Exported Animals (Compensation) Act (Northern Ireland) 1952 [F1]

1952 CHAPTER 24

An Act to consolidate the enactments relating to the establishment, maintenance and management of a fund for the payment of compensation to the owners of certain live stock exported from Northern Ireland and slaughtered or detained under the authority of law at a port in Great Britain in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease, and to the investigation and determination of claims for such compensation. [9th December 1952]

F1 Ext. (hovercraft), SI 1972/971

1 Establishment of Exported Animals (Compensation) Trustees for Northern Ireland.

(1) For the purposes of this Act there shall be a body to be called the Exported Animals (Compensation) Trustees for Northern Ireland (in this Act referred to as "the Trustees"), which shall be a body corporate with perpetual succession and a common seal.

(2) The seal of the Trustees shall be authenticated by the signature of any one of the Trustees, or of the secretary to the Trustees duly authorised by them to act in that behalf, and any document purporting to be sealed with the seal so authenticated shall be received in evidence and shall without further proof be deemed to be such a document unless the contrary is shown.

2 Appointment and constitution of Trustees.

(1) The Trustees shall consist of six persons who shall, as occasion requires, be appointed by the body known as "The North of Ireland Cattle Traders' and Stock Owners' Association" (in this Act referred to as "the Association").

(2) Every appointment made by the Association as aforesaid shall be in writing under the hand of the chairman of the Association.

(3) Such member of the Trustees as the Trustees shall from time to time nominate for the purpose shall be the chairman of the Trustees.

(4) The Trustees shall appoint a fit and proper person (not being a member of the Trustees) to be their secretary.

(5) The provisions contained in the First Schedule to this Act shall have effect with respect to the term of office, meetings and procedure of the Trustees.

3 Qualification of Trustees.

(1) Every member of the Trustees shall be a person ordinarily resident in Northern Ireland and engaged in the business of exporting live stock.

(2) At least four members of the Trustees shall be persons engaged in the business of exporting cattle or sheep, and at least one member of the Trustees shall be a person engaged in the business of exporting pigs.

4 Exported Animals (Compensation) Fund.

(1) The Trustees shall establish, maintain and manage in accordance with this Act a fund to be known as the Exported Animals (Compensation) Fund for Northern Ireland (in this Act referred to as "the Fund").

(2) There shall be credited to the Fund by the Trustees all moneys received by them under this Act, and there shall be paid out of the Fund—

(a) all compensation payable under this Act;

(b) all moneys required for the repayment of moneys borrowed under this Act by the Trustees or for the payment of interest on such moneys;

(c) all sums directed by this Act to be paid by the Trustees out of the funds at their disposal under this Act; and

(d) all expenses incurred by the Trustees in the execution of this Act.

5 Scale of charges.

The owner of any animals which are delivered on or after the passing of this Act to a shipowner for export shall, in the manner provided by this Act, pay to the Trustees for and in respect of such animals the appropriate charges, that is to say:—

F2(a) on every head of cattle the sum of [**F3** 10p];

(b) on every sheep the sum of [**F3** 3p];

(c) on every pig the sum of [**F3** 3p]];

or such other sum as may from time to time be substituted for any of those sums by order made after consultation with the Trustees by the Ministry of Agriculture (in this Act referred to as "the Ministry").

F2 SRO (NI) 1971/56
F3 SR 1979/12

6 Method of payment of charges.

(1) The charges payable under this Act to the Trustees by the owner of any animals shall be paid at such time and place and in such manner as may be provided by a scheme made by the Trustees with the approval of the Ministry.

(2) A scheme made under this section may make provision for the payment by the Trustees to any shipowner, in respect of functions performed by him under or by virtue of this Act in relation to the shipment by him of any animals, of such fees as may be agreed upon between the Trustees and the shipowner.

(3) A scheme made under this section may be varied or revoked by a subsequent scheme so made.

7 Particulars of live stock shipped.

(1) The owner of any animals which are delivered after the passing of this Act to any shipowner for export, or the agent of such owner, shall prepare and deliver forthwith to that shipowner a statement in writing in the prescribed form setting forth:—

(a) his name and address; and

(b) the number (both in words and figures) and description of such animals, which shall correspond to the number and description thereof stated by such owner in the application made by him to a veterinary inspector for a certificate of health required in respect of those animals under any order for the time being in force under the**[**[F4] Diseases of Animals (Northern Ireland) Order 1981**]**[F4].

(2) Every shipowner by whom live stock is exported in any calendar month shall as soon as may be after the end of that month furnish to the Trustees particulars in writing of the number and description, with the names and addresses of the owners, of any live stock so shipped.

F4 1981 NI 22

[F5]8 Compensation in respect of slaughtered animals.

Where any exported animals are, while undergoing detention, slaughtered after the passing of this Act by reason of the requirements of the British authorities, the owner of such animals shall, subject to the provisions of this Act, be entitled to be paid compensation out of the Fund in respect of such slaughter.

F5 Ext., 1972 NI 7

[F6]9 Assessment committees.

(1) Every claim for compensation under the last preceding section shall be investigated by a committee (in this Act referred to as an "assessment committee") consisting of three qualified persons who shall, so far as qualified members of the Trustees are available, be appointed by the Trustees from amongst such members.

(2) In the preceding sub-section the expression "qualified" means in relation to a claim—

(a) respecting cattle or sheep, engaged in the business of exporting cattle or sheep;

(b) respecting pigs, engaged in the business of exporting pigs.

(3) Where qualified members of the Trustees are not available for appointment as members of any assessment committee, other qualified persons shall, on the request of the Trustees, be appointed by the Association to be members of that committee.

(4) Any person shall be disqualified from being a member of an assessment committee investigating a claim in which he has a pecuniary interest.

(5) Assessment committees may be appointed generally or in respect of a particular claim or otherwise as the Trustees may think fit.

(6) The Trustees may appoint one or more than one person resident in Great Britain and engaged in or connected with the business of trading in live stock, to be agent for any assessment committee; and such an agent shall, on being so directed by an assessment committee, inquire into and report to the committee on the value of any animals which are the subject of a claim being investigated by them; and an assessment committee, where such a report is furnished, may assess the value of the animals without themselves proceeding to Great Britain for that purpose.

(7) An agent shall be disqualified from acting in relation to any claim in which he has a pecuniary interest.

F6 Ext., 1972 NI 7

[F7]10 Assessment of value of animals.

(1) Where it comes to the knowledge of the Trustees that any animals exported after the passing of this Act have been or are about to be slaughtered at any British port by reason of the requirements of the British authorities, an assessment committee shall forthwith proceed or direct their agent to proceed to that port; and such committee shall there assess, or the agent shall inquire into and report to the committee on, the value, for the purposes of compensation under section eight of this Act, of all animals so slaughtered or about to be slaughtered, in respect of the slaughter of which claims for such compensation might be sustained under this Act.

(2) The following provisions shall apply to the assessment of the value of animals which have been or are about to be slaughtered, that is to say:—

(a) the value of animals which have been or are about to be slaughtered on account of their being actually infected with foot and mouth disease shall be assessed as at the time immediately before they became so infected;

(b) the value of animals which have been slaughtered without their being actually so infected shall be assessed as at the time immediately before they were slaughtered;

(c) the value of animals which are about to be slaughtered without their being actually so infected shall be assessed as at the time of such assessment;

(d) no regard shall be had to depreciation due solely to the animals being or having been in an area in which they were exposed to the danger of becoming so infected;

[F8](e) the value of any animal slaughtered after 1st August 1972 shall be taken not to exceed £200 [[F9] and the value of an animal slaughtered after 19th February 1979 shall be taken not to exceed £300].

(3) The Ministry may by order made after consultation with the Trustees substitute for the sum referred to in subsection (2)(*e*) such sum as may be specified in the order in relation to any animal slaughtered after such date as may be specified in the order.

(4) An order made under subsection (3) shall be subject to negative resolution.]

F7 Ext., 1972 NI 7
F8 1972 NI 7
F9 SR 1979/12

F10 11 Determinitation of claims for compensation under s. 8.

(1) An assessment committee, where they have assessed the value of any animals, shall investigate, either in Northern Ireland or elsewhere, as may be most convenient, all claims for compensation under this Act in respect of such animals, and shall in respect of every such claim determine whether the claimant is or is not entitled to such compensation; and where such committee determine that any such claimant is entitled to such compensation, they shall fix the amount of such compensation having regard to the value as assessed by them of the animals to which the claim relates and such other relevant matters as may be brought before them by the claimant.

(2) Every assessment committee shall forthwith report to the Trustees their decision on every claim investigated by them, and the amount (if any) of the compensation fixed by them as payable out of the Fund in respect of such claim.

(3) An assessment committee may, with the consent of the owner of any animal the value of which has been assessed by them under this section, and subject to any directions which may be given by the British authorities, sell the carcase of such animal, and shall pay the proceeds of such sale into the Fund.

(4) If the owner of any such animal as aforesaid refuses his consent to the sale by an assessment committee of the carcase of such animal under this section, such owner shall not be entitled to compensation out of the Fund in respect of the slaughter of that animal.

(5) Where an assessment committee report under this section to the Trustees that any claimant for compensation under section eight of this Act is entitled thereto, the Trustees shall pay out of the Fund to that claimant the amount of such compensation as fixed by that committee.

F10 Ext., 1972 NI 7

12 Compensation in respect of detention and depreciation

(1) Where any animals which have been exported after the passing of this Act are detained beyond the normal detention period by reason of the requirements of the British authorities, the owner of such animals shall, subject to the provisions of this Act, be entitled to be paid compensation out of the Fund in respect of—

(a) extra lairage and feeding charges incurred by reason of such detention;

(b) any depreciation in the value of the animals due to such detention.