## SCHEDULE 7

## Offspring Slaughter

## Compensation for slaughtered offspring animals

- **4.**—(1) Subject to the provisions of this paragraph, where the Scottish Ministers cause an offspring animal to be slaughtered under paragraph 3 above the Scottish Ministers shall pay compensation in accordance with the provisions of this paragraph.
- (2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.
- (3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in paragraph 6 below for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.
- (4) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined—
  - (a) by agreement between the Scottish Ministers and the owner of the animal;
  - (b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the animal; 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.
- (5) An arbiter appointed or nominated for the purpose of this paragraph shall give to the Scottish Ministers and the owner a certificate in writing of the value that arbiter has determined.
- (6) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as—
  - (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
  - (b) not fit for human consumption by virtue of its condition; and
  - (c) having no market value as a consequence,

there shall be no compensation payable for the animal under this paragraph.

- (7) Where an offspring animal is slaughtered as an offspring animal and was certified in form OC 4 before slaughter by a veterinary surgeon as—
  - (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
  - (b) not unfit for human consumption by virtue of its condition,
- compensation shall be payable for the animal in accordance with the compensation payable under paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).
- (8) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981(1) in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978(2) and the notice in Form OC 1 has been withdrawn by the time of such

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<sup>(1) 1981</sup> c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).

<sup>(2)</sup> S.I.1978/1485, amended by S.I. 1981/1448, S.I. 1996/1358 and S.I. 1998/2181.

slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Order concerned.

- (9) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the provisions of regulation 83 and Part III of Schedule 1 above.
- (10) The Scottish Ministers shall take such steps as they consider appropriate for the purpose of bringing to the notice of such organisations as appear to them to be representative of owners of bovine animals—
  - (a) the indicative market price in respect of each month; and
  - (b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.