

2012 No. 1380

ANIMALS, ENGLAND

ANIMAL HEALTH

The Individual Ascertainment of Value (England) Order 2012

<i>Made</i> - - - -	<i>16th May 2012</i>
<i>Laid before Parliament</i>	<i>30th May 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The powers conferred by sections 1, 32(3) and 34(7) of the Animal Health Act 1981(a) are vested(b) in the Secretary of State who, in exercise of those powers and with the approval of the Treasury for the purpose of section 32(3), makes the following Order.

Title, application, commencement and expiry

1. This Order—

- (a) may be cited as the Individual Ascertainment of Value (England) Order 2012;
- (b) comes into force on 1st July 2012; and
- (c) ceases to have effect on 1st July 2019.

Interpretation

2. In this Order “the principal Order” means the Cattle Compensation (England) Order 2012(c) and words and expressions defined in the principal Order have the same meaning.

Individual ascertainment of value

3.—(1) Where—

- (a) there are either no sale price data, or inadequate sale price data in accordance with paragraph 3(1) of the Schedule to the principal Order, and the Secretary of State decides to pay compensation at the level of the market value as permitted under paragraph 3(2)(b) of that Schedule, or
- (b) the animal in question is a bison or a buffalo,

the market value is to be ascertained by means of a valuation carried out in accordance with this article.

(a) 1981 c. 22. See section 86(1) for the definitions of “the Minister” and “the Ministers”.
(b) Functions conferred under the 1981 Act 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).
(c) S.I. 2012/1379.

(2) A valuation shall be carried out—

- (a) by a single valuer appointed jointly by the Secretary of State and the keeper of the animal; or
- (b) failing such joint appointment, by a single valuer appointed by the Secretary of State.

(3) The appointed valuer shall issue a certificate in writing of the market value of the animal to the Secretary of State and the keeper of the animal.

(4) Where paragraph 4 (compensation payable following delays in testing for tuberculosis) of the Schedule to the principal Order applies, then following receipt of the valuer's certificate the Secretary of State must, subject to paragraph 5 of that Schedule, reduce the compensation payable to the keeper of the animal in accordance with that paragraph 4.

Review of the Order

4.—(1) Before 1st July 2017 the Secretary of State must—

- (a) carry out a review of this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must, in particular—

- (a) set out the objectives intended to be achieved by this Order;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

Revocation

5. The Individual Ascertainment of Value (England) Order 2005(a) is revoked.

14th May 2012

Jim Paice
Minister of State
Department for Environment, Food and Rural Affairs

We consent

16th May 2012

Jeremy Wright
Michael Fabricant
Two of the Lords Commissioners of Her Majesty's Treasury

(a) S.I. 2005/3434, amended by S.I. 2006/168.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Individual Ascertainment of Value (England) Order 2005 (S.I. 2005/3434).

This Order is to be read alongside the Cattle Compensation (England) Order 2012 (S.I. 2012/1379) (defined in article 2 of this Order as “the principal Order”).

Article 3 provides for the individual ascertainment of the market value of domestic cattle by a single valuer where no sales data, or inadequate sales data, are available for the relevant category of cattle. In the case of any bison or buffalo an individual ascertainment of the market value of such an animal will be carried out.

Compensation is reduced where there has been delay on the part of the animal keeper in arranging for the tuberculosis testing of animals (article 3(4)). There is a provision in paragraph 5 of the Schedule to the principal Order for a keeper to request a review by a person appointed by the Secretary of State of such a decision to reduce the compensation payable.

Article 4 requires the Secretary of State to review the operation and effect of this Order and publish a report of that review before 1st July 2017.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website (www.defra.gov.uk) and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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