

## SCHEDULE

Article 26

### Calculation of the value of a bovine animal slaughtered for tuberculosis

#### Calculation

1. The value of a bovine animal slaughtered for tuberculosis is to be calculated using the following formula—

$$A \times B = C$$

Where—

A is the market value of the animal established in accordance with paragraph 2;

B is the figure provided by paragraphs 3 to 6; and

C is the value of the animal for the purposes of article 26.

#### Market value

2.—(1) Notwithstanding the provisions of article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(1), the market value of a bovine animal which the Welsh Ministers cause to be slaughtered must be determined—

(a) by agreement between the Welsh Ministers and the owner of the animal;

(b) by one valuer appointed jointly by the Welsh Ministers and the owner; or

(c) failing such agreement, or failing such agreement and appointment, by a valuer, named on a list maintained by the Welsh Ministers, nominated by the President of the Royal Institution of Chartered Surveyors or the President of the Central Association of Agricultural Valuers as the Welsh Ministers may decide in any particular case or class of case.

(2) A valuer appointed or nominated under sub-paragraph (1)(b) or (c) must be paid by the Welsh Ministers and must inform, in writing, the Welsh Ministers and the owner of the market value.

(3) In this paragraph a reference to a valuer is a reference to an individual and not to a company or firm or to two or more persons jointly.

(4) For the purposes of this paragraph, the market value of an animal is the price that might reasonably be expected would have been obtained for it from a purchaser in the open market at the time of valuation if the animal were not an affected animal or a suspected animal.

#### Veterinary improvement notice

3.—(1) This paragraph applies where the keeper of a bovine animal has been served with a veterinary improvement notice under article 11 (veterinary improvement notice) and fails to comply with one or more of its requirements.

(2) Where—

(a) the keeper fails to comply with one requirement in the veterinary improvement notice;

(b) an animal has been tested under article 12 (tuberculosis testing);

(c) that animal has been slaughtered following that test; and

(d) that test was applied to the herd that includes that animal (after the keeper was served with the veterinary improvement notice)—

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(1) [S.I 1959/1335](#).

*Status: This is the original version (as it was originally made).*

- (i) for the first time, “B” is 0.75;
  - (ii) for the second time, “B” is 0.5; or
  - (iii) subsequently, “B” is 0.05.
- (3) Where—
- (a) the keeper fails to comply with more than one requirement in the veterinary improvement notice;
  - (b) an animal has been tested under article 12;
  - (c) that animal has been slaughtered following that test; and
  - (d) that test was applied to the herd that includes that animal, (after the keeper was served with the veterinary improvement notice)—
    - (i) for the first time, “B” is 0.5; or
    - (ii) subsequently, “B” is 0.05.

**Failure to test animals in accordance with article 12(1)**

- 4.—(1) Subject to sub-paragraph (4), this paragraph applies where—
- (a) the keeper of a bovine animal has been served with a notice under article 12(1) (tuberculosis testing);
  - (b) the keeper has failed to carry out that test by the date specified in the notice (the “specified date”);
  - (c) the test has been carried out at a later date; and
  - (d) the animal has been slaughtered following the test.
- (2) Where the test was carried out as required by a notice under article 12(1) at a date later than the specified date and the interval between the specified date and the test is—
- (a) more than 60 but not more than 90 days, “B” is 0.75;
  - (b) more than 90 but not more than 180 days, “B” is 0.5; and
  - (c) more than 180 days, “B” is 0.05.
- (3) Where the test was carried out under article 12(5), “B” is 0.05.
- (4) Where the animal was slaughtered by virtue of the provisions of article 12(6), “B” is 0.05.

**Breach of obligations**

- 5.—(1) This paragraph applies where—
- (a) the Welsh Ministers are satisfied beyond reasonable doubt that the keeper of a bovine animal has committed an offence under section 73 of the Act (general offences) by virtue of this Order;
  - (b) the relevant test has been applied to an animal; and
  - (c) that animal has been slaughtered following that test.
- (2) This paragraph applies in relation to the slaughter of animals carried out following the application of the relevant test—
- (a) within 6 months of sub-paragraph (1)(a) being satisfied; and
  - (b) under article 12 for the first time since sub-paragraph (1)(a) was satisfied.
- (3) Where this paragraph applies and where sub-paragraph (1)(a) is satisfied on—
- (a) one occasion, “B” is 0.5; and

(b) more than one occasion, “B” is 0.05.

(4) This paragraph does not apply to a failure to comply with notices served under article 11(1) or 12(1).

**Other cases**

6. Where paragraphs 3, 4 and 5 do not apply, “B” is 1.