STATUTORY RULES OF NORTHERN IRELAND

1998 No. 365

ANIMALS

Diseases of Animals (Modification) Order (Northern Ireland) 1998

Made - - - -	*21st October 1998*
Coming into operation	*7th December 1998*

The Department of Agriculture, being satisfied that the modifications of Schedule 2 to the Diseases of Animals (Northern Ireland) Order 1981(**1**) set out in Articles 2 and 3 are necessary or expedient for the purposes of that Order, in exercise of the powers conferred on it by Article 16(2) of that Order and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Diseases of Animals (Modification) Order (Northern Ireland) 1998 and shall come into operation on 7th December 1998.

(2) In this Order "the principal Order" means the Diseases of Animals (Northern Ireland) Order 1981.

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

2. In Part I of Schedule 2 to the principal Order, after paragraph 10B(**2**), there shall be inserted the following paragraph—

"Scrapie, Spongiform encephalopathy:

10C. The Department may in any case cause to be slaughtered—

(a) any sheep or goats affected with scrapie or with any transmissible spongiform encephalopathy, or any sheep or goats suspected of being so affected; and

(b) any sheep or goats which are or have been in contact with sheep or goats affected with scrapie or with any transmissible spongiform encephalopathy, or which appear to the Department to have been in any way exposed to the infection of these diseases.".

(**1**) S.I.1981/1115 (N.I. 22). The relevant amending Orders are S.R. 1985 No. 64, S.R. 1986 No. 79, S.R. 1990 No. 135, S.R. 1994 No. 11, S.R. 1995 No. 44, S.R. 1995 No. 273, S.R. 1995 No. 368, S.R. 1996 No. 238, S.R. 1996 No. 399, S.R. 1996 No. 592 and S.R. 1997 No. 181

(**2**) Paragraph 10B was inserted by S.R. 1995 No. 368

3. In Part II of Schedule 2 to the principal Order, after paragraph 12B(**3**), there shall be inserted the following paragraph—

"Scrapie, Spongiform encephalopathy:

12C.—(1) Where the Department causes an animal to be slaughtered as a suspected or affected animal and an examination at a veterinary laboratory of the Department of tissues taken from the carcase of the animal confirms that it was an affected animal, the compensation shall be an amount equal to—

(a) in the case of a sheep, the indicative market price for sheep; and

(b) in the case of a goat, the indicative market price for goats or, if the Department has not determined that price, the indicative market price for sheep slaughtered in the same month as the goat in question.

(2) Where the Department causes an animal to be slaughtered as a suspected or affected animal and an examination at a veterinary laboratory of the Department of tissues taken from the carcase of the animal does not confirm that it was an affected animal, the compensation shall be the greater of—

(a) an amount equal to—

(i) in the case of a sheep, the indicative market price for sheep; and

(ii) in the case of a goat, the indicative market price for goats or, if the Department has not determined that price, the indicative market price for sheep slaughtered in the same month as the goat in question; or

(b) such sum as appears to the Department, having regard to any evidence provided by the owner of the animal slaughtered, to reflect the market value of that animal, subject to a maximum sum of £400 for each animal.

(3) For the purposes of sub-paragraphs (1) and (2), the Department shall determine the average price for cull sheep in any month, on the basis of the information it has at that time as to—

(a) the numbers of cull sheep sold in Northern Ireland for slaughter during the month in question; and

(b) the prices paid for such sheep.

(4) For the purposes of sub-paragraphs (1) and (2), the Department may determine the average price for cull goats in any month, on the basis of the information it has at that time as to—

(a) the numbers of cull goats sold in Northern Ireland for slaughter during the month in question; and

(b) the prices paid for such goats,

but shall only do so where it considers that the information is sufficiently representative of cull goats sales for those purposes.

(5) The Department shall, in respect of each determination of an average price for cull sheep or cull goats under this paragraph, take such steps as it considers appropriate for the purpose of bringing—

(a) the determination; and

(b) the number of animals, and the sale price of the animals, on which the determination was based,

(**3**) Paragraph 12B was inserted by S.R. 1994 No. 11