the definition of “market value” there shall be substituted the following definition—

““market value” means—

- (a) in the case of an animal over 30 months old, either—
  - (i) the price which might reasonably have been obtained for it at the time of valuation in accordance with Article 13 of the Bovine Spongiform Encephalopathy (Northern Ireland) Order 1995(4) from a purchaser in the open market if the animal were not affected or suspected of being affected with bovine spongiform encephalopathy; or
  - (ii) the 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,

whichever is the higher, and

- (b) in the case of an animal 30 months old or under, 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 if the animal were not affected or suspected of being affected with bovine spongiform encephalopathy;”.

### **Saving**

3. Paragraph 12A of Part II of Schedule 2 to the principal Order shall continue to apply in relation to any animal slaughtered before 17th June 1996 as if this Order had not been made.

Sealed with the Official Seal of the Department of Agriculture on .

L.S.

14th June 1996

*P. T. Toal*  
Assistant Secretary

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## EXPLANATORY NOTE

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

This Order further modifies Part II of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981 (“the principal Order”) which prescribes the amount of compensation payable for cattle slaughtered or caused to be 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 compensation payable under the principal Order is an amount equal to the lower of either the market value of the animal or the indicative market price calculated in accordance with paragraph 12A of Part II of Schedule 2 to the principal Order, except where a laboratory examination after slaughter does not confirm that the animal was affected. In such a case the compensation payable is an amount equal to the market value or 125 per cent of the indicative market price, whichever is the lower.

The Order amends the formula used to calculate the indicative market price contained in paragraph 12A of Part II of Schedule 2, so as to incorporate in the formula the average price paid for cattle under the purchase, slaughter and disposal scheme introduced under Commission Regulation (EC) No. 716/96 (Article 2(1)). The definition of “market value” has been amended in respect of animals over 30 months old.