1990 No. 135

ANIMALS

Diseases of Animals (Modification) Order (Northern Ireland) 1990

Made	*29th March 1990*
Coming into operation . .	*1st May 1990*

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) Order (Northern Ireland) 1990 and shall come into operation on 1st May 1990.

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

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

"36. Bovine spongiform encephalopathy.".

(2) Part I of Schedule 2 to the Principal Order shall continue to be modified by the addition, after paragraph 10 of 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 inserted after paragraph 12—

"12A. *Bovine spongiform encephalopathy*:

(1) The compensation shall—

(a) S.I. 1981/1115 (N.I. 22). The relevant amending Order is S.R. 1988 No. 421

(*a*) where the animal slaughtered was affected with bovine spongiform encephalopathy, be either—

(i) the market value of the animal, or

(ii) the average price for relevant bovine animals in respect of the month which occurred two months prior to the month in which the animal was slaughtered rounded down to the nearest £1,

whichever is the less;

(*b*) where examination by the Department of tissues taken from the animal slaughtered does not confirm that it was affected with bovine spongiform encephalopathy, be either—

(i) the market value of the animal, or

(ii) 125% of the amount referred to in head (*a*)(ii),

whichever is the less.

(2) For the purpose of sub-paragraph (1)—

(*a*) an average price for relevant bovine animals in respect of each month shall be calculated by the Department 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;

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

(*c*) where, in respect of any month, returns in respect of all the markets referred to in head (*a*) have not been furnished to the Department by the 15th day of the following month—

(i) if returns have been so furnished in respect of 3 or more of those markets, the average price for relevant bovine animals 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 for relevant bovine animals in respect of that month shall be the most recent average price calculated in accordance with this sub-paragraph.