



NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2771 (W. 232)

ANIMALS, WALES

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No. 5)
Order 2001**

Made at

6.35 p.m. on 31st July 2001

Coming into force at

8.p.m. on 31st July 2001

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food ("the Minister"), in exercise of the powers conferred on them by sections 1 and 34(7) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, make the following Order:

Title, extent and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No. 5) Order 2001; it applies to Wales and comes into force at 8.p.m. on the 31st July 2001.

Ascertainment of value of an animal

2. (1) For the purposes of paragraph 3(2) of Schedule 3 to the Animal Health Act 1981, the value of an animal slaughtered by the Minister because of foot-and-mouth disease shall be ascertained after the coming into force of this Order in accordance with this Order and not the Diseases of Animals (Ascertainment of Compensation) Order 1959(b).

(2) The value of an animal valued under this Order shall be the amount determined in writing by a valuer appointed and paid for by the Minister.

(3) If within 14 days after having received the valuation made in accordance with paragraph (2), the owner has not given notice in writing to the Minister that he or she disputes that valuation, it shall be deemed to have been accepted.

(4) Where the owner has given notice in accordance with paragraph (3) he or she may refer the question of the value of the animal to an arbitrator appointed jointly by the Minister and the owner of that animal, or failing such appointment, by an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors.

(a) 1981 c. 22. See section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Functions of "the Ministers", so far as exercisable by the Secretary of State for Scotland in relation to Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1959/1335.

(5) Liability for the costs of the arbitration shall be determined by the arbitrator.

(6) Once the value of the animal has been determined in accordance with paragraph (2), nothing in this article shall authorise any delay in the slaughtering of that animal pursuant to the powers of the Minister under section 31 of, and paragraph 3(1) of Schedule 3 to, the Animal Health Act 1981.

Revocation

3. The Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No. 4) Order 2001(a) is revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

Signed at 5 p.m.

Rhodri Morgan

on the 31st July 2001

First Secretary National Assembly for Wales

Signed at 6.35 p.m.

E. A. Morley

on the 31st July 2001

Parliamentary Under-Secretary Department for Environment, Food and Rural Affairs

(a) S.I. 2001 No. 1273 (W.72).

(b) 1998 c.38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and substantially re-makes the Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No. 4) Order 2001 (S.I. 2001/1273 (W.72)). It sets out the requirements for the valuation of animals slaughtered or liable to be slaughtered as a result of Foot-and-Mouth disease but does not contain a Standard Values table as appeared in the previous Order. After the coming into force of this Order, the value of animals is therefore to be established by individual valuation alone.

A Regulatory Appraisal has not been prepared in relation to this Order.

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£1.75

T373/08/01

ON

ISBN 0-11-090309-9



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