1988 No. 421

ANIMALS

Diseases of Animals (Modification) (No. 2) Order (Northern Ireland) 1988

Made . . . . . 28th November 1988

Coming into operation . . 29th November 1988

The Department of Agriculture, being satisfied that the modification of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(a) (''the Principal Order'') set out in Article 2 is necessary or expedient both for the purposes of the Principal Order and this Order, in exercise of the powers conferred on it by Articles 2(3) and 16(2) of the Principal Order 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 Diseases of Animals (Modification) (No. 2) Order (Northern Ireland) 1988 and shall come into operation on 29th November 1988.

Modification of the Diseases of Animals (Northern Ireland) Order 1981

2.—(1) Schedule 1 to the Principal Order shall be modified by adding to the list of diseases of animals specified in Part III of that Schedule the following—

''36. Bovine spongiform encephalopathy.''.

(2) Part I of Schedule 2 to the Principal Order shall be modified by adding after paragraph 10 the following—

''10A. *Bovine spongiform encephalopathy*: The Department may in any case cause to be slaughtered—

(*a*) any cattle affected with bovine spongiform encephalopathy or suspected of being so affected; and

(*b*) any cattle which are or have been in contact with cattle affected with bovine spongiform encephalopathy, or which appear to the Department to have been in any way exposed to the infection of bovine spongiform encephalopathy.''.

(3) In Part II of Schedule 2 to the Principal Order there shall be added after paragraph 12—

''12A. *Bovine spongiform encephalopathy*: The compensation shall be such as is provided in the following sub-paragraph:—

(*a*) where the animal slaughtered was an affected animal the compensation shall be 50% of either—

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments not relevant to this Order

(i) the market value of the animal, or

(ii) 125% of the average price in respect of the month which occurred two months prior to the month in which the animal was slaughtered rounded down to the nearest multiple of £2,

whichever is the less;

(*b*) where examination by the Department of tissues taken from the animal slaughtered does not confirm that it was an affected animal the compensation shall be—

(i) the market value of the animal, or

(ii) the amount referred to in sub-paragraph (*a*)(ii),

whichever is the less;

(*c*) for the purposes of sub-paragraphs (*a*) and (*b*) an average price shall be calculated by the Department in respect of each month from the information contained in the returns for that month in respect of the following markets—

Ballyclare: 2 Doagh Road, Ballyclare, Co. Antrim BT39 9BG;

Belfast: 56 Oxford Street, Belfast BT1 3LU;

Cookstown: 24 James Street, Cookstown, Co. Tyrone BT80 8LW;

Enniskillen: Fairgreen, Enniskillen, Co. Fermanagh;

Markethill: 6 The Square, Markethill, Co. Armagh BT61 9AW;

(*d*) subject to sub-paragraph (*e*), the average price in respect of a month shall be calculated by dividing the total of the sale prices, in the returns for a 4 week period ending on the last Saturday of a month, as having been paid for relevant bovine animals by the total number of relevant bovine animals shown in those returns to have been sold;

(*e*) where in respect of any month, returns in respect of all the markets referred to in sub-paragraph (*c*) have not been furnished to the Department by the 15th day of the following month the following provisions shall apply:—

(i) where returns have been so furnished in respect of 3 or more of the said markets the average price, in respect of that month, shall be calculated by dividing the total of the sale prices for relevant bovine animals shown in those returns by the total number of relevant bovine animals shown in those returns to have been sold;

(ii) in any other case the average price in respect of that month shall be the most recent average price calculated in accordance with this paragraph;

(*f*) the Department shall take such steps as it considers appropriate for the purposes of bringing to the notice of persons concerned the average price in respect of each month;

(*g*) in this paragraph—

"affected animal" means an animal which is affected with bovine spongiform encephalopathy;

"average price" means a price calculated in accordance with sub-paragraph (*d*) or (*e*);

"bovine animal" means a bull, cow, steer, heifer or calf;

"market value" means the price which might reasonably have been obtained for the animal at the time of valuation in accordance with Article 10 of the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1988(a) from a purchaser in the open market as if the animal were not an affected or suspected animal;

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

"return" means a return furnished to the Department in accordance with Article 11 of the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1988;

"suspected animal" means an animal which is suspected of being affected with bovine spongiform encephalopathy.".

Sealed with the Official Seal of the Department of Agriculture on 28th November 1988.

(L.S.) *S. R. Armstrong*
Assistant Secretary

(a) S.R. 1988 No. 422

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order which is made under the Diseases of Animals (Northern Ireland) Order 1981 (''the Principal Order'') provides for:—

(*a*) the addition of bovine spongiform encephalopathy to the list of diseases of animals specified in Part III of Schedule 1 to the Principal Order; and

(*b*) the addition of bovine spongiform encephalopathy to the list of diseases in Parts I and II of Schedule 2 to the Principal Order which allows the Department to cause to be slaughtered any cattle affected or suspected of being affected with bovine spongiform encephalopathy or any cattle which have come into contact with any cattle so affected or which appear to the Department to have been in any way exposed to the infection of the said disease and provides for compensation payable for any cattle so slaughtered.