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STATUTORY INSTRUMENTS

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**2005 No. 3434**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Individual Ascertainment of Value (England) Order 2005**

*Made* - - - - *8th December 2005*

*Coming into force* - - *1st February 2006*

The Secretary of State, in exercise of the powers conferred by section 34(7) of the Animal Health Act 1981<sup>(1)</sup> and now vested in her<sup>(2)</sup>, makes the following Order:

**Title, commencement and application**

1.—(1) This Order may be cited as the Individual Ascertainment of Value (England) Order 2005 and shall come into force on 1st February 2006.

(2) This Order applies in England only.

**Interpretation**

2. In this Order “the principal Order” means the Cattle Compensation (England) Order 2005<sup>(3)</sup> and expressions defined in the principal Order have the same meaning.

**Individual ascertainment of value**

3.—(1) Where, pursuant to article 3 of the principal Order, the market value of a bovine animal falls to be ascertained, it shall be ascertained by means of a valuation carried out in accordance with this article.

(2) A valuation shall be carried out—

- (a) by a valuer appointed jointly by the Secretary of State and the owner of the animal; or
- (b) failing such appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors and appointed by the Secretary of State.

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(1) 1981 c. 22. See section 86(1) for the definition of “the Minister” and “the Ministers”.

(2) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(3) S.I. 2005/3433.

(3) Only individuals acting alone may be appointed for the purposes of paragraph (2).

(4) The valuer shall give a certificate in writing of the value of the bovine animal to the Secretary of State and owner of the animal.

8th December 2005

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the ascertainment of market value of bovine animals which the Secretary of State causes to be slaughtered under section 32 of the Animal Health Act 1981 in its application to brucellosis, tuberculosis or enzootic bovine leukosis. It should be read with the Cattle Compensation Order 2005, S.I.2005/3433.

The ascertainment of market value is required in two situations. The first is when the Secretary of State slaughters a buffalo or bison. The second is when the Secretary of State considers that the sales price data for a particular bovine category, as referred to in paragraphs 1(1) or 2(1) of Schedule 1 to the Cattle Compensation (England) Order 2005, are inadequate or that such data are unavailable, and she elects to pay compensation for an animal in that category at the level of its market value rather than the level of the average market price as determined by the most recently ascertained market price for the same category. There will not always be a previously ascertained average market price for the same category, in which case the Secretary of State must elect to pay compensation at the level of market value.