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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 297**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Ascertainment  
of Value) (Scotland) (No. 4) Order 2001**

*Made - - - - 30th August 2001*

*Coming into force - - 31st August 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 1, 34(7)(a) and (b) of the Animal Health Act 1981<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Ascertainment of Value) (Scotland) (No. 4) Order 2001 and shall come into force on 31st August 2001.

(2) This Order extends to Scotland only.

**Ascertainment of value of an animal**

2.—(1) For the purposes of the Animal Health Act 1981, the value of an animal caused to be slaughtered because of foot-and-mouth disease by the Scottish Ministers shall be ascertained in accordance with this article and not the Diseases of Animals (Ascertainment of Compensation) Order 1959<sup>(2)</sup>.

(2) The value of an animal valued under this Order shall be the amount determined in writing by a valuer appointed by the Scottish Ministers.

(3) The valuer shall be paid by the Scottish Ministers in respect of the expenses of that valuer incurred pursuant to paragraph (2) above.

(4) If, within 14 days after receipt of the valuation determined in accordance with paragraph (2) above, the owner has not given notice to the Scottish Ministers in writing (which shall include electronic forms of communication) which disputes that valuation, the owner shall be deemed to have accepted that valuation.

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(1) 1981 c. 22. See section 86(1) for the definitions of “the Ministers”. The functions of “the Ministers”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I.1959/1335.

(5) Where such notice has been given in accordance with paragraph (4) above, the question of the value of the animal shall be determined by an arbiter to be appointed jointly by the Scottish Ministers and the owner of the animal, or failing such appointment, by an arbiter appointed by the President of the Institute of Auctioneers and Appraisers in Scotland and liability for the costs of the arbiter shall be determined by the arbiter.

(6) Once the value of the animal has been determined in accordance with paragraph (2) above, nothing in this article shall require any delay in the slaughtering of animals pursuant to the powers of the Scottish Ministers under section 31 of, and Schedule 3(1) to, the Animal Health Act 1981.

### **Revocation and saving**

**3.**—(1) Subject to paragraph (2) below, the Foot-and-Mouth Disease (Ascertainment of Value) (Scotland) (No. 3) Order 2001<sup>(3)</sup> (“the No. 3 Order”) is revoked.

(2) Notwithstanding the revocation of the No. 3 Order by virtue of paragraph (1) above, that Order shall continue to have effect—

- (a) for the purposes of determination of the value of an animal to which that Order applied; and
- (b) for the purposes of article 3(2) of the No. 3 Order.

Pentland House, Edinburgh  
30th August 2001

*DAVID R DICKSON*  
A member of the staff of the Scottish Ministers

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## EXPLANATORY NOTE

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

This Order, which extends to Scotland only, replaces the existing system for ascertaining the value of animals slaughtered because of foot-and-mouth disease.

It replaces the Foot-and-Mouth Disease (Ascertainment of Value) (Scotland) (No. 3) Order 2001 with amendments to the procedure for valuation, and does not contain a Schedule of values table as appeared in that Order. The value of animals is to be established under this Order by valuation alone.

A Regulatory Impact Assessment has not been prepared.