
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 315

ANIMALS

**The Brucellosis Control (Amendment)
Order (Northern Ireland) 2012**

Made - - - - *8th August 2012*

Coming into operation *1st September 2012*

The Department of Agriculture and Rural Development⁽¹⁾ makes the following Order in exercise of the powers conferred on it by Articles 18(7) and 60(1) of, and paragraph 5(1) of Part II of Schedule 2 to, the Diseases of Animals (Northern Ireland) Order 1981⁽²⁾.

Citation and commencement

1. This Order may be cited as the Brucellosis Control (Amendment) Order (Northern Ireland) 2012 and shall come into operation on 1st September 2012.

Amendment of the Brucellosis Control Order (Northern Ireland) 2004

2.—(1) Subject to Article 3, the Brucellosis Control Order (Northern Ireland) 2004⁽³⁾ shall be amended as provided by paragraphs (2) to (4).

(2) For article 16(1) there shall be substituted the following paragraph—

“16.—(1) Subject to paragraph (1A), where the Department causes an animal to be slaughtered in accordance with Article 15, the compensation payable by the Department shall be an amount equal to 75% of either—

(a) the animal’s market value, or

(b) the relevant figure calculated in accordance with Schedule 1 for the month in which the market value of the animal was assessed by the Department,

whichever is the less.”

(3) After Article 16(1) there shall be inserted the following paragraph—

(1) The Department of Agriculture for Northern Ireland was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (NI) Order 1999 (S.I. 1999/283 (N.I.1)).
(2) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Article 17, S.I. 1994/1891 (N.I. 6) Articles 20, 22 and 23, S.R. 1994 No. 11, S.R. 2004 No. 362 and 2010 c.1 (N.I.).
(3) S.R. 2004 No. 361 as amended by S.R. 2005 No. 585.

“(1A) The amount of compensation payable by the Department under this Article in respect of any animal shall be reduced by any amount payable as compensation for the loss of that animal (howsoever that loss is expressed) under a contract of insurance.”.

(4) In Schedule 1—

- (a) for the heading “Compensation for Reactors” substitute “Compensation for Animals”;
- (b) in paragraphs 1 and 4, for each occurrence of the word “animals”, substitute “reference animals”;
- (c) in paragraphs 5 and 6, for each occurrence of the word “reactor”, substitute “animal”;
- (d) in paragraph 7, for each occurrence of the word “reactors”, substitute “animals”.

Savings

3. The amendments made by Articles 2(2) and 2(4) shall not have effect in relation to any animal slaughtered in accordance with Article 15 of the Brucellosis Control Order (Northern Ireland) 2004 where the notice requiring that slaughter was served pursuant to paragraph (2) of that Article before 1st September 2012.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 8th August 2012.



Dr Mark Browne
A senior officer of the Department of Agriculture
and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Brucellosis Control Order (Northern Ireland) 2004 (“the principal Order”) which, inter alia, 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.

Before this Order came into operation the compensation payable was —

- (a) in the case of a reactor an amount equal to 75% of either—
 - (i) the animal’s market value, or
 - (ii) a figure calculated in accordance with the provisions of Schedule 1 of the principal Order,whichever is the less;
- (b) in every other case, an amount equal to the animal’s market value.

All animals slaughtered in accordance with the principal Order where a notice requiring the slaughter of the animal, served pursuant to Article 15(2) of that Order, was served on or after 1st September 2012 will now be compensated for at the lesser of an amount equal to 75% of either (a) the animal’s market value, or (b) a figure calculated in accordance with the provisions of Schedule 1 of the principal Order for the month in which the market value of the animal was assessed by the Department.

All animals slaughtered in accordance with the principal Order where a notice requiring the slaughter of the animal, served pursuant to Article 15(2) of that Order, was served before 1st September 2012 will continue to be compensated for under the former arrangements.

This Order also provides that the amount of compensation payable by the Department in respect of any animal shall be reduced by any amount payable as compensation for the loss of that animal (howsoever that loss is expressed) under a contract of insurance.