
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 130

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Ascertainment
of Value) (Scotland) (No. 3) Order 2001**

Made - - - - *30th March 2001*
5.00 p.m. on 30th
Coming into force - - *March 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 1 and 34(7) of the Animal Health Act 1981⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Foot and Mouth Disease (Ascertainment of Value) (Scotland) (No. 3) Order 2001 and shall come into force at 5.00 p.m. on 30th March 2001.

(2) This Order extends to Scotland only.

Ascertainment of value of an animal

2.—(1) For the purposes of the Animal Health Act 1981, the value of an animal caused to be slaughtered by the Scottish Ministers because of foot-and-mouth disease shall be ascertained in accordance with this article and not the Diseases of Animals (Ascertainment of Compensation) Order 1959⁽²⁾.

(2) In this article, “standard value” means in respect of any animal of a category specified in the Schedule to this Order, the amount set out for that animal in that Schedule.

(3) If the owner of an animal elects not to have that animal valued by a valuer, the value for that animal shall be the standard value.

(4) Where the owner of an animal—

(a) elects to have an animal valued by a valuer; or

(1) 1981 c. 22. See section 86(1) for the definitions of “the Ministers”. The functions of “the Ministers”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.I.1959/1335.

- (b) has not made any election under paragraph (3) or sub-paragraph (a) above in respect of an animal liable to be caused to be slaughtered by the Scottish Ministers prior to the slaughter of that animal,

the value of the animal, for the purpose of paragraph 3(2) of Schedule 3 to the Animal Health Act 1981 shall be the amount determined in writing by a valuer appointed by the Scottish Ministers.

(5) The valuer shall be paid by the Scottish Ministers in respect of the expenses of that valuer incurred pursuant to paragraph (4) above.

(6) If, within 14 days after receipt of the valuation in accordance with paragraph (4) above, the owner has not given notice to the Scottish Ministers in writing which disputes that valuation, the owner shall be deemed to have accepted that valuation.

(7) Where such notice has been given in accordance with paragraph (6) above, the owner shall in that notice either—

- (a) accept the standard value; or
(b) elect that the question of the value of the animal be referred to an arbiter.

(8) Where the owner elects that the question of the value of an animal be referred to an arbiter in terms of paragraph (7)(b) above, the arbiter shall be appointed jointly by the Scottish Ministers and the owner of the animal, or failing such appointment, by an arbiter appointed by the President of the Institute of Auctioneers and Appraisers in Scotland and liability for the costs of the arbiter shall be determined by the arbiter.

(9) Once the value of the animal has been determined in accordance with paragraph (4) above, nothing in this article shall require any delay in the slaughtering of animals pursuant to the powers of the Scottish Ministers under section 31 of, and Schedule 3(1) to, the Animal Health Act 1981.

Revocation and saving

3.—(1) Subject to paragraph (2) below, the Foot and Mouth Disease (Ascertainment of Value) (Scotland) (No. 2) Order 2001⁽³⁾ (“the No. 2 Order”) is revoked.

(2) Notwithstanding the revocation of the No. 2 Order by virtue of paragraph (1) above, that Order shall continue to have effect for the purposes of determination of the value of an animal under article 2(2) of the No. 2 Order.

Pentland House, Edinburgh
30th March 2001

DAVID R DICKSON
A member of the staff of the Scottish Ministers