



Exported Animals (Compensation) Act (Northern Ireland) 1952 ^{F1}

1952 CHAPTER 24

An Act to consolidate the enactments relating to the establishment, maintenance and management of a fund for the payment of compensation to the owners of certain live stock exported from Northern Ireland and slaughtered or detained under the authority of law at a port in Great Britain in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease, and to the investigation and determination of claims for such compensation. [9th December 1952]

Annotations:

F1 Ext. (hovercraft), SI 1972/971

1 Establishment of Exported Animals (Compensation) Trustees for Northern Ireland.

- (1) For the purposes of this Act there shall be a body to be called the Exported Animals (Compensation) Trustees for Northern Ireland (in this Act referred to as “the Trustees”), which shall be a body corporate with perpetual succession and a common seal.
- (2) The seal of the Trustees shall be authenticated by the signature of any one of the Trustees, or of the secretary to the Trustees duly authorised by them to act in that behalf, and any document purporting to be sealed with the seal so authenticated shall be received in evidence and shall without further proof be deemed to be such a document unless the contrary is shown.

2 Appointment and constitution of Trustees.

- (1) The Trustees shall consist of six persons who shall, as occasion requires, be appointed by the body known as “The North of Ireland Cattle Traders' and Stock Owners' Association” (in this Act referred to as “the Association”).

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Exported Animals (Compensation) Act (Northern Ireland) 1952. (See end of Document for details)

- (2) Every appointment made by the Association as aforesaid shall be in writing under the hand of the chairman of the Association.
- (3) Such member of the Trustees as the Trustees shall from time to time nominate for the purpose shall be the chairman of the Trustees.
- (4) The Trustees shall appoint a fit and proper person (not being a member of the Trustees) to be their secretary.
- (5) The provisions contained in the First Schedule to this Act shall have effect with respect to the term of office, meetings and procedure of the Trustees.

3 Qualification of Trustees.

- (1) Every member of the Trustees shall be a person ordinarily resident in Northern Ireland and engaged in the business of exporting live stock.
- (2) At least four members of the Trustees shall be persons engaged in the business of exporting cattle or sheep, and at least one member of the Trustees shall be a person engaged in the business of exporting pigs.

4 Exported Animals (Compensation) Fund.

- (1) The Trustees shall establish, maintain and manage in accordance with this Act a fund to be known as the Exported Animals (Compensation) Fund for Northern Ireland (in this Act referred to as “the Fund”).
- (2) There shall be credited to the Fund by the Trustees all moneys received by them under this Act, and there shall be paid out of the Fund—
 - (a) all compensation payable under this Act;
 - (b) all moneys required for the repayment of moneys borrowed under this Act by the Trustees or for the payment of interest on such moneys;
 - (c) all sums directed by this Act to be paid by the Trustees out of the funds at their disposal under this Act; and
 - (d) all expenses incurred by the Trustees in the execution of this Act.

5 Scale of charges.

The owner of any animals which are delivered on or after the passing of this Act to a shipowner for export shall, in the manner provided by this Act, pay to the Trustees for and in respect of such animals the appropriate charges, that is to say:—

- ^{F2}(a) on every head of cattle the sum of [^{F3} 10p];
- (b) on every sheep the sum of [3p];
- (c) on every pig the sum of [3p];

or such other sum as may from time to time be substituted for any of those sums by order made after consultation with the Trustees by the Ministry of Agriculture (in this Act referred to as “the Ministry”).

Annotations:

- F2** SRO (NI) 1971/56
F3 SR 1979/12

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6 Method of payment of charges.

- (1) The charges payable under this Act to the Trustees by the owner of any animals shall be paid at such time and place and in such manner as may be provided by a scheme made by the Trustees with the approval of the Ministry.
- (2) A scheme made under this section may make provision for the payment by the Trustees to any shipowner, in respect of functions performed by him under or by virtue of this Act in relation to the shipment by him of any animals, of such fees as may be agreed upon between the Trustees and the shipowner.
- (3) A scheme made under this section may be varied or revoked by a subsequent scheme so made.

7 Particulars of live stock shipped.

- (1) The owner of any animals which are delivered after the passing of this Act to any shipowner for export, or the agent of such owner, shall prepare and deliver forthwith to that shipowner a statement in writing in the prescribed form setting forth:—
 - (a) his name and address; and
 - (b) the number (both in words and figures) and description of such animals, which shall correspond to the number and description thereof stated by such owner in the application made by him to a veterinary inspector for a certificate of health required in respect of those animals under any order for the time being in force under the^{F4} Diseases of Animals (Northern Ireland) Order 1981].
- (2) Every shipowner by whom live stock is exported in any calendar month shall as soon as may be after the end of that month furnish to the Trustees particulars in writing of the number and description, with the names and addresses of the owners, of any live stock so shipped.

Annotations:

F4 1981 NI 22

^{F5}8 Compensation in respect of slaughtered animals.

Where any exported animals are, while undergoing detention, slaughtered after the passing of this Act by reason of the requirements of the British authorities, the owner of such animals shall, subject to the provisions of this Act, be entitled to be paid compensation out of the Fund in respect of such slaughter.

Annotations:

F5 Ext., 1972 NI 7

^{F6}9 Assessment committees.

- (1) Every claim for compensation under the last preceding section shall be investigated by a committee (in this Act referred to as an “assessment committee”) consisting of three qualified persons who shall, so far as qualified members of the Trustees are available, be appointed by the Trustees from amongst such members.
- (2) In the preceding sub-section the expression “qualified” means in relation to a claim—

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- (a) respecting cattle or sheep, engaged in the business of exporting cattle or sheep;
 - (b) respecting pigs, engaged in the business of exporting pigs.
- (3) Where qualified members of the Trustees are not available for appointment as members of any assessment committee, other qualified persons shall, on the request of the Trustees, be appointed by the Association to be members of that committee.
- (4) Any person shall be disqualified from being a member of an assessment committee investigating a claim in which he has a pecuniary interest.
- (5) Assessment committees may be appointed generally or in respect of a particular claim or otherwise as the Trustees may think fit.
- (6) The Trustees may appoint one or more than one person resident in Great Britain and engaged in or connected with the business of trading in live stock, to be agent for any assessment committee; and such an agent shall, on being so directed by an assessment committee, inquire into and report to the committee on the value of any animals which are the subject of a claim being investigated by them; and an assessment committee, where such a report is furnished, may assess the value of the animals without themselves proceeding to Great Britain for that purpose.
- (7) An agent shall be disqualified from acting in relation to any claim in which he has a pecuniary interest.

Annotations:

F6 Ext., 1972 NI 7

F710 Assessment of value of animals.

- (1) Where it comes to the knowledge of the Trustees that any animals exported after the passing of this Act have been or are about to be slaughtered at any British port by reason of the requirements of the British authorities, an assessment committee shall forthwith proceed or direct their agent to proceed to that port; and such committee shall there assess, or the agent shall inquire into and report to the committee on, the value, for the purposes of compensation under section eight of this Act, of all animals so slaughtered or about to be slaughtered, in respect of the slaughter of which claims for such compensation might be sustained under this Act.
- (2) The following provisions shall apply to the assessment of the value of animals which have been or are about to be slaughtered, that is to say:—
- (a) the value of animals which have been or are about to be slaughtered on account of their being actually infected with foot and mouth disease shall be assessed as at the time immediately before they became so infected;
 - (b) the value of animals which have been slaughtered without their being actually so infected shall be assessed as at the time immediately before they were slaughtered;
 - (c) the value of animals which are about to be slaughtered without their being actually so infected shall be assessed as at the time of such assessment;
 - (d) no regard shall be had to depreciation due solely to the animals being or having been in an area in which they were exposed to the danger of becoming so infected;

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- ^{F8}(e) the value of any animal slaughtered after 1st August 1972 shall be taken not to exceed £200 [^{F9} and the value of an animal slaughtered after 19th February 1979 shall be taken not to exceed £300].
- (3) The Ministry may by order made after consultation with the Trustees substitute for the sum referred to in subsection (2)(e) such sum as may be specified in the order in relation to any animal slaughtered after such date as may be specified in the order.
- (4) An order made under subsection (3) shall be subject to negative resolution.]

Annotations:

- F7** Ext., 1972 NI 7
F8 1972 NI 7
F9 SR 1979/12

^{F10}**11 Determination of claims for compensation under s. 8.**

- (1) An assessment committee, where they have assessed the value of any animals, shall investigate, either in Northern Ireland or elsewhere, as may be most convenient, all claims for compensation under this Act in respect of such animals, and shall in respect of every such claim determine whether the claimant is or is not entitled to such compensation; and where such committee determine that any such claimant is entitled to such compensation, they shall fix the amount of such compensation having regard to the value as assessed by them of the animals to which the claim relates and such other relevant matters as may be brought before them by the claimant.
- (2) Every assessment committee shall forthwith report to the Trustees their decision on every claim investigated by them, and the amount (if any) of the compensation fixed by them as payable out of the Fund in respect of such claim.
- (3) An assessment committee may, with the consent of the owner of any animal the value of which has been assessed by them under this section, and subject to any directions which may be given by the British authorities, sell the carcase of such animal, and shall pay the proceeds of such sale into the Fund.
- (4) If the owner of any such animal as aforesaid refuses his consent to the sale by an assessment committee of the carcase of such animal under this section, such owner shall not be entitled to compensation out of the Fund in respect of the slaughter of that animal.
- (5) Where an assessment committee report under this section to the Trustees that any claimant for compensation under section eight of this Act is entitled thereto, the Trustees shall pay out of the Fund to that claimant the amount of such compensation as fixed by that committee.

Annotations:

- F10** Ext., 1972 NI 7

12 Compensation in respect of detention and depreciation

- (1) Where any animals which have been exported after the passing of this Act are detained beyond the normal detention period by reason of the requirements of the British

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authorities, the owner of such animals shall, subject to the provisions of this Act, be entitled to be paid compensation out of the Fund in respect of—

- (a) extra lairage and feeding charges incurred by reason of such detention;
- (b) any depreciation in the value of the animals due to such detention.

(2) Every claim for compensation under this section shall be investigated by the Trustees in such manner as the Trustees think fit, and the Trustees shall determine whether the claimant is or is not entitled to such compensation.

(3) The amount of compensation (if any) to be paid under this section—

- (a) in respect of extra lairage and feeding charges shall not in any case exceed such expenditure as may be proved, to the satisfaction of the Trustees, to have been actually incurred in that behalf by the owner of the animals detained;
- (b) in respect of any depreciation in the value of any animals shall be in accordance with such scale as may be determined by the Ministry by order made after consultation with the Association.

(4) Compensation under this section—

- (a) where any animals—
 - (i) are detained beyond the normal detention period; and
 - (ii) are subsequently slaughtered, and compensation in respect of them becomes payable under section eight of this Act;
 may be paid in respect of the detention of those animals if it would have been payable apart from this paragraph;
- (b) subject to the provisions of the preceding paragraph, shall not be payable in respect of animals in respect of which compensation is payable under section eight of this Act;
- (c) subject to the provisions of the last preceding paragraph, may, where it is payable in respect of the detention of any animals, be paid also in respect of the depreciation in the value of those animals due to such detention.

^{F11}13 Determination of claims for compensation to be final.

The determination under either of the two preceding sections of any claim for compensation shall be final and conclusive both as to the right to compensation and the amount (if any) thereof.

Annotations:

F11 Ext., 1972 NI 7

14 Suspension of charges.

(1) When and so often as the Fund amounts to the sum of twenty thousand pounds (the invested portion being taken at the current market prices) or the Trustees are of opinion that the Fund is at the time being sufficient to meet all sums which may reasonably be expected to be payable thereout during the next ensuing six months, the Trustees shall forthwith so inform the Ministry; and thereupon the Ministry may, if it so thinks fit, by order made after consultation with the Trustees suspend, for such time from the date of the order as shall be specified in the order, the payment by the owners of animals exported of the charges required by this Act to be paid by them in respect of such animals.

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- (2) Every order made by the Ministry under this section may be amended, revoked, or continued by a subsequent order so made.
- (3) No order made under this section shall operate to relieve from, or to impose, a liability to pay charges under this Act in respect of animals exported before the date of such order.

15 Powers of borrowing.

The Trustees may borrow money for the purpose of the Fund, whenever and to such amount and on such terms as in their discretion they shall think proper.

16 Investment of Fund in trustee securities.

- (1) So much of the Fund as, in the opinion of the Trustees, is for the time being not immediately required for the payment of sums payable thereout under this Act shall be invested by the Trustees in securities in which trustees are by the law for the time being in force authorised to invest trust funds.
- (2) The Trustees may from time to time at their discretion vary or transpose all moneys invested under this section into other investments authorised under this section, and may at any time, for the purpose of such variation or transposition, or in order to utilise for the purposes of this Act the invested portion of the Fund, sell and convert into money all or any investments made by them under this section.
- (3) All dividends and interest received by the Trustees on investments made by them under this section shall be paid into the Fund.

17 Operating expenses.

The Trustees shall, out of the funds at their disposal under this Act, pay—

- (a) travelling expenses and subsistence allowance at such rates and on such scales as shall from time to time be fixed by the Association—
 - (i) to the members of the Trustees, in respect of their attendance at meetings of the Trustees;
 - (ii) to the members of assessment committees (whether such members are or are not also members of the Trustees) in respect of their performance of their duties under this Act;
- (b) to any agent appointed by them under sub-section (6) of section nine of this Act such remuneration as the Association may from time to time decide to be reasonable;
- (c) to the secretary appointed under sub-section (4) of section two of this Act such remuneration and expenses (if any) as the Trustees may, with the approval of the Ministry, from time to time determine.

18 Accounts and audit.

- (1) The Trustees shall, within one month after the expiration of the thirty-first day of March in each year, prepare an account showing all payments into and disbursements from the Fund and all investments, sales of investments, and other dealings with the Fund during the year to which such account relates.

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- (2) Every account prepared under this section shall, within one month after the preparation thereof, be audited by auditors appointed for the purpose by the Trustees, and the expenses of the audit of every such account shall be defrayed by the Trustees out of the funds at their disposal under this Act.
- (3) The secretary to the Trustees shall, upon the request of any person engaged in the business of exporting live stock, or upon the request of the Ministry, furnish free of charge to such person, or to the Ministry, a copy of any account prepared and audited under this section.

19 Powers of Trustees to make rules.

The Trustees may make rules in regard to all or any of the following matters, that is to say:—

- (a) the summoning of meetings of the Trustees;
- (b) the procedure of the Trustees at their meetings, including the method of determination at such meetings of matters required to be determined thereat;
- (c) the form and manner in which applications for compensation under this Act are to be made;
- (d) the procedure of assessment committees appointed under this Act, including the method of determination by them of matters to be determined by them under this Act;
- (e) all matters and things referred to in this Act as prescribed or to be prescribed by the Trustees;
- (f) any other matter or thing relating to the exercise by the Trustees of their functions under this Act which the Trustees think proper to regulate or prescribe by rules.

20 Provision for exercise of functions of Trustees and assessment committees.

If at any time the Association or the Trustees fail to perform any of their functions under this Act, the Ministry may, notwithstanding anything in this Act, make such arrangements as the Ministry thinks fit for the performance of those functions and of the functions of assessment committees under this Act. Where any such arrangements are made the assets and liabilities of the Fund shall, if the Ministry so directs, be transferred to and vest in the Ministry by virtue of this Act, for the purposes for which the Fund has been established.

^{F12}21 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“animals” includes any kind of live stock;

“British authorities” means the Minister or other officer or person having for the time being authority by law in Great Britain to require animals to be slaughtered or detained in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease, and, in relation to British authorities, the expression “requirements” shall be construed accordingly;

“British landing place” means a part of a port in Great Britain approved for the time being by the British authorities for the landing of exported animals;

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“cattle” includes bulls, cows, bullocks, heifers and calves;

“detention” means detention at a British landing place, and includes detention during the normal detention period and detention in accordance with any requirements of the British authorities during any period commencing immediately after the normal detention period;

Definition rep. by 1981 NI 22

“export” means export from a port in Northern Ireland to a port in Great Britain, and grammatical variations of that expression shall be construed accordingly;

“live stock” means cattle, sheep or pigs;

“normal detention period” means the minimum period for the time being required by the British authorities for the detention and isolation of animals at a British landing place, after the animals are landed thereat and before authority is given for their removal therefrom:

Provided that, for the purpose of payment of any compensation under this Act, where for any reason, other than the requirements of the British authorities, it is necessary or expedient that any animals should, after the expiration of the normal detention period, continue to be detained for a further period not exceeding forty-eight hours, that further period shall be added to and treated as part of the normal detention period;

“pig” includes a boar, sow, hog or bonham;

“prescribed” means prescribed by rules made by the Trustees under this Act;

“sheep” includes rams, ewes, wethers and lambs;

“shipowner” includes the master of any ship and every other person authorised to act as agent for the owner of such ship or entitled to receive the freight, demurrage, or other charges in respect of such ship.

Annotations:

F12 Ext., 1972 NI 7

S. 22 rep. by SLR 1973

23 Short title.

This Act may be cited as the Exported Animals (Compensation) Act (Northern Ireland), 1952.

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SCHEDULES

FIRST SCHEDULE

Section 2.

TERM OF OFFICE, MEETINGS AND PROCEDURE OF THE TRUSTEES

TERM OF OFFICE

- 1 Subject to the provisions of Article 2 of this Schedule, every member of the Trustees shall, unless he sooner dies, resigns, or becomes disqualified, hold his office as such member for the term of ten years to be reckoned—
Sub-para.(a) rep. by SLR 1976
 (b) ...^{F13} from the expiration of the term of office of his predecessor.

Annotations:

F13 SLR 1976

- 2 A member of the Trustees appointed to fill a casual vacancy in the membership of the Trustees shall, unless he sooner dies, resigns or becomes disqualified, hold office for the residue of the term for which the member, whose death, resignation or disqualification occasioned the vacancy, would have held office if he had not died, resigned, or become disqualified.
- 3 A member of the Trustees may at any time resign his office as such member by letter addressed to the secretary of the Trustees, and every such resignation shall take effect at the commencement of the meeting of the Trustees commencing next after the receipt of such resignation by the Trustees.
- 4 A member of the Trustees shall become disqualified for office as such member upon the happening of any of the following events, that is to say:—
 (a) the absence of such member from four consecutive ordinary meetings of the Trustees;
 (b) the ceasing of such member to have the qualifications required by this Act for membership of the Trustees.
- 5 Every member of the Trustees shall, on the cessation of his membership by lapse of time, be eligible for re-appointment.

MEETINGS OF THE TRUSTEES

- 6 Ordinary meetings of the Trustees shall be held at such times (not being less frequently than once in every period of three consecutive months) as the Trustees may appoint either generally or in respect of any particular ordinary meeting.

Ordinary meetings of the Trustees shall be summoned by their secretary in the prescribed manner.

- 7 A special meeting of the Trustees may be held for any purpose, and at any time, for and at which the Chairman of the Trustees considers a special meeting necessary or desirable, and every such meeting shall be summoned by the secretary to the Trustees in the prescribed manner.

PROCEDURE

- 8 The procedure of the Trustees at their meetings and otherwise shall be such as may be prescribed.
- 9 At any meeting of the Trustees three members shall constitute a quorum.
- 10 At every meeting of the Trustees, the Chairman of the Trustees, if present, shall be the chairman of the meeting; and, if he is absent, such member of the Trustees as the members then present may choose shall be the chairman of the meeting.
- 11 The chairman of a meeting of the Trustees shall have a second or casting vote.
- 12 The Trustees may act notwithstanding a vacancy in their membership.

DEPUTY CHAIRMAN

- 13 If, at any time, the Chairman of the Trustees is temporarily incapable, through illness or absence from Northern Ireland, of performing his duties as such Chairman, the Trustees may nominate any member of the Trustees to be Deputy Chairman during such incapacity of the Chairman, and may at any time remove such Deputy Chairman; and every such Deputy Chairman shall, while he continues to be Deputy Chairman, have all the powers and duties of the Chairman of the Trustees; and references in this Schedule to the Chairman of the Trustees shall be construed accordingly.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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