
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the TSE (Scotland) Regulations 2002 (S.I.2002/255) (“the principal Regulations”) which give effect in Scotland to the enforcement and administration of Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (“TSE”) (O.J. No. L 147, 31.5.01, p.1). Annex VII was replaced by Commission Regulation (EC) No. 1492/2004 as regards eradication measures for transmissible spongiform encephalopathies in bovine, ovine and caprine animals, the trade and importation of semen and embryos of ovine and caprine animals and specified risk material (O.J. No. L 163, 23.6.05, p.1).

Regulation 3 amends the principal Regulations by bringing up to date the definition of “the Community Transitional Measures”.

Regulation 4 amends the principal Regulations so that the general offence provision does not apply to inspectors.

Regulation 5(2) amends the principal Regulations to provide that where TSE is confirmed in an animal on a holding where more than one flock is kept, eradication measures may be limited to the flock in which TSE is confirmed.

Regulation 5(3) amends the principal Regulations to provide that eradication measures shall not be carried out until the decision in any review has been intimated.

Regulation 5(5) introduces a new Part IIA which provides for movement restrictions on holdings where an animal is suspected of being affected by TSE. Regulation 5(6) updates the position regarding derogations.

Regulation 5(7) reduces the rates of compensation payable for female sheep and goats and for lambs and kids slaughtered following confirmation of TSE in a flock or herd. It also gives Scottish Ministers the option of seeking an independent valuation if they consider the specified rates of compensation to be excessive in a particular case.

A Regulatory Impact Assessment has not been prepared in respect of these Regulations.