STATUTORY INSTRUMENTS

1964 No. 1255

ANIMALS

The Diseases of Animals (Seizure of Carcases, etc.) Order 1964

Made - - - -	30*th July* 1964
Coming into Operation	15*th August* 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by subsections (1) and (7) of section 13 of the Agriculture (Miscellaneous Provisions) Act 1963(a), 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 Diseases of Animals (Seizure of Carcases, etc.) Order 1964, applies to Great Britain and shall come into operation on 15th August 1964.

Interpretation

2.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act of 1950" means the Diseases of Animals Act 1950(b);

"infected place or area" means an infected place or area for the purposes of the Act of 1950;

"inspector" means a person appointed to be an inspector for the purposes of the Act of 1950 by the Minister or by a local authority, and, in the case of a person so appointed by the Minister, includes a veterinary inspector;

"the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) Other expressions used in this Order of which there are definitions in section 84(4) of the Act of 1950 have the meanings thereby respectively assigned to them.

(3) References in this Order to the Act of 1950 or to any order made thereunder include references to that Act or any such order as from time to time amended.

(4) The Interpretation Act 1889(c) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Seizure of carcases, etc. liable to spread disease

3.—(1) For the purpose of preventing the spread of any of the diseases mentioned in the first column of the Schedule to this Order an inspector may, in relation to any of the animals or birds mentioned in the second column of the said Schedule (shown respectively opposite the diseases mentioned in the said first column) seize, destroy, bury, dispose of or treat, any of the things mentioned in the third column of the said Schedule

(a) 1963 c. 11. (b) 14 Geo. 6. c. 36. (c) 52 & 53 Vict. c. 63.

(shown respectively opposite the entries in the said first and second columns) which in the opinion of the inspector involve a risk of the spreading of the relevant disease mentioned in the said first column.

(2) The powers conferred on an inspector by paragraph (1) of this Article shall, in the case of an inspector appointed by a local authority, be exercisable only pursuant to a direction given by the Minister to such authority.

(3) An inspector may, instead of destroying, burying, disposing of or treating anything seized by him under paragraph (1) of this Article, cause it to be destroyed, buried, disposed of or treated (as the case may be) by some other person.

(4) The powers conferred by this Article shall be exercisable both within an infected place or area, and elsewhere.

(5) Nothing in this Article shall be in derogation of any power arising under—

(*a*) any order made under the Act of 1950 for preventing the spreading of any of the diseases mentioned in the first column of the Schedule to this Order ; or

(*b*) any order made under section 11(v) of the Act of 1950 prescribing or regulating the destruction, burial, disposal or treatment of anything, being in an infected place or area or removed thereout, which is mentioned in the third column of the Schedule to this Order.

Compensation

4.—(1) Subject to paragraph (2) of this Article the compensation payable for anything seized under this Order (being, in accordance with section 13(4) of the Agriculture (Miscellaneous Provisions) Act 1963, the value thereof at the time of the seizure) shall be ascertained in like manner to the compensation payable in respect of an animal or bird slaughtered or liable to be slaughtered under the Act of 1950, as prescribed in the Diseases of Animals (Ascertainment of Compensation) Order 1959(a), and as if the references therein (other than in Article 5 thereof) to any animal or bird included references to anything which may be seized under this Order.

(2) Compensation shall not be payable in respect of any carcase affected with any disease mentioned in the first column of the Schedule to this Order other than foot-and-mouth disease.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th July 1964.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 30th July 1964.

(L.S.)

Michael Noble,
Secretary of State for Scotland.

(a) S.I. 1959/1335 (1959 I, p. 227).

SCHEDULE

Disease	Animals or birds affected	Things which may be seized, etc.
Foot-and-mouth disease	Cattle, sheep, pigs, goats.	Carcases, fodder, litter, fertilisers.
Swine fever	Pigs	Carcases, fodder, litter, fertilisers.
Fowl pest in any of its forms, including Newcastle disease and fowl plague.	Poultry	Carcases, fodder, litter, eggs, fertilisers.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, made under section 13 of the Agriculture (Miscellaneous Provisions) Act 1963 empowers inspectors of the Ministry of Agriculture, Fisheries and Food and of local authorities to seize and dispose of the carcases, fodder, litter, or fertilisers (and also, in the case of poultry, eggs) of specified animals and of poultry which in the inspector's opinion involve a risk of the spreading of foot-and-mouth disease or swine fewer, or, in the case of poultry, fowl pest.

By virtue of section 13 compensation for anything seized under the Order (other than carcases of animals affected with swine fever and of poultry with fowl pest—for which no compensation is payable) is its value at the time of seizure. The Order provides for such compensation and for compensation in respect of carcases of animals affected with foot-and-mouth disease to be ascertained in accordance with the procedure laid down in the Diseases of Animals (Ascertainment of Compensation) Order 1959 (S.I. 1959/1335).

The Order applies to Great Britain.