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STATUTORY INSTRUMENTS

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**2001 No. 2734**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease  
(Ascertainment of Value) (No. 5) Order 2001**

*Made* - - - - 27th July 2001  
*Coming into force* - - 30th July 2001

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on her by sections 1 and 34(7) of the Animal Health Act 1981(1) and of all other powers enabling her in that behalf, makes the following Order:

**Title, extent and commencement**

1. This Order may be cited as the Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001; it extends to England and comes into force on the 30th July 2001.

**Ascertainment of value of an animal**

2.—(1) For the purposes of paragraph 3(2) of Schedule 3 to the Animal Health Act 1981, the value of an animal slaughtered by the Minister because of foot-and-mouth disease shall be ascertained in accordance with this Order and not the Diseases of Animals (Ascertainment of Compensation) Order 1959(2).

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

(3) If within 14 days after the owner has received the valuation made in accordance with paragraph (2), he has not given notice in writing to the Minister that he disputes that valuation, he shall be deemed to have accepted that valuation.

(4) Where the owner has given notice in accordance with paragraph (3) he may refer the question of the value of the animal to an arbitrator appointed jointly by the Minister and the owner of that animal, or failing such appointment, by an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors.

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(1) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions of “the Ministers”, so far as exercisable by the Secretaries of State for Scotland and Wales in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).  
(2) S.I. 1959/1335.

(5) Liability for the costs of the arbitration shall be determined by the arbitrator.

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

### **Revocation**

3. The Foot-and-Mouth Disease (Ascertainment of Value) (No. 4) Order 2001<sup>(3)</sup> is revoked.

*Elliot Morley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

27th July 2001

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(3) S.I. [2001/1242](#).

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## EXPLANATORY NOTE

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

This Order revokes and substantially re-makes the Foot-and-Mouth Disease (Ascertainment of Value) (No. 4) Order 2001 (S.I.[2001/1242](#)). It sets out the requirements for the valuation of animals slaughtered or liable to be slaughtered as a result of Foot-and-Mouth Disease but does not contain a Standard Values table as appeared in the previous Order. The value of animals is therefore to be established under this Order by individual valuation alone.

A Regulatory Impact Assessment has not been prepared.