
WELSH STATUTORY INSTRUMENTS

2006 No. 1513 (W.149)

ANIMALS, WALES

ANIMAL HEALTH

**The Sheep and Goats Transmissible Spongiform
Encephalopathy (TSE) Compensation (Wales) Regulations 2006**

Made - - - - 13 June 2006

Coming into force - - 14 June 2006

The National Assembly makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972(1).

The National Assembly has been designated for the purposes of that section in relation to measures in the veterinary field for the protection of public health(2).

Title, application and commencement

1. The title of these Regulations is the Sheep and Goat Transmissible Spongiform Encephalopathy (TSE) Compensation (Wales) Regulations 2006, they apply to Wales and come into force on 14 June 2006. These Regulations do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006(3).

Interpretation

2.—(1) In these Regulations—

“Community TSE Regulation” (“Rheoliad TSE y Gymuned”) means 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(4), as amended by, and as read with the instruments set out in Schedule 1 to the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;

“National Assembly” (“y Cynulliad Cenedlaethol”) means the National Assembly for Wales;

(1) 1972 c. 68

(2) S.I.2003/1246

(3) S.I.2006/1226.

(4) OJNo. L 147, 31.5.2001, p.1

“Suspect animal” (“Anifail y credir iddo gael ei heintio”) is an animal suspected of being infected with a TSE;

“TSE” (“TSE”) means transmissible spongiform encephalopathy.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

Compensation for sheep or goats slaughtered as a suspect animal

3.—(1) The National Assembly must pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

(2) Where it is confirmed that a sheep or goat was affected with a TSE, the compensation is—

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that a sheep or goat was affected with a TSE, the compensation is the higher of—

- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal was affected with a TSE; or
- (b) such sum as appears to the National Assembly, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for animals killed or products destroyed following confirmation of TSE

4. The National Assembly must pay compensation to the owner of animals killed and products destroyed under Schedule 4 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 following confirmation of a TSE in accordance with the provisions of the Schedule to these Regulations.

Valuations

5.—(1) If the owner of an animal considers the compensation in the Schedule to be unreasonable he or she may notify the National Assembly, and the procedure in Regulation 15 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 applies, with the owner paying any fee arising from nominating and employing a valuer.

(2) If the National Assembly considers the compensation in the Schedule to be excessive in all the circumstances it may obtain a valuation of the animal in accordance with the procedure in Regulation 15, but in this case it must pay any fee arising for nominating and employing a valuer.

(3) The valuer must value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was from a flock not affected by TSE.

Revocations

6. The provisions of regulations 8, 9, 84, 93, Part III of Schedule 1, paragraph 17 of Part IV of Schedule 6A and paragraphs 4 and 8 of Schedule 7, which relate to the payment of compensation following the slaughter of sheep and goats, of the TSE (Wales) Regulations 2002(5) are revoked when these Regulations come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6).

13 June 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made).

THE SCHEDULE

Regulation 4

Compensation

<i>Animal or product</i>	<i>Compensation (£)</i> <i>A</i>	<i>Compensation (£)</i> <i>B</i>
Male sheep or goat	90	90
Female sheep ^(a) or goat	90	65
Lamb (under 12 months old) ^(b) or kid (under 12 months old)	50	40
Embryos	150	150
Ova	5	5

(a) Where the National Assembly has granted a derogation under point 9 of Annex VII to the Community TSE Regulation the compensation for a female sheep is £30 if it is killed after the first year of the derogation period.

(b) Where the National Assembly has granted a derogation in accordance with that point in respect of any ram in a flock, the compensation for any lamb in that flock killed after the first year of the period of derogation is £25.

Note on the rates

The rate in Column A is payable in all cases until 14 June 2006.

On or after 14 June 2006

- (a) the rate in Column A is payable if—
- (i) the owner notifies an animal under paragraph 1 of Schedule 4 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;
 - (ii) the animal for which compensation is being paid was in the flock or herd before 14 June 2006;
- and
- (b) the rate in Column B is payable in all other cases.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, prescribe the amount of compensation payable on the slaughter of a sheep or goat killed following infection with TSE.

Under these Regulations the amount of compensation payable on the slaughter of a sheep or goat depends on whether or not it is a suspect animal or is killed as a result of it being confirmed as being affected with a TSE.

If the owner of an animal killed following confirmation of TSE considers that the compensation to be paid is unreasonable, then the owner may notify the National Assembly and obtain a valuation. If the National Assembly considers that the compensation to be paid to the owner of an animal killed following confirmation of TSE is unreasonable, it may obtain a valuation.

These Regulations revoke compensation provisions of the TSE (Wales) Regulations 2002 not revoked by the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006.

A regulatory appraisal has been prepared and placed in the library of the National Assembly. Copies can be obtained from the Department for Environment Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.