

1981 No. 412

ANIMALS

Tuberculosis Control (Amendment No. 2) Order (Northern Ireland) 1981

Made 22nd December 1981

Coming into operation 1st February 1982

The Department of Agriculture, in exercise of the powers conferred on it by Articles 16(1), 44 and 60(1) of and paragraph 4 of Part I and paragraph 4 of Part II of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following order:

Citation and commencement

1. This order may be cited as the Tuberculosis Control (Amendment No. 2) Order (Northern Ireland) 1981 and shall come into operation on 1st February 1982.

Interpretation

2. In this order the "principal order" means the Tuberculosis Control Order (Northern Ireland) 1964(b).

Amendment of the principal order

3.—(1) For article 10(1)(a)(c) of the principal order there shall be substituted:

“(a) in the case of a reactor an amount equal to 75% of either:

(i) the animal's market value, or

(ii) a figure calculated in accordance with the provisions set out in the Schedule,

whichever is the less;”.

(2) The following Schedule shall be added to the principal order:

“SCHEDULE

Article 10(1)

Compensation for reactors

(1) For the purposes of this Schedule—

“animals” means commercial grade cows and in-calf heifers both of which are intended for use for the production of milk;

“average price” means a price calculated by the Department in accordance with paragraph (3);

“4-week period” means a period of 4 weeks ending on a Saturday which is 7 days or more before the last day of the month in which that Saturday falls;

“month” means the month in which a notice in respect of a reactor was issued in accordance with article 9(1);

(a) S.I. 1981/1115 (N.I. 22)

(b) S.R. & O. (N.I.) 1964 No. 31

(c) Substituted by S.R. & O. (N.I.) 1968 No. 236 art. 2(2) and amended by S.R. 1978 No. 164

“return” means a document furnished by the person operating a market in animals at a place listed in paragraph (2) which shows for a week ending on a Saturday the number of animals sold at that market and the total sale price for such animals in that week at that market.

(2) Persons operating markets in animals at the places listed below are required to furnish returns to the Department within 7 days from the end of the week to which such returns relate:

Ballyclare

Belfast (Allams)

Cookstown

Enniskillen

Markethill.

(3) The Department shall in accordance with paragraph (4) calculate an average price from the information contained in the returns required under paragraph (2).

(4)(a) Subject to sub-paragraph (b) the average price shall be such amount as may be obtained by dividing the total amount of the prices shown in returns for a 4-week period as having been paid for animals by the total number of the animals stated in those returns to have been sold.

(b) Before the Department proceeds to make pursuant to sub-paragraph (a) a calculation of an average price it shall have obtained from at least 3 of the markets held at places listed in paragraph (2) weekly returns for not less than 3 weeks in any 4-week period.

(c) Where in any 4-week period the requirements of sub-paragraph (b) are not met the average price for that 4-week period shall be the same amount as the most recent average price calculated in accordance with sub-paragraphs (a) and (b).

(5) In any month the figure for a non-pedigree reactor shall be 125% of the average price for the most recently preceding 4-week period rounded down to the nearest multiple of £4.

(6) In any month the figure for a pedigree reactor shall be the figure for a non-pedigree reactor plus £300.

(7) The Department shall take such steps as it considers appropriate for the purpose of bringing to the notice of persons concerned the figures for non-pedigree reactors and pedigree reactors referred to in paragraphs (5) and (6) respectively.”

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 22nd December 1981.

(L.S.)

S. R. Armstrong

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order further amends the Tuberculosis Control Order (Northern Ireland) 1964 in respect of the maximum compensation payable to the owner of an animal which is a reactor.

The inclusion in the compensation formula applicable to animals which are reactors (as defined in the Tuberculosis Control Order (Northern Ireland) 1964) of a figure related to an average price (as defined in this order) will permit the amount of compensation for such animals to reflect current market prices.