

SCHEDULE 2

TSE MONITORING

PART I

MONITORING FOR TSE

Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their charge the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, or the body of a sheep or goat aged 18 months or over at death required for testing in accordance with point 3 of Part II of Chapter A of Annex III of the Community TSE Regulation, must—

- (a) within 24 hours from the time when the animal dies or was killed or the body comes into their possession or charge, notify the death of the animal to a person appointed by the Department to receive the notification; and
- (b) detain it until it has been collected by that person on behalf of the Department,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to sheep or goats slaughtered for human consumption or killed in accordance with Schedule 4.

Consignment and slaughter of an over-age bovine animal

2. If a bovine animal was born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1st August 1996, it is an offence to —

- (a) consign it to a slaughterhouse which slaughters animals for human consumption (whether the animal is alive or dead); or
- (b) slaughter it for human consumption in a slaughterhouse.

Brain stem sampling of bovine animals

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, is slaughtered must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X of that Regulation;
- (b) ensure that the animal from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) In accordance with point 5 of Part I of Chapter A of Annex III of the Community TSE Regulation, the Department may serve a notice on the occupier of a slaughterhouse requiring them to take a sample from any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Approval of laboratories

4.—(1) The Department may approve laboratories to test samples taken under paragraph 3 if it is satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of Annex X of the Community TSE Regulation;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse and to the Department.

(2) An “approved testing laboratory” means a laboratory approved by the Department under this paragraph or a laboratory approved by the relevant competent authority in another part of the United Kingdom or in a member State to carry out the test.

Slaughter of bovine animals

5.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal—

- (a) over 48 months of age which requires to be sampled for BSE testing;
- (b) over 24 months of age in the case of an animal which comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III of the Community TSE Regulation, imported from a country other than a country listed in the Annex to Commission Decision 2008/908/EC which requires to be sampled for BSE testing;
- (c) over 30 months of age in the case of an animal imported from a country other than a country listed in the Annex to Commission Decision 2008/908/EC, which requires to be sampled for BSE testing;
- (d) over 30 months of age from which parts of the vertebral column must be removed as specified risk material in a cutting plant authorised for such removal under paragraph 12(1)(a) of Schedule 7,

unless the Department has approved the Required Method of Operation (“RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP must, as a minimum—

- (a) describe, in the case of a slaughterhouse which slaughters animals over 30 months of age and under 48 months of age, which do not require to be sampled for BSE testing, the procedure to be followed in order to comply with paragraphs 2(b) and 5(1)(d) of this Part;
- (b) describe, in every other case, the procedures to be followed in order to comply with paragraphs 2(b), 3 and 5(1) of this Part; and
- (c) describe the systems and procedures specified in Part II which are appropriate to the slaughterhouse.

(3) The Department must approve the RMOP if it is satisfied that all the requirements of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, and these Regulations will be complied with and the occupier must demonstrate this by means of an assessment of two days duration in which animals are slaughtered (using bovine animals under 30 months of age).

(4) If a bovine animal described in sub-paragraph (1) is slaughtered for human consumption, other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

Retention of products and disposal

6.—(1) In relation to a bovine animal from which a sample is taken under paragraph 3, the occupier of a slaughterhouse, hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III of the Community TSE Regulation and pending receipt of the test result, either—

- (a) retain the carcass and all parts of the body of that animal (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with sub-paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of Part I of Chapter A of Annex III of the Community TSE Regulation, if a positive result is received for a sampled bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part.

(3) If a sample in respect of a bovine animal, required to be tested under this Schedule, has not been sent to an approved testing laboratory for testing in accordance with paragraph 3 or if a no-test result is received in respect of a sampled bovine animal the occupier must immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of Part I of Chapter A of Annex III of the Community TSE Regulation.

(4) For the purposes of sub-paragraph (3) a no-test result means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result or an inconclusive result to the test has been obtained.

(5) If a no-test result in respect of a bovine animal has been received and—

- (a) an approved testing laboratory certifies that subsequent multiple rapid testing of the material has been carried out; and
- (b) a negative result obtained,

the occupier may release the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it.

(6) The Department may grant, in writing, a derogation under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation if it is satisfied that the slaughterhouse operates a system that prevents contamination between carcasses.

(7) In relation to a sheep or goat from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III of the Community TSE Regulation, retain the carcass and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcass and all parts of the body (including the blood and the hide) in accordance with point 7(4) of that Part.

(8) Any person who fails to comply with sub-paragraphs (1) to (3) or (7) is guilty of an offence.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Compensation

7.—(1) If an animal slaughtered for human consumption and sampled for BSE tests positive, the Department must pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and,
- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) The compensation is the value of the carcase, established in accordance with the procedure in regulation 11, with any nominated valuer's fee paid by the occupier of the slaughterhouse, hide market or tannery.

(3) Compensation is not payable in any other case.