
 STATUTORY INSTRUMENTS

1978 No. 976

ANIMALS

DISEASES OF ANIMALS

The Enzootic Bovine Leukosis (Compensation) Order 1978

<i>Made</i> - - - - -	13th July 1978
<i>Laid before Parliament</i>	14th July 1978
<i>Coming into Operation</i>	15th July 1978

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by sections 17(3) of the Diseases of Animals Act 1950^(a) and of all other powers enabling him in that behalf, with the approval of the Treasury, and the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by section 19(7) of the said Act and now vested in them^(b), and of all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Enzootic Bovine Leukosis (Compensation) Order 1978, shall apply throughout Great Britain, and shall come into operation on 15th July 1978.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Diseases of Animals Act 1950, as amended or extended by any subsequent enactment;

“affected animal”, “bovine animal” and “suspected animal” have the same meanings as in the Enzootic Bovine Leukosis Order 1977^(c);

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889^(d) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Compensation for animals slaughtered on account of enzootic bovine leukosis

3.—(1) Where the Minister causes a bovine animal to be slaughtered under the powers conferred on him by section 17 of the Act as applied to enzootic bovine leukosis by the Enzootic Bovine Leukosis Order 1978^(e), the compensation payable by him in respect of that animal shall be an amount equal to its market value.

^(a) 1950 c. 36.

^(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

^(c) S.I. 1977/1838.

^(d) 1889 c. 63.

^(e) S.I. 1978/975.

(2) Notwithstanding the provisions of Articles 3 and 4 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(a), the market value of a bovine animal which the Minister proposes to cause to be slaughtered shall, for the purposes of payment of compensation under this order, be determined by agreement between the Minister and the owner of the animal, or by a valuer appointed by the Minister and the said owner and paid by the Minister, or, failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors or (in relation to valuations in Scotland) by the President of the Institute of Auctioneers and Appraisers in Scotland and paid by the Minister and such valuer shall give to the Minister and the owner a certificate in writing of the said value.

In this paragraph a reference to a valuer shall be construed as a reference to an individual, and not to a company or firm or to two or more persons jointly.

(3) For the purposes of this Article, the market value of a bovine animal is the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected animal or a suspected animal or, as the case may be, an animal which had been exposed to the infection of enzootic bovine leukosis, and were not comprised in a herd in which that infection was present.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th July 1978.

(L.S.)

John Silkin,
Minister of Agriculture,
Fisheries and Food.

12th July 1978.

Bruce Millan,
Secretary of State for Scotland.

12th July 1978.

John Morris,
Secretary of State for Wales.

We approve,
13th July 1978.

T. E. Graham,
J. Dormand,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) S.I. 1959/1335.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that the amount of compensation which has to be paid under section 17(3) of the Diseases of Animals Act 1950 in respect of a bovine animal slaughtered on account of enzootic bovine leukosis shall be an amount equal to its market value, ascertained in accordance with Article 3 of the order.

SI 1978/976
ISBN 0-11-083976-5

