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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 239**

**ANIMALS**

**Brucellosis Control (Amendment)  
Order (Northern Ireland) 1996**

*Made* - - - - *14th June 1996*  
*Coming into operation* *17th June 1996*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 16(1), 44 and 60(1) and paragraph 5(1) of Part I and paragraph 5(1) of Part II of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Brucellosis Control (Amendment) Order (Northern Ireland) 1996 and shall come into operation on 17th June 1996.

**Amendment of the Brucellosis Control Order (Northern Ireland) 1972**

2. The Brucellosis Control Order (Northern Ireland) 1972(2) shall be amended as provided by Articles 3 and 4.

3. Subject to Article 4, in Article 9 (Compensation) for paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of this Order the market value of an animal means—

(a) in the case of a bovine 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 paragraph (3) from a purchaser in the market if it had been free from brucellosis; 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(3),

whichever is the higher.

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(1) S.I.1981/1115 (N.I. 22) as amended by S.I. 1994/1891 (N.I. 6) Art. 23 and modified by S.R. 1994 No. 11 Arts. 3 and 4  
(2) S.R. & O. (N.I.) 1972 No. 94. The relevant amending Orders are S.R. 1976 No. 84 and S.R. 1981 No. 413  
(3) O.J. No. L99, 19.4.96, p. 14

- (b) in the case of a bovine animal 30 months old or under, the price which might reasonably have been obtained for it at the time of valuation in accordance with paragraph (3) from a purchaser in the market if it had been free from brucellosis.”.

**Saving**

4. Article 9 shall continue to apply in relation to a bovine animal slaughtered prior to 17th June 1996, as if this Order had not been made.

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

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 amends the Brucellosis Control Order (Northern Ireland) 1972 (“the principal Order”) which prescribes the amount of compensation payable for bovine animals which are slaughtered or caused to be slaughtered by the Department because they are reactors when tested for brucellosis or have been exposed to the possibility of infection with the disease.

The compensation payable under the principal Order is, in the case of a reactor, an amount equal to 75 per cent of either the animal’s market value or the average price calculated in accordance with Schedule 5 of the principal Order, whichever is the lower. In the case of an animal which is not a reactor, the amount of compensation payable is the animal’s full market value. The term “market value” is expressed in Article 9(2) of the principal Order as the price which might reasonably have been obtained for the animal from a purchaser in the market at the time of valuation if it had been free from brucellosis.

Subject to a saving in relation to animals slaughtered before the coming into operation of this Order, this Order amends the definition of “market value” in the principal Order so that in relation to animals over 30 months old the market value is the higher of either the price which could have been obtained for the animal in the 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. No. L99, 19.4.96, p. 14).