

1989 No. 5

ANIMALS

**Diseases of Animals (Valuation) Order
(Northern Ireland) 1989**

Made 4th January 1989

Coming into operation 1st March 1989

The Department of Agriculture, in exercise of the powers conferred on it by Article 18(7) of the Diseases of Animals (Northern Ireland) Order 1981(a) 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 (Valuation) Order (Northern Ireland) 1989 and shall come into operation on 1st March 1989.

Interpretation

2. In this Order:—

“slaughtered” means slaughtered at the direction of the Department in accordance with the Diseases of Animals (Northern Ireland) Order 1981; and

“the owner” means the owner of the animal or bird and includes his agent.

Valuation of animals

3.—(1) The value of an animal or bird which has been or is liable to be slaughtered shall be determined in accordance with the following provisions:—

- (a) by agreement between an inspector and the owner of the animal or bird and such agreement shall be final and binding on the Department and the owner;
- (b) if the owner and inspector cannot agree, or fail to reach such agreement, by an independent valuer paid by the Department and selected by the owner from a list of at least three such independent valuers submitted by the Department to the owner; or
- (c) if the owner refuses or neglects to select an independent valuer in accordance with sub-paragraph (b) by an independent valuer selected by the Department.

(a) S.I. 1981/1115 (N.I. 22) to which there are amendments which are not relevant

(2) An independent valuer selected in accordance with paragraph (1)(b) or (c) shall give to the Department and the owner a certificate in writing of his valuation and such valuation shall be final and binding on the Department and the owner.

Saving for certain other modes of ascertainment of value

4. Nothing in this Order shall apply to the ascertainment of the value of any animal or bird where any other mode of ascertaining such value is provided by any Order made under the Diseases of Animals (Northern Ireland) Order 1981.

Revocation

5. The Diseases of Animals (Ascertainment of Compensation) Order 1964(a) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 4th January 1989.

(L.S.)

S. R. Armstrong

Assistant Secretary

(a) S.R. & O. (N.I.) 1964 No. 196

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Diseases of Animals (Ascertainment of Compensation) Order 1964.

Article 3 prescribes the method of ascertaining the value of an animal or bird slaughtered or liable to be slaughtered, at the direction of the Department of Agriculture ("the Department") under the Diseases of Animals (Northern Ireland) Order 1981 ("the Order"). It provides that the value of such an animal or bird shall be ascertained by agreement between an inspector appointed by the Department for the purposes of the Order and its owner or his agent. Should such agreement not be reached, then an independent valuer selected by the owner or his agent from a list, supplied by the Department, of at least three such independent valuers shall ascertain the value. If the owner or his agent fails or neglects to select such an independent valuer, then the value of the animal or bird shall be assessed by an independent valuer selected by the Department.

This Order does not apply where any other Order made under the Diseases of Animals (Northern Ireland) Order 1981 provides for the ascertainment of the value of an animal or bird.

1989 No. 6

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.