

## SCHEDULE 3

Regulations 4(1) and 5

### CONTROL AND ERADICATION OF TSE IN BOVINE ANIMALS

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#### **Control and eradication of TSE - notification**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in his possession or under his charge any bovine animal suspected of being affected by a TSE shall immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines any such animal shall, with all practical speed, notify the Department.

(3) Any person (other than the Department) 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 Department, 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. If notification of a suspect bovine animal is given to the Department under paragraph 1 an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained, pending determination by a veterinary inspector of whether or not it is suspected of being affected with BSE.

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### **Slaughter 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 is affected with BSE (“a suspected animal”), he must either —

- (a) kill it immediately on the premises on which it is kept; or
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed,

and shall remove any cattle passport relating to it.

(2) He must prohibit the movement of other bovine animals from the premises in question 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\(1\)](#).

(3) In accordance with Article 12(3) of the Community TSE Regulation, if an animal is killed on any premises as provided for by this paragraph, it is an offence to remove the body from the premises except in accordance with a licence issued by an inspector.

(4) If an animal to which sub-paragraph (1) applies is not killed immediately, its keeper must dispose of its milk in such a way that it cannot be consumed by a human or an animal other than its own calf or an animal kept for research purposes and any contravention of this sub-paragraph is an offence.

(5) The keeper must maintain the animal at his expense until it is slaughtered or the notice is withdrawn.

### **Identification and restriction of offspring and cohorts**

4.—(1) In accordance with Articles 12(1) and 13(2) of the Community TSE Regulation, if—

- (a) an animal is a suspected animal;
- (b) the monitoring of bovine carcasses under Schedule 2 or under Annex III of the Community TSE Regulation confirms that an animal is suspected of being affected with BSE; or
- (c) the competent authority of another part of the United Kingdom or a member State notifies the Department that a bovine animal is suspected of being affected with BSE,

then sub-paragraph (2) applies.

(2) Where this paragraph applies, an inspector must identify—

- (a) in the case of a female animal, all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) in every case, all animals born in the same cohort on or after 1st August 1996.

(3) An inspector must serve notices prohibiting movement of those animals identified in accordance with sub-paragraph (2) from the premises on which they are kept or where he suspects they are kept and remove any cattle passports.

(4) If he cannot immediately identify the animals in sub-paragraph (2) an inspector must serve a notice prohibiting the movement of all bovine animals from the premises pending identification.

(5) Movements of animals restricted by notice under sub-paragraph (3) are only permitted in accordance with regulation 16.

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(1) O.J. No. L204, 5.8.2005, p. 22

### **Action following confirmation of BSE**

5.—(1) In accordance with Article 13(1)(c), and point 2 of Annex VII of the Community TSE Regulation, if it is confirmed that the suspected animals to which paragraph 4(1) applies were affected with BSE an inspector must—

- (a) if the animal is female, kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) in all cases, kill all the bovine animals in its cohort born on or after 1st August 1996 except where—
  - (i) he is satisfied that the animal did not have access to the same feed as the affected animal; or
  - (ii) the animal is a bull that is kept at and will not be removed from a semen collection centre.

(2) It is an offence to remove an animal to which sub-paragraph (1)(b)(ii) applies from the semen collection centre except to be killed and when it is killed the owner commits an offence unless he ensures that the carcase is completely destroyed.

(3) If an animal required to be killed under sub-paragraph (1) is not killed on the premises on which it was kept, an inspector must issue a licence authorising the owner to consign it to other premises for killing as specified in the licence and must ensure that any cattle passport relating to it is stamped “Not for human consumption”.

(4) When an animal is killed under this paragraph, it is an offence to remove the carcase from the premises on which it was killed except in accordance with a movement licence issued by an inspector.

### **Action where BSE is not confirmed**

6. Where restrictions are imposed on an animal under paragraph 3 and the results of all tests carried out in relation to that animal to determine whether it is affected with BSE are negative an inspector must remove all the restrictions imposed because of the suspected animal and return any cattle passport which was removed by him.

### **Death while under restriction**

7. If an animal dies or is killed for any reason while it is under restriction under this Schedule, the owner must immediately notify the Department and retain the body on the premises in question until he is directed, in writing, by an inspector to move or dispose of it 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 bovine progeny**

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

### **Compensation**

9. The Department shall pay compensation—
- (a) when an animal is killed under this Schedule;
  - (b) where an animal to be killed under this Schedule has been valued for the purposes of compensation but dies, or is killed for other reasons, after valuation; or
  - (c) where an animal subject to a restriction under this Schedule has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would

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otherwise have been fit for human consumption in accordance with Chapter VI of Section I 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>(2)</sup> in which case compensation is the value of the body (including the blood and the hide).

### Compensation for a suspect animal

10.—(1) If an animal is killed because it was suspected of being affected with BSE and BSE is confirmed, the compensation is either—

- (a) the market value of the animal; or
  - (b) the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,
- whichever is the lesser.

(2) If an animal is killed because it was suspected of being affected with BSE and BSE is not confirmed, the compensation is either—

- (a) the market value of the animal; or
- (b) 125% of the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is the lesser.

(3) The indicative market price in respect of each month of the year shall be calculated in accordance with the following formula—

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

where—

A is either 1 or the number of cattle aged less than 7 years when their market value was determined which were killed in Northern Ireland as BSE suspects during the month of the year (“the calculation month”) occurring two such months before the month for which the indicative market price is being calculated, whichever is the greater;

B is the average price during the calculation month for commercial grade cows and in-calf heifers both of which are intended for use in the production of milk, such price to be calculated by dividing the total of the sales price paid for such animals in the returns for a 4 week period ending on the last Saturday of the calculation month by the total number of such animals shown in those returns to have been sold;

C is either 1 or the number of cattle aged 7 years or more when their market value was determined which were killed in Northern Ireland as BSE suspects during the calculation month, whichever is the greater; and

D is the price paid during the calculation month for an animal slaughtered in accordance with Commission Regulation (EC) 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(3)</sup>,

the final figure being rounded down to the nearest £1.

(2) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22).

(3) O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

(4) Where, in respect of any calculation month, returns in respect of all the markets listed in paragraph 16 have not been furnished to the Department by the 15<sup>th</sup> day of the following month of the year—

- (a) if returns have been so furnished in respect of 2 or more of those markets, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be calculated in accordance with sub-paragraph (3) from the information shown in those returns;
- (b) in any other case, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be the same as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraph (3).

### **Compensation for a cohort animal**

11.—(1) If an animal (“a cohort animal”) is slaughtered because it is a cohort of an animal in which BSE has been confirmed, the compensation is—

- (a) in the case of a female animal, the market value or 90% of the replacement value of the animal, whichever is the greater; and
- (b) in the case of a male animal, the market value of that animal.

(2) Where 10% or more of the animals in a herd are slaughtered as cohort animals, the compensation payable under sub-paragraph (1) shall be increased by an amount equal to—

- (a) the appropriate percentage of the appropriate sum; or
- (b) 25% of that sum,

whichever is the lesser.

(3) The appropriate sum in the case of any animal is the amount of compensation payable under sub-paragraph (1) or £1000, whichever is the lesser.

(4) Where 10% or more of the animals are slaughtered—

- (a) in a closed herd, the appropriate percentage is  $(10 + E \times 1.5)\%$ ; or
- (b) in any other herd, the appropriate percentage is  $(10 + E)\%$ ,

where E equals half of the percentage by which the number of animals slaughtered exceeds 10% of the number of animals in the herd.

### **Compensation for an offspring animal**

12. If an animal is killed because it is the offspring of an animal in which BSE has been confirmed, the compensation is the market value of the animal.

### **Compensation for Buffalo and Bison**

13. For Buffalo or Bison compensation is the market value of the animal.

### **Assessment of market value**

14. Market value shall be assessed in accordance with the procedure in Regulation 11.

### **Definitions**

15. The following definitions apply in relation to compensation payable for bovine animals killed under this Schedule—

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“closed herd” means a herd into which no female bovine animal has been introduced from any other herd in the ten years prior to the restriction being placed;

“herd” means—

(a) all female bovine animals, which are in milk or in calf; and

(b) all male bovine animals, which are or have been used for breeding purposes,

which are kept on the same premises, and are managed as a separate production unit at the time a notice confirming the Department’s intention to slaughter the animal is given to the keeper or other person in charge of the animal;

“replacement value” in relation to a female bovine animal means the value, at the time of valuation, of a bovine animal in its first lactation of the same breed and quality as the slaughtered bovine animal at the time of its valuation;

“return” means a document furnished to the Department by a person operating a market at a place listed in paragraph 16 which shows for a week ending on a Saturday the number of commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk, sold at that market and the total sale price for such animals in that week at that market.

“suspected animal” means a bovine animal which is suspected of being affected with BSE.

16. A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by a person operating a market in animals at any of the following places, that is to say—

Ballymena

Markethill

Omagh

Saintfield.