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STATUTORY INSTRUMENTS

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**1996 No. 1352**

**ANIMALS**

**ANIMAL HEALTH**

**The Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>20th May 1996</i>
<i>Laid before Parliament</i>		<i>21st May 1996</i>
<i>Coming into force</i>	- -	<i>23rd May 1996</i>

The Minister of Agriculture, Fisheries and Food in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 32(3) and 34(7) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with the said section 32(3), hereby make the following Order:

**Title and Commencement**

1. This Order may be cited as the Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1996 and shall come into force on 23rd May 1996.

**Amendment of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978**

2.—(1) The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978(2) shall have effect subject to the following amendments.

(2) For paragraph (4) of article 3 (compensation for and ascertainment of value of bovine animals slaughtered for brucellosis or tuberculosis) there shall be substituted the following paragraph—

“(4) For the purposes of this article, the market value 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 from a purchaser in the open market if the animal had been in an

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(1) 1981 c. 22; see section 86(1) for the definitions of “the Minister” and “the Ministers”. Section 32 was applied to brucellosis by S.I.1981/1455 and to tuberculosis by S.I. 1984/1943.

(2) S.I. 1978/1483, amended by S.I. 1981/1412.

accredited herd, or were not an affected animal or a reactor, or, in the case of an animal exposed to brucellosis, had not been so exposed; or

- (ii) the purchase 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;

- (b) in the case of a bovine animal under 30 months old, 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 had been in an accredited herd, or were not an affected animal or a reactor or, in the case of an animal exposed to brucellosis, had not been so exposed.”

(3) After article 5 (revocation) there shall be added the following article—

“Saving

6. In relation to those bovine animals for which compensation has been calculated under the provisions of this Order prior to 23rd May 1996, that calculation shall continue to apply.”

20th May 1996

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Wales

14th May 1996

*Gwilym Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

We approve,

16th May 1996

*Derek Conway*  
*Simon Burns*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(3) O.J. No. L99, 19.4.96, p.14, as amended by Commission Regulation (EC) No. 774/96, O.J. L104, 27.4.96, p.21 and Commission Regulation (EC) No. 835/96, O.J. L112/17, 7.5.96, p.17.

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## EXPLANATORY NOTE

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

This Order amends the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 — “the principal Order”. The principal Order prescribes the amount of compensation payable for bovine animals caused to be slaughtered by the Minister of Agriculture, Fisheries and Food or the Secretary of State in accordance with section 32 of the Animal Health Act 1981 because they are affected with brucellosis or tuberculosis, have been exposed to infection or are reactors when tested for either disease by reference to the market value of the animal or the average price, calculated in accordance with Schedule 2 to the principal Order.

Subject to a saving in relation to animals for which compensation has been calculated before the coming into force 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 on the open 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. L99, 19.4.96, p.14), as amended (article 2(2)).

A Compliance Cost Assessment in relation to this Order has been placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.