

1980 No. 80

ANIMALS

DISEASES OF ANIMALS

The Enzoitic Bovine Leukosis (Compensation) Order 1980

<i>Made</i> - - - -	23rd January 1980
<i>Laid before Parliament</i>	31st January 1980
<i>Coming into Operation</i>	21st February 1980

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by sections 17(3) and 85(1) 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 sections 19(7) and 85(1) 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 Enzoitic Bovine Leukosis (Compensation) Order 1980, shall apply throughout Great Britain, and shall come into operation on 21st February 1980.

Interpretation

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

“the Act” means the Diseases of Animals Act 1950;

“affected animal”, “bovine animal” and “suspected animal” have the same meanings as in the Enzoitic Bovine Leukosis Order 1980(c);

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

Compensation for animals slaughtered on account of enzoitic 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 enzoitic bovine leukosis by the Enzoitic Bovine Leukosis Order 1980, the compensation payable by him in respect of that animal shall be an amount equal to its market value or the sum of £567, whichever is the less.

(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. 1980/79.

(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 was 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 was not comprised in a herd in which that infection was present.

Revocation

4. The Enzootic Bovine Leukosis (Compensation) Order 1978(b) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th January 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

17th January 1980.

George Younger,
Secretary of State for Scotland.

23rd January 1980.

Nicholas Edwards,
Secretary of State for Wales.

We approve,

23rd January 1980.

David Waddington,
J. A. Douglas-Hamilton,
Two of the Lords Commissioners
of Her Majesty's Treasury.

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 under Article 3 of the order) or the sum of £567, whichever is the less.

