STATUTORY INSTRUMENTS

1981 No. 1412

ANIMALS

The Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1981

Made - - - -	1*st October* 1981
Laid before Parliament	9*th October* 1981
Coming into Operation	
Except for the purposes of Article 3(2)	1*st November* 1981
For the purposes of Article 3(2)	1*st January* 1982

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State, in relation to Wales, in exercise of the powers conferred on them by sections 32(3) and 34(7) of the Animal Health Act 1981 (**a**), and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

Citation and commencement

1. This order, which may be cited as the Brucellosis and Tuberculosis (England and Wales) Compensation (Amendment) Order 1981, shall come into operation—

(*a*) except for the purposes of article 3(2) on 1st November 1981;

(*b*) for the purposes of article 3(2) on 1st January 1982.

Interpretation

2. In this order " the principal order " means the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978(**b**)

Amendment of principal order

3.—(1) In article 2(1) of the principal order (Interpretation):—

(*a*) there shall be inserted after the definition of " the appropriate Minister " the following definition:—

" " average price " means a price calculated from the information referred to in paragraph 1 of Schedule 2 to this order and in accordance with the provisions of paragraph 2 of that Schedule; "

(*b*) there shall be inserted after the definition of " the Minister " the following definition:—

" " month " means any one of the twelve months of the year; "

(**a**) 1981 c. 22; section 32 was applied to brucellosis by article 24 of S.I. 1978/1480 and to tuberculosis by article 18 of S.I. 1964/1151.

(**b**) S.I. 1978/1483.

(*c*) there shall be inserted after the definition of " reactor " the following definition:—

" " return " means a document furnished to the Minister and the Secretary of State by the person or persons operating a market at a place listed in paragraph 1 of Schedule 2 to this order which shows for a month the number of commercial grade friesian cows and heifers in milk and in calf sold at that market and the total sale price therefor. "

(2) For sub-paragraph (2)(a) of article 3 of the principal order (Compensation for bovine animals slaughtered for brucellosis or tuberculosis) there shall be substituted the following sub-paragraph:

"(*a*) where the slaughtered animal is an affected animal or a reactor, an amount equal to 75% of either—

(i) its market value, or

(ii) 125% of the average price in respect of the month which occurred 2 months prior to the month in which the market value of the animal was determined in accordance with paragraph (3) below, rounded down to the nearest multiple of £4,

whichever is the less. "

(3) The following Schedule shall be added to the principal order:—

" SCHEDULE 2

Article 3(2)(a)

Calculation of average price

1. For the purposes of article 3(2)(a) of this order an average price shall be calculated in respect of each month from the information contained in the returns for that month in respect of the following markets:—

Aberdeen: Central Mart, Kitty Brewster, Aberdeen AB9 2UQ.

Ayr: County Auction Market, Castle Hill Road, Ayr KA7 2HR.

Banbury: Midland Marts Ltd., PO Box 10, Banbury Stock Yard, Merton Street, Banbury, Oxon OX16 8EP.

Beeston: Beeston Castle Smithfield, Tarporley, Cheshire CW6 9NJ.

Carmarthen: Carmarthen Market, Sair Lane, Carmarthen, Dyfed SA31 1QY.

Chippenham: Chippenham Market Auctioneers Ltd., 14 Market Place, Chippenham, Wiltshire SN15 3HG.

Gisburn: Gisburn Auction Market Ltd., Gisburn Road, Gisburn, Clitheroe, Lancs BB7 4ES.

Lanark: Muirglen, Hyndford Road, Lanark ML11 9AX.

Oswestry: The New Smithfield, Shrewsbury Road, Oswestry, Shropshire SY11 4QA.

2.—(1) Subject to sub-paragraph (2) below, the average price in respect of a month shall be the amount obtained by dividing the total of the sale prices shown in the returns by the total number of animals shown in those returns to have been sold ;

(2) Where, in respect of any month, returns in respect of all the markets specified in paragraph 1 above have not been furnished to the Minister and the Secretary of State by the fifteenth day of the following month—

(*a*) where returns have been so furnished in respect of 5 or more of the specified markets the average price in respect of that month shall be the amount obtained by dividing the total of the sale prices shown in the returns by the total number of animals shown in those returns to have been sold ;

(*b*) 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.

3. The Minister and the Secretary of State shall take such steps as they consider appropriate for the purpose of bringing to the notice of persons concerned the average price in respect of each month and the total number of animals and the total sale price on which the calculation of such average price was based."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
24th September 1981. Secretary of State for Wales.

We approve,

Geoffrey Howe,
Carol Mather,
1st October 1981. Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 in respect of the maximum amount of compensation payable for cattle slaughtered by the Minister of Agriculture, Fisheries and Food or the Secretary of State because they are affected with brucellosis or tuberculosis or are reactors when tested for either disease.

The compensation prescribed in respect of such animals remains at 75% of their market value (as determined in accordance with Article 3(3) of the 1978 Order) subject, however, to a new limit determined by reference to the "average price". That expression is defined by reference to a new Schedule which provides for the calculation of a monthly average price based upon information concerning sales of cattle contained in returns made every month to the Minister and the Secretary of State in respect of various markets listed in paragraph 1 of the Schedule. In this way the Order ensures that the compensation limit applicable in respect of a slaughtered animal reflects recent market prices.

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