

SCHEDULE 1

COMPENSATION

Part III

COMPENSATION FOR TSE SUSCEPTIBLE ANIMALS SLAUGHTERED UNDER REGULATIONS 81 OR 82

Compensation for bovine animals

4. The compensation payable for a bovine animal slaughtered under regulation 81 or 82 shall be as specified in the remaining paragraphs of this Part of this Schedule.

5. Where examination, at a veterinary laboratory of the Department, of tissues taken from the carcase of an animal confirms that it was an animal affected with bovine spongiform encephalopathy, the compensation shall be either –

- (a) the market value of the animal; or
- (b) the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is less.

6. Where examination, at a veterinary laboratory of the Department, of tissues taken from the carcase of a suspected animal does not confirm that it was an animal affected with bovine spongiform encephalopathy, the compensation shall be either –

- (a) the market value of the animal; or
- (b) 125% of the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is less.

7. Where an exposed animal (other than an offspring animal) is slaughtered, the compensation shall be an amount equal to –

- (a) in the case of a female animal, the market value, or 90% of the replacement value, of the animal, whichever is the greater; and
- (b) in the case of a male animal, the market value of that animal.

8. Where the Department causes 10% or more of the animals in a herd to be slaughtered as exposed animals (other than offspring animals), there shall be added to any compensation payable under paragraph 7, an amount equal to –

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

whichever is the less.

9. For the purposes of paragraph 8, the appropriate sum in the case of any animal is the amount of compensation payable under paragraph 7 or £1000, whichever is the less.

10. For the purposes of paragraph 8(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

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- (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.

11. For the purposes of paragraphs 5 and 6 –

- (a) the indicative market price in respect of each month of the year shall be calculated in accordance with the following formula –

$$\frac{(A \times B) - (C \times D)}{(A - C)}$$

where

A is either 1 or the number of cattle aged less than 7 years when their market value was determined which were slaughtered in Northern Ireland in pursuance of regulation 81 or 82 during the month of the year (“the calculation month”) occurring two such months before the month for which the indicative market price is being calculated, whichever is the greater;

B is the average price during the calculation month for commercial grade cows and in-calf heifers both of which are intended for use in the production of milk, such price to be calculated by dividing the total of the sales price paid for such animals in the returns for a 4 week period ending on the last Saturday of the calculation month by the total number of such animals shown in those returns to have been sold;

C is either 1 or the number of cattle aged 7 years or more when their market value was determined which were slaughtered in Northern Ireland in pursuance of regulation 81 or 82 during the calculation month, whichever is the greater; and

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⁽¹⁾,

the final figure being rounded down to the nearest £1;

- (b) where, in respect of any calculation month, returns in respect of all the markets listed in paragraph 13(2) have not been furnished to the Department by the 15th day of the following month of the year –
- (i) if returns have been so furnished in respect of 3 or more of those markets, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be calculated in accordance with sub-paragraph (a) from the information shown in those returns;
 - (ii) in any other case, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be the same as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraph (a).

12. The Department shall take such steps as it considers appropriate for the purposes of bringing to the notice of persons concerned the indicative market price in respect of each month of the year and the total number of animals and the total sale price (and in the case of cull cows, the average price) on which the calculation of such indicative market price was based.

(1) O.J. No. L99, 20.4.96, p. 14 as amended by Commission Regulations (EC) Nos. 774/96 (O.J. No. L104, 27.4.96, p. 21), 835/96 (O.J. No. L112, 7.5.96, p. 17), 1512/96 (O.J. No. L189, 30.7.96, p. 93), 1846/96 (O.J. No. L245, 26.9.96, p. 9), 1974/96 (O.J. No. L262, 16.10.96, p. 2), 2149/96 (O.J. No. L288, 9.11.96, p. 14), 2423/96 (O.J. No. L329, 19.12.96, p. 43) and 1365/97 (O.J. No. L188, 17.7.97, p. 6)

13.—(1) The following definitions apply for the purposes of this Part of this Schedule as it relates to compensation payable for bovine animals –

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

“cull cows” means adult female bovine animals which have had one or more calves and which are being sold for immediate slaughter;

“exposed animal” means a bovine animal which has been exposed in any way to the infection of a TSE;

“herd” means –

- (a) all female bovine animals, which are in milk or in calf; and
- (b) all male bovine animals, which are or have been used for breeding purposes,

which are kept on the same holding, and are managed as a separate production unit at the time a notice confirming the Department’s intention to slaughter the animal is given to the keeper or other person in charge of the animal;

“market value” means –

- (a) in the case of a bovine animal aged 30 months or over, either–
 - (i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not affected or suspected of being affected with bovine spongiform encephalopathy or, as the case may be, were not an exposed animal or an offspring animal; 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 it at the time of valuation from a purchaser in the open market if the animal were not affected or suspected of being affected with bovine spongiform encephalopathy or, as the case may be, were not an exposed animal or an offspring animal;

“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;

“return” means a document furnished to the Department by the person or persons operating a market at a place listed in sub-paragraph (2) which shows for a week ending on a Saturday the number of –

- (a) commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk, sold at that market and the total sale price for such animals in that week at that market; and
- (b) cull cows for slaughter sold at that market and the total sale price for such animals in that week at that market;

“suspected animal” means a bovine animal which is suspected of being affected with bovine spongiform encephalopathy.

(2) A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by a person or persons operating a market in animals at any of the following places, that is to say –

Ballyclare: Park Street, Ballyclare, Co. Antrim, BT39 9DQ;

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Ballymoney: 30 Market Street, Ballymoney, Co. Antrim, BT53 6EB;
Enniskillen: Lackaboy, Enniskillen, Co. Fermanagh, BT74 4RL;
Markethill: 6 The Square, Markethill, Co. Armagh, BT60 1RB;
Omagh: 5 Gillygooley Road, Omagh, Co. Tyrone, BT78 5PP.