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STATUTORY INSTRUMENTS

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**1998 No. 2181 (S.111)**

**ANIMALS**

**ANIMAL HEALTH**

**The Brucellosis and Tuberculosis (Scotland)  
Compensation Amendment Order 1998**

*Made - - - - 2nd September 1998*  
*Laid before Parliament 4th September 1998*  
*Coming into force - - 4th September 1998*

The Secretary of State, in exercise of the powers conferred on him by section 32(3) 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 (Scotland) Compensation Amendment Order 1998 and shall come into force on 4th September 1998.

**Amendment to the Brucellosis and Tuberculosis (Scotland) Compensation Order 1978**

2. The Brucellosis and Tuberculosis (Scotland) Compensation Order 1978(2) shall be amended by substituting for paragraph (2) of article 3 (compensation for and ascertainment of value of bovine animals slaughtered for brucellosis or tuberculosis) the following provisions—

“(2) In the case of brucellosis the compensation shall be—

- (a) where the slaughtered animal is an affected animal or a reactor, an amount equal to 75% of either—
- (i) its market value, or
  - (ii) 125% of the average price in respect of the month which occurred 2 months prior to the month in which the market value of the animal was determined in accordance with paragraph (3) below, rounded down to the nearest multiple of £4,

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(1) 1981 c. 22. See section 86(1)(c) for a definition of “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 and 1996/1358.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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whichever is the less;

- (b) subject to sub-paragraph (c) below, where the slaughtered animal has been exposed to the infection of brucellosis, an amount equal to its market value;
- (c) where the slaughtered animal has been exposed to the infection of brucellosis and is or was comprised in a herd which is not an accredited herd and which is undergoing a series of diagnostic tests for brucellosis, the said compensation shall be an amount equal to 75% of its market value.

(2A) In the case of an animal slaughtered for tuberculosis after the coming into force of this Order the compensation shall be its market value.”.

St Andrew’s House,  
Edinburgh  
26th August 1998

*Henry McLeish*  
Minister of State, Scottish office

We approve

2nd September 1998

*Graham Allen*  
*Jim Dowd*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## EXPLANATORY NOTE

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

This Order amends the Brucellosis and Tuberculosis (Scotland) Compensation Order 1978. The effect of the amendment is that the amount of compensation payable for cattle slaughtered for tuberculosis by the Secretary of State after the coming into force of the Order is changed to the market value of the animal.

A regulatory appraisal has been prepared and placed in the library of each House of Parliament. Copies can be obtained from SOAEFD, Animal Health and Welfare Branch, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW.