

## SCHEDULE 1

### Compensation

#### Part V

##### Compensation for any TSE suspect or confirmed animal or a first generation progeny of any such animal slaughtered under regulations 88 and 89

1. The compensation payable for a TSE suspect or confirmed animal, or a first generation progeny of any such animal, slaughtered under regulations 88 and 89 above shall be an amount equal to the market value of the animal.
2. The market value of the animal shall be determined—
  - (a) by agreement between the Scottish Ministers and the owner of the animal;
  - (b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the animal; or
  - (c) failing such agreement or appointment, by an arbiter appointed by the President of the Institute of Auctioneers and Appraisers in Scotland and the liability for the costs of the arbiter shall be determined by the arbiter.
3. The arbiter appointed or nominated under paragraph 2(b) or (c) above shall give to the Scottish Ministers and the owner a certificate in writing of the value that arbiter has determined.
4. Where an animal was certified by a veterinary surgeon before slaughter as—
  - (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
  - (b) not fit for human consumption by virtue of its condition; and
  - (c) having no market value as a consequence,there shall be no compensation payable for the animal.