
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 592

ANIMALS

**Diseases of Animals (Modification
No. 4) Order (Northern Ireland) 1996**

Made - - - - *18th December 1996*

Coming into operation *8th January 1997*

The Department of Agriculture, being satisfied that the modifications of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(1) set out in Articles 3 to 6 are 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 No. 4) Order (Northern Ireland) 1996 and shall come into operation on 8th January 1997.

(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. Subject to Article 7, in Part II of Schedule 2 to the principal Order, paragraph 12A(2) shall be amended in accordance with Articles 3 to 6.

3. In sub-paragraph (1)(a) and (b) for the words “the animal slaughtered” wherever they occur there shall be substituted the words “a suspected animal”.

4. In sub-paragraph (1) for the full stop at the end there shall be substituted “; and” and thereafter there shall be added the following—

“(c) where an exposed animal is slaughtered, be an amount equal to—

(i) in the case of a female animal, the market value, or 90% of the replacement value, of the animal, whichever is the greater; and

(ii) in the case of a male animal, the market value of that animal.”.

5. After sub-paragraph (1) there shall be inserted the following sub-paragraphs—

(1) S.I.1981/1115 (N.I. 22) the relevant amending Orders are S.R. 1990 No. 135, S.R. 1995 No. 273 and S.R. 1996 No. 238

(2) Paragraph 12A as substituted by S.R. 1995 No. 273 and modified by S.R. 1996 No. 238

“(1A) Where the Department causes 10% or more of the animals in a herd to be slaughtered as exposed animals, there shall be added to any compensation payable under sub-paragraph (1)(c), an amount equal to—

- (a) the appropriate percentage of the appropriate sum; or
- (b) 25% of that sum,

whichever is the less.

(1B) For the purposes of sub-paragraph (1A), the appropriate sum in the case of any animal is the amount of compensation payable under sub-paragraph (1)(c) or £1,000, whichever is the less.

(1C) For the purposes of sub-paragraph (1A)(a)—

- (a) where 10% or more of the animals in a closed herd are slaughtered, the appropriate percentage is $(10 + E \times 1.5)\%$; and
- (b) where 10% or more of the animals in any other herd are slaughtered, the appropriate percentage is $(10 + E)\%$,

where E equals half of the percentage by which the number of animals slaughtered exceeds 10% of the number of animals in the herd.”

6. In sub-paragraph (4)—

(a) before the definition of “cull cows” there shall be inserted the following definition—

“ “closed herd” means a herd into which no female bovine animal has been introduced from any other herd since 15th October 1990;”;

(b) after the definition of “cull cows” there shall be inserted the following definitions—

“ “exposed animals” has the same meaning as in the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995(3);

“herd” means one or more bovine animals in the same ownership;”;

(c) after the definition of “market value” there shall be inserted the following definition—

“ “replacement value” in relation to a female bovine animal means the value, at the time of valuation, of a bovine animal in its first lactation of the same breed and quality as the slaughtered bovine animal at the time of its valuation;”.

7. Articles 3 to 6 shall not have effect in relation to any animals slaughtered before the coming into operation of this Order and accordingly the principal Order shall continue to have effect in relation to such animals as if those Articles had not been made.

Sealed with the Official Seal of the Department of Agriculture on 18th December 1996.

L.S.

P. T. Toal
Assistant Secretary

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”) so that it now prescribes the amount of compensation payable for cattle slaughtered or caused to be slaughtered as a result of being—

- (a) suspected of being affected with BSE; and
- (b) 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 for the slaughter of exposed animals will be specially enhanced where the animals slaughtered represent more than 10% of the herd.

The changes which this Order makes to the system of compensation provided for under the principal Order do not apply to any animals slaughtered before this Order comes into operation.