
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 363

**Tuberculosis Control (Amendment)
Order (Northern Ireland) 2004**

Valuation and compensation

7. In Article 11 for paragraph (2) to the end there shall be substituted the following paragraphs –

“(2) For the purposes of this Order the market value of an animal means the price which might reasonably have been obtained for it, at the time of valuation in accordance with this Article or Article 11A, from a purchaser in the market if it had been free from disease.

(3) Upon service of a notice in respect of an animal under Article 10(2), the Department shall (unless the notice has previously been revoked) make an initial assessment of the market value of the animal for the purposes of paragraph (1) and shall notify the owner of that assessment.

(4) Subject to the following paragraphs and Article 11A, the market value of an animal which the Department proposes to cause to be slaughtered shall, for the purposes of compensation under paragraph (1), be determined before slaughter by agreement, between the Department and the owner of the animal, if the agreement is reached within 3 working days of the Department informing the owner of its initial assessment of the market value under paragraph (3).

(5) If the Department and the owner of an animal fail to agree the market value of the animal in accordance with paragraph (4), the Department shall submit a list of independent valuers, approved by it for the purposes of this Article, to the owner and, within 2 working days of receiving this list, the owner shall –

- (a) nominate a valuer (hereinafter referred to as the “nominated valuer”) from the list; and
- (b) notify the Department of the name and address of the nominated valuer.

(6) Within 8 working days of the owner of the animal notifying the Department of the name and address of the nominated valuer in accordance with paragraph (5) –

- (a) the owner shall arrange for the nominated valuer to determine the market value of the animal and shall be liable for any costs, fees or other expenses incurred by the valuer in carrying out the valuation; and
- (b) the nominated valuer shall carry out the valuation and shall give to the Department and the owner a certificate in writing of his determination of the market value of the animal.

(7) Where the owner of an animal or the nominated valuer fails to comply with, in the case of the owner, paragraphs (5) or (6)(a) or, in the case of the nominated valuer, paragraph (6)(b), the Department shall determine the market value of the animal.

(8) The calculation of the market value of an animal under this Article or Article 11A shall not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory or any Community provision.

(9) The amount of compensation payable to the owner of the animal under this Article shall be without prejudice to any entitlement of that person to any payments in respect of the animal under any other statutory or any Community provision.

(10) Notwithstanding any other provisions of this Article, the Department may cause an animal, in respect of which a notice under Article 10(2) is in force, to be slaughtered prior to the determination of its market value under this Article or Article 11A –

- (a) where such slaughter is necessary to prevent the spread of disease;
- (b) to establish if there has been interference with any sample taken or test carried out under this Order or the Scheme, as the case may be, whereby the result of the test is intended to be affected; or
- (c) where in the judgement of the Department the keeper has been guilty of an offence tending to prejudice the due control of the disease.

(11) Notwithstanding any other provisions of this Article the market value of an animal to which paragraph (10) applies shall be determined by the Department.”