1959. No. 180 **[NC]**

DISEASES OF ANIMALS

Eradication of Bovine Tuberculosis

ORDER, DATED 7TH DECEMBER, 1959, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 53 OF THE DISEASES OF ANIMALS ACT (NORTHERN IRELAND), 1958(a).

The Ministry of Agriculture in exercise of the powers conferred on it by Secton fifty-three of the Diseases of Animals Act (Northern Ireland), 1958, 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 Tuberculosis (Slaughter and Compensation) Order (Northern Ireland), 1959, and shall come into operation on the 8th day of December, 1959.

Interpretation

2. In this Order:—

"Act" means the Diseases of Animals Act (Northern Ireland), 1958.

"Animal" means bovine animal.

"Eradication Area" and "Attested Area" mean respectively an area which is for the time being an eradication area or an attested area as the case may be for purposes connected with the control of tuberculosis by virtue of an Order made under Section 3 of the Act.

"Reactor" means an animal which has shown a positive reaction to a tuberculin test.

Application of Order

3. This Order shall apply only to such areas as may be from time to time declared to be Eradication Areas or Attested Areas.

Power to slaughter reactors

4. The Ministry may slaughter or cause to be slaughtered any reactor kept on premises in an Eradication Area or an Attested Area and any other animal which has been exposed to the possibility of infection with tuberculosis by contact with the said reactor.

Issue of notice to owners

5. In every case where a veterinary inspector is satisfied that an animal kept on premises in an Eradication Area or an Attested Area is a reactor and that it should be slaughtered by the Ministry in accordance with this Order, together with any other animal which has been exposed to the possibility of infection with tuberculosis by contact with the said reactor, a veterinary inspector shall issue a notice in the form set forth in the Schedule to the owner or person in charge of the animal that the Ministry proposes to slaughter the animal and requiring him pending such slaughter to detain the animal on the premises specified in the notice and to isolate it as far as practicable from other animals.

(a) 1958, c. 13.

Compensation

6.—(1) Where the Ministry causes an animal to be slaughtered in accordance with this Order, compensation shall be payable to the owner of the animal at the market value of the said animal determined in accordance with this Article.

(2) For the purposes of this Order the market value of an animal means the price which might reasonably have been obtained from a purchaser in the open market who had no knowledge that the animal had been tested with tuberculin.

(3) The market value of an animal which the Ministry proposes to cause to be slaughtered shall, for the purposes of payment of compensation, be determined before slaughter by agreement between an inspector of the Ministry and the owner of the animal, or, if they fail so to agree, by an independent valuer paid by the Ministry and selected by the owner from a list of at least three such valuers submitted by the Ministry to the owner.

(4) Where an owner refuses to select a valuer in accordance with the preceding paragraph, the Ministry may select a valuer.

(5) A valuer appointed in accordance with paragraph (3) or paragraph (4) shall give to the Ministry and to the owner a certificate in writing of his valuation and such valuation shall be final.

Movement of reactors

7. A person shall not move or permit to be moved from his premises any animal in respect of which a notice has been served in accordance with Article 5 except under the authority of a permit issued by the Ministry in the form set forth in the Schedule.

Power to remove for slaughter

8. Where a notice has been served in respect of any animal in accordance with Article 5 and its value for compensation has been determined in accordance with Article 6 the Ministry shall have power to cause the said animal to be removed for slaughter.

Offences

9. Any person who—

(*a*) commits any breach of the provisions of this Order or of the conditions of any permit granted or notice served under it; or

(*b*) obstructs or impedes an inspector or a police constable from removing any animal in accordance with Article 8; or

(*c*) obstructs or impedes an inspector or an independent valuer appointed in accordance with Article 6;

shall be guilty of an offence against the Act.

No reference to Attested Herds Scheme

10. Nothing in this Order shall affect the operation of the Tuberculosis (Attested Herds) (Northern Ireland) Scheme, 1959(a), except that reactors found in supervised or attested herds in an Eradication Area or an Attested Area shall be dealt with under this Order.

(a) S.R. & O. (N.I.) 1959, No. 54.