

1972 No. 2041

ANIMALS

**The Diseases of Animals (Seizure of Carcases, etc.)
(Amendment) Order 1972***Made* - - - - 21st December 1972*Coming into Operation* 22nd December 1972

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by subsections (1), (3) and (7) of section 13 of the Agriculture (Miscellaneous Provisions) Act 1963(a), as respects the said subsection (1) as amended by section 3 of the Agriculture (Miscellaneous Provisions) Act 1972(b), and of all other powers enabling them in that behalf, hereby order as follows:—

Title, extent and interpretation

1.—(1) This order, which may be cited as the Diseases of Animals (Seizure of Carcases, etc.) (Amendment) Order 1972, applies throughout Great Britain.

(2) In this Order “the principal order” means the Diseases of Animals (Seizure of Carcases, etc.) Order 1964(c).

(3) The Interpretation Act 1889(d) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Amendments to principal order

2.—(1) Article 4(1) of the principal order shall be renumbered as article 4(2), article 4(2) thereof shall be renumbered as article 4(3), and the following shall be inserted as article 4(1) of the principal order:—

“4.—(1) Compensation shall be paid by the Minister for carcases seized under this Order for the purpose of preventing the spread of swine vesicular disease.”

(2) In article 4(2) of the principal order, as so renumbered, for the words “paragraph (2) of this Article” there shall be substituted the words “paragraph (3) of this Article”.

(3) At the end of article 4(3) of the principal order, as so renumbered, there shall be added the words “and swine vesicular disease.”

(4) In the third column of the Schedule to the principal order, in the entry relating to foot-and-mouth disease, after the word “litter”, there shall be inserted the words “milk, skim milk, whey, buttermilk, cream”.

(a) 1963 c. 11.

(b) 1972 c. 62.

(c) S.I. 1964/1255 (1964 II, p. 2908).

(d) 1889 c. 63.

(5) After the entry relating to foot-and-mouth disease in the said Schedule there shall be inserted the following entry:—

Disease	Animals or birds affected	Things which may be seized, etc.
Swine vesicular disease ...	Cattle, sheep, pigs, goats.	Carcases, fodder, litter, milk, skim milk, whey, buttermilk, cream, fertilisers.

(6) Article 4 of and the Schedule to the principal order as amended by this order are set out in the Schedule to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st December 1972.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries
and Food.

Gordon Campbell,
Secretary of State for Scotland.

21st December 1972.

Article 2

SCHEDULE

Article 4 of principal order, as amended by this order

Compensation

4.—(1) Compensation shall be paid by the Minister for carcasses seized under this Order for the purpose of preventing the spread of swine vesicular disease.

(2) Subject to paragraph (3) of this Article the compensation payable for anything seized under this Order (being, in accordance with section 13(4) of the Agriculture (Miscellaneous Provisions) Act 1963, the value thereof at the time of the seizure) shall be ascertained in like manner to the compensation payable in respect of an animal or bird slaughtered or liable to be slaughtered under the Act of 1950(a), as prescribed in the Diseases of Animals (Ascertainment of Compensation) Order 1959(b), and as if the references therein (other than in Article 5 thereof) to any animal or bird included references to anything which may be seized under this Order.

(3) Compensation shall not be payable in respect of any carcase affected with any disease mentioned in the first column of the Schedule to this Order other than foot-and-mouth disease and swine vesicular disease.

(a) i.e. the Diseases of Animals Act 1950 (c. 36).

(b) S.I. 1959/1335 (1959 I, p. 227).

Schedule to principal order, as amended by this order

Disease	Animals or birds affected	Things which may be seized, etc.
Foot-and-mouth disease	Cattle, sheep, pigs, goats.	Carcases, fodder, litter, milk, skim milk, whey, buttermilk, cream, fertilisers.
Swine vesicular disease ...	Cattle, sheep, pigs, goats.	Carcases, fodder, litter, milk, skim milk, whey, buttermilk, cream, fertilisers.
Swine fever	Pigs	Carcases, fodder, litter, fertilisers.
Fowl pest in any of its forms, including Newcastle disease and fowl plague.	Poultry ...	Carcases, fodder, litter, eggs, fertilisers.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order adds milk, skim milk, whey, buttermilk and cream to the list of things (carcasses, fodder, litter and fertilisers) which may be seized and disposed of under the powers conferred by the Diseases of Animals (Seizure of Carcasses, etc.) Order 1964 for preventing the spread of foot-and-mouth disease. It also makes provision for the seizure and disposal under the powers of the 1964 Order of carcasses, fodder, litter, milk, skim milk, whey, buttermilk, cream and fertilisers for the purpose of preventing the spread of swine vesicular disease.

Compensation for anything seized and disposed of under the 1964 Order as amended by this Order is payable and, by virtue of section 13 of the Agriculture (Miscellaneous Provisions) Act 1963, is the value thereof at the time of the seizure. This Order makes provision for the ascertainment of that value.

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