

## SCHEDULE 3

Regulation 5

## Control and eradication of TSE in bovine animals

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**Notification**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has possession or control of any bovine animal suspected of having a TSE shall immediately notify the Scottish Ministers and retain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any bovine animal suspected of having a TSE shall, with all practical speed, notify the Scottish Ministers.

(3) Any person (other than the Scottish Ministers) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Scottish Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

**Restriction of a notified animal**

2. When a bovine animal is the subject of notification under paragraph 1 an inspector may serve a notice prohibiting its movement from the premises pending determination of whether or not it is suspected of having BSE.

**Killing of a suspect animal**

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a bovine animal has BSE the inspector shall—

- (a) cause it to be killed on the holding immediately; or
- (b) remove its cattle passport and serve a notice prohibiting the animal from being moved from the holding until it has been killed; or

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- (c) ensure that its cattle passport is stamped “Not for human consumption” and serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.
- (2) The inspector shall restrict the movement of other bovine animals in accordance with the second and fourth paragraphs of Article 12(1) of the Community TSE Regulation and Article 2(1) (a) of Commission Decision [2005/598/EC](#).
- (3) In accordance with Article 12(3) of the Community TSE Regulation, if the suspect animal is killed on the holding, it is an offence to remove the body from that holding except in accordance with a written direction from an inspector.
- (4) If the suspect animal is not killed immediately, its keeper shall dispose of its milk in such a way that it cannot be consumed by humans or animals except its own calf or animals kept for research purposes, and failure to comply with this sub paragraph is an offence.

#### **Identification and restriction of progeny and cohorts**

- 4.—(1) In accordance with Articles 12(1) and 13(2) of the Community TSE Regulation, if—
- (a) a veterinary inspector suspects that a bovine animal has BSE;
  - (b) the monitoring of bovine animals under Schedule 2 or under Annex III to the Community TSE Regulation confirms that an animal is suspected of having BSE; or
  - (c) the competent authority of another part of the United Kingdom or another member State notifies the Scottish Ministers that a bovine animal is suspected of having BSE,
- an inspector shall identify—
- (i) if the suspect animal is female, all its progeny born within two years prior to, or after, clinical onset of the disease; and
  - (ii) all its bovine cohorts born on or after 1st August 1996,
- and for these purposes the animal’s date of birth is the one shown on its cattle passport.
- (2) An inspector shall serve notices prohibiting movement of the animals identified in accordance with sub-paragraph (1) from the holding on which they are kept or where the inspector suspects they may be kept (whether or not this is the same holding as that of the suspect animal) and remove their cattle passports.
- (3) If the inspector cannot immediately identify the animals specified in sub paragraph (1) the inspector shall prohibit the movement of all bovine animals from the holding pending identification.
- (4) Movements of restricted animals are only permitted in accordance with regulation 16.

#### **Action following confirmation**

- 5.—(1) In accordance with Article 13(1)(c) of, and point 2 of Annex VII to, the Community TSE Regulation, when it is confirmed that a bovine animal had BSE an inspector shall cause to be killed—
- (a) if the animal is female, all its progeny born within two years prior to, or after, clinical onset of the disease; and
  - (b) in all cases, all the bovine animals in its cohort born on or after 1st August 1996 except where—
    - (i) an inspector is satisfied that the animal did not have access to the same feed as the animal in which BSE was confirmed; or
    - (ii) the animal is a bull that is kept at, and will not be removed from, a semen collection centre, but it is an offence to remove the animal from the centre except to be killed,

and when it is killed the owner shall ensure that the carcase is completely destroyed, and failure to do so is an offence.

(2) If the animal is not killed on the holding, an inspector shall ensure that its cattle passport is stamped “Not for human consumption” and shall serve a notice directing the owner to consign it to other premises for killing as specified in the direction.

(3) If the test is negative the inspector shall remove all restrictions imposed because of the suspect animal and return the cattle passports.

(4) When an animal is killed under this paragraph, it is an offence to remove the body of the animal from the premises on which it was killed except in accordance with a written direction from an inspector.

### **Death while under restriction**

6. If a bovine animal dies or is killed other than in accordance with Article 12(1) and (2) of the Community TSE Regulation while it is under restriction for any reason under this Schedule, the owner shall immediately notify the Scottish Ministers, and retain the body on the premises until the owner is directed in writing to move or dispose of it by an inspector, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

### **Placing on the market of progeny**

7. Any person who places on the market a bovine animal in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

### **When compensation is payable**

8. The Scottish Ministers shall pay compensation—

- (a) when an animal is killed under this Schedule;
- (b) when an animal is to be killed under this Schedule, and has been valued for the purposes of compensation, but dies (or is killed for other reasons) after valuation; or
- (c) where an animal is subject to a movement restriction under this Schedule and has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section 1 of Annex III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(1)</sup>, in which case compensation is the market value of the body (including the blood and the hide).

### **Amount of compensation payable**

9.—(1) The compensation is the average price paid in Great Britain for that age and category of animal—

- (a) for a pedigree animal, in the previous six months; and
- (b) for any other bovine animal, in the previous month.

(2) A pedigree animal is one for which a pedigree certificate has been issued by a breeders' organisation or association that fulfils the conditions of Council Decision 84/247/EEC laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species<sup>(2)</sup>.

(1) O.J. No. L 139, 30.04.04, p.55. The revised text of Regulation (EC) No. 843/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

(2) O.J. No. L 125, 12.05.1984, p.58.

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(3) The Scottish Ministers shall categorise animals as follows, and for the purposes of determining which category the animal falls into, the age of the animal is the age, as shown by its cattle passport, at the date on which the notice of intention to kill was served.

<i>Categories</i>	
<i>Male</i>	<i>Female</i>
<b>Beef Sector – non-pedigree animal</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months–	Over 20 months–
Breeding bulls	Calved
Other	Not calved
<b>Dairy Sector – non-pedigree animal</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months–
	Calved
	Not calved
<b>Beef Sector – pedigree animal</b>	
6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months (not calved)
	Calved under 36 months
	Calved 36 months and over
<b>Dairy Sector – pedigree animal</b>	
Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months (not calved)
	Calved under 36 months

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<i>Categories</i>	
<i>Male</i>	<i>Female</i>
	Calved 36 months and over

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**Exceptions**

**10.**—(1) Where the Scottish Ministers consider that the data to calculate the average price is inadequate, they may pay compensation at—

- (a) for animals in that category, the most recent previously calculated average price for which there was sufficient data to calculate the average price; or
- (b) for the individual animal, the market price.

(2) For buffalo or bison, compensation is the market price.

(3) The market price is the price that might reasonably have been obtained for the individual animal from a purchaser in the open market at the time of valuation if the animal was not required to be killed under this Schedule, calculated in accordance with regulation 11 and any fee for nominating the valuer and the valuer’s fee shall be payable by the Scottish Ministers.