
STATUTORY INSTRUMENTS

1996 No. 1358 (S.126)

ANIMALS

ANIMAL HEALTH

**The Brucellosis and Tuberculosis Compensation
(Scotland) Amendment Order 1996**

<i>Made</i>	- - - -	<i>21st May 1996</i>
<i>Laid before Parliament</i>		<i>22nd May 1996</i>
<i>Coming into force</i>	- -	<i>23rd May 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 32(3) and 34(7) of the Animal Health Act 1981(1), and of all other powers enabling him in that behalf, with the approval of the Treasury in accordance with the said section 32(3), hereby makes the following Order:

Citation and commencement

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

Amendment of the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978

2.—(1) The Brucellosis and Tuberculosis Compensation (Scotland) 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 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

(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.1979/1596 and to tuberculosis by S.I. 1984/2063.

(2) S.I. 1978/1485; amended by S.I. 1981/1448.

(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.”.

St Andrew’s House,
Edinburgh
20th May 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

We approve,

21st May 1996

Simon Burns
Michael Bates
Two of the Lords Commissioners of Her
Majesty’s Treasury

(3) O.J. No. L99, 19.4.96, p.14.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978 (“the principal Order”). The principal Order prescribes the amount of compensation payable for bovine animals caused to be slaughtered by 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. L.99, 19.4.96, p.14) (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 Scottish Office Agriculture, Environment and Fisheries Department, Room 350, Pentland House, 47 Robbs Loan, Edinburgh, EH14 1TW.