SCHEDULE 1

Compensation

Part IV

Compensation for carcases, parts of carcases or blood of TSE susceptible animals seized or disposed of under regulation 82

1. Subject to paragraph 5 below, the compensation for any carcase, part of any carcase or any blood seized or disposed of under regulation 82 above shall be compensation to the owner of the carcase, part or blood of an amount equal to the value of the carcase, part or blood at the time it was seized or disposed of.

2. The value of any carcase, part or blood seized or disposed of under regulation 82 above shall be determined–

(a) by agreement between the Scottish Ministers and the owner of the carcase, part or blood retained, seized or disposed of;

(b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the carcase, part or blood seized or disposed of; or

(c) failing such agreement or appointment, by an arbiter appointed by the President of the Institute of Auctioneers and Appraisers in Scotland and the liability for the costs of the arbiter shall be determined by the arbiter.

3. The owner of a carcase, part of a carcase or blood seized or disposed of under regulation 82 shall pay any reasonable expenses incurred by the Scottish Ministers in connection with the seizure or disposal.

4. These expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part or blood seized or disposed of.

5. If the amount of these expenses exceed the amount of compensation payable to the owner, the Scottish Ministers shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Scottish Ministers.

6. The owner shall pay to the Scottish Ministers the amount of the excess within the period specified in the notice.

7. On the expiry of that period, the amount of the excess shall be recoverable as a debt by the Scottish Ministers from the owner.