

1989 No. 1316

ANIMALS
ANIMAL HEALTHThe Tuberculosis (Deer) Notice of Intended Slaughter
and Compensation Order 1989

<i>Made</i> - - - -	<i>30th July 1989</i>
<i>Laid before Parliament</i>	<i>4th August 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

The Minister of Agriculture, Fisheries and Food in relation to England, and the Secretary of State in relation to Scotland or to Wales, in exercise of the powers conferred on them by sections 1, 8(1), 32(3), 34(7) and 86(1) of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, with the approval of the Treasury in accordance with the said section 32(3), hereby make the following Order:

Title and commencement

1. This Order may be cited as the Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989 and shall come into force on 1st September 1989.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“affected animal” means a deer which is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis;

“appropriate Minister” means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State;

“deer” means a deer of any species;

“reactor” means a deer which gives rise to a reaction consistent with its being affected with tuberculosis when tested for that disease either by or on behalf of the appropriate Minister or otherwise, as the case may be, provided that in the case of a test otherwise so carried out the result thereof has been reported to the appropriate Minister.

Notification of intended slaughter of deer

3.—(1) Where the appropriate Minister intends to cause a deer to be slaughtered under section 32 of the Act in its application to tuberculosis(b) a veterinary inspector may serve a notice in the form set out in the Schedule to this Order on the owner or person in

(a) 1981 c.22; section 86(1) contains a definition of “the appropriate Minister” relevant to the exercise of the statutory powers under which this Order is made. The definition of “disease” in section 88(1) of the Act was extended, in relation to England and Wales, by article 3 of S.I. 1984/1943 so as to include tuberculosis and, in relation to Scotland, by a corresponding provision of S.I. 1984/2063.

(b) Section 32 was applied to tuberculosis in relation to England and Wales, by article 3 of S.I. 1984/1943 and, in relation to Scotland, by a corresponding provision in S.I. 1984/2063.

630.02

charge of the deer informing him of the intended slaughter and requiring him to detain the deer pending such slaughter (or pending its surrender and removal for such slaughter) on such part of the premises on which it is kept as is specified in the notice and to isolate it as far as practicable from other deer and from cattle.

(2) The person on whom such a notice has been served—

(a) shall comply with the notice; and

(b) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence issued by an officer of the appropriate Minister.

Compensation for, and ascertainment of value of, deer slaughtered for tuberculosis

4.—(1) Where the appropriate Minister causes a deer to be slaughtered under the powers conferred by section 32 of the Act in its application to tuberculosis the compensation payable by him shall, subject to article 5 below, be the amount determined in accordance with the following provisions of this article.

(2) The said compensation shall be—

(a) the sum of £600; or

(b) an amount equal to 50 per cent of the market value of the deer, whichever is the less.

(3)(a) Notwithstanding the provisions of articles 3 and 4 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(a), the market value of a deer which the appropriate Minister proposes to cause to be slaughtered shall, for the purposes of payment of compensation under this Order, be determined—

(i) by agreement between the appropriate Minister and the owner of the deer, or

(ii) by one valuer appointed jointly by the appropriate Minister and the said owner, or

(iii) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors or by the President of the Institute of Auctioneers and Appraisers in Scotland.

(b) A Valuer appointed or nominated under sub-paragraph (a)(ii) or (iii) above shall be paid by the appropriate Minister and shall give to the appropriate Minister and the owner a certificate in writing of the said value.

(c) For the purpose of obtaining an agreement under sub-paragraph (a)(i) above the appropriate Minister may employ a valuer to agree the market value.

(d) In this paragraph a reference to a valuer shall be construed as a reference to an individual, and not to a company or firm or to two or more persons jointly.

(4) For the purposes of this article, the market value of a deer is the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market—

(a) in the case of an affected animal or a reactor, if the deer were not an affected animal or a reactor;

(b) in the case of a deer which has been exposed to the infection of tuberculosis, if it had not been so exposed.

Compensation for "control animals"

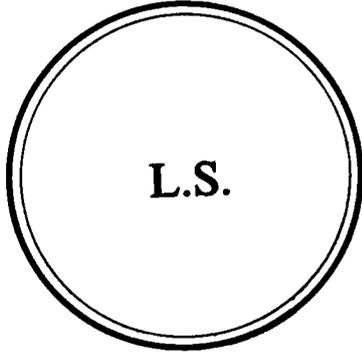
5.—(1) Notwithstanding anything in article 4 above, the compensation payable in respect of the slaughter of a deer to which this article applies, being a deer which the appropriate Minister causes to be slaughtered under the powers conferred by section 32 of the Animal Health Act 1981 in its application to tuberculosis, shall consist of the value of the carcase of the animal, less the expenses reasonably incurred by the appropriate Minister in relation to the deer before slaughter, to the slaughter of the deer and to the subsequent disposal of its carcase.

(a) S.I. 1959/1335.

630.03

(2) This article applies to any deer ("the control animal") as respects which it is a condition of an import licence issued under the Importation of Animals Order 1977(a) allowing any other deer ("the imported animal") to be landed in Great Britain that the control animal shall be placed with the imported animal during quarantine, there to serve as a control in relation to the imported animal as respects any disease of deer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th July 1989.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

30th July 1989

Sanderson of Bowden
Minister of State, Scottish Office

27th July 1989

Peter Walker
Secretary of State for Wales

(a) S.I. 1977/944.

SCHEDULE

ANIMAL HEALTH ACT 1981

TUBERCULOSIS (DEER) NOTICE OF INTENDED SLAUGHTER AND COMPENSATION ORDER 1989 (Article 3)

NOTICE OF INTENDED SLAUGHTER

Herd Ref No.....

To of
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.....

I, the undersigned, being a veterinary inspector appointed by the Minister of Agriculture, Fisheries and Food, hereby give notice that the said Minister/Secretary of State for Wales/Scotland* proposes to cause the following deer to be slaughtered with all convenient speed under the powers conferred by section 32 of the above Act in its application to tuberculosis, namely

(a) affected animals and reactors (see Note below)

.....
kept at.....

(b) other deer (see Note below)

.....
kept at.....

I require you, pending such slaughter (or pending surrender and removal for such slaughter), to detain the deer specified above in

.....
being part of the premises where it is/they are* now kept, and to keep it/them* isolated as far as practicable from other deer and from cattle.

Signed
Veterinary Inspector of the Ministry of Agriculture,
Fisheries and Food

Dated.....19

Note: The Tuberculosis (Deer) Notice of Intended Slaughter and Compensation Order 1989 defines affected animals and reactors and fixes rates of compensation for them and for other deer which are slaughtered as a result of being exposed to the infection of tuberculosis.

* Delete as appropriate

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the amount of compensation payable for deer slaughtered by the appropriate Minister (i.e. the Minister of Agriculture, Fisheries and Food or the Secretary of State for Scotland or Wales) under section 32 of the Animal Health Act 1981 in its application to tuberculosis.

The compensation payable in respect of such a deer is (i) the sum of £600 or (ii) an amount equal to 50 per cent of its market value (calculated in accordance with the provisions of the Order), whichever is the less (article 4). However, compensation payable for the slaughter of deer which are required to serve as controls during the quarantine of imported deer is limited to their carcase value, less the appropriate Minister's reasonable expenses (article 5).

The Order also requires the appropriate Minister, where he intends to cause a deer to be slaughtered under section 32, to serve a notice of intended slaughter on the owner or person in charge of the deer requiring him to detain and isolate the deer pending such slaughter (article 3 and Schedule).