

SCHEDULE 7

Regulation 92

Offspring Slaughter

Interpretation

1.—(1) For the purposes of this Schedule—

“barrener cattle” means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;

“beef breeding offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;

“beef offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;

“beef special premium” is the premium payable under Article 4(b) of Council Regulation (EEC) 805/68 as amended⁽¹⁾;

“bovine animal” includes buffalo of the species *Bubalus bubalis* and *Bison bison*;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998⁽²⁾;

“dairy offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;

“indicative market price” means a price calculated in accordance with paragraph 7 below:

“market value” means—

(a) in the case of an offspring animal aged 30 months or over, either—

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or

(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS,

whichever is the higher; and

(b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal;

“offspring animal” means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which—

(a) was affected or suspected of being affected with BSE when it gave birth to the animal; or

(b) has subsequently become affected or suspected of being affected with BSE;

“OTMS” means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96⁽³⁾ adopting exceptional support measures for the beef market in the United Kingdom, as amended;

(1) O.J. No. L 148, 28.6.68, p. 24 (O.J. SE Vol. I, p.187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, O.J. No. L 296, 21.11.96, p.50.

(2) S.I.1998/871 as amended by S.I. 1998/1796, 2969, and 1999/1339

(3) O.J. No. L 99, 20.4.96, p.14, as amended by Commission Regulations (EC) Nos. 774/96 (O.J. No. L 104, 27.4.96, p.1), 835/96 (O.J. No. L 112, 7.5.96, p.17), 1512/96 (O.J. No. L 189, 30.7.96, p.93), 1846/96 (O.J. No. L 245, 26.9.96, p.9), 1974/96 (O.J. No. L 262, 16.10.96, p.2), 2149/96 (O.J. No. L 288, 9.11.96, p.14), 2423/96 (O.J. No. L 329, 19.12.96, p.43) and 1365/97 (O.J. No. L 188, 17.7.97, p.6).

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

“pedigree offspring animal” means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive [77/504/EEC](#)(4);

“productive offspring animal” means—

- (a) a female offspring animal in milk or in calf;
- (b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes.

(2) For the purpose of calculating the compensation payable for an offspring animal, the age of the animal at slaughter shall be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.

Requirements relating to offspring animals

2.—(1) If an inspector is of the opinion that there is an offspring animal on any premises, that inspector may serve a notice in Form OC 1 on the person appearing to that inspector to be the owner or person in charge of that animal.

(2) On the service of a notice in Form OC 1—

- (a) the requirements contained in that notice shall have effect; and
- (b) the owner or person in charge of the animal who has been served with the notice shall surrender the cattle passport for the animal to an officer of the Scottish Ministers.

(3) The occupier of any premises and the employees of that occupier, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance and comply with such reasonable requirements as are necessary to assist the inspector to form an opinion and carry out any inspection, examination, test, sampling or marking under this paragraph; and
- (b) if so required by an inspector, or by an officer of the Scottish Ministers, give such information as that person possesses as to—
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcase which is or has been in the possession or charge of that person.

(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the Scottish Ministers which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to that inspector to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.

Notice of intended slaughter

3.—(1) The Scottish Ministers may, if they think fit, cause any offspring animal to be slaughtered.

(2) Subject to paragraph (5) below, where the Scottish Ministers propose to cause an offspring animal to be slaughtered under this paragraph a veterinary inspector shall serve a notice of intended slaughter in Form OC 2 on the person appearing to that inspector to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.

(4) O.J. No. L 206, 12.8.77, p.8 to which there are amendments not relevant to these Regulations.

(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.

(4) No person except an inspector shall remove or otherwise interfere with an implant inserted or administered under paragraph (3) above.

(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the Scottish Ministers may cause the animal to be slaughtered under this paragraph without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.

(6) Where an offspring animal is slaughtered in accordance with paragraph (5) above an inspector or officer of the Scottish Ministers shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.

(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the Scottish Ministers which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to that inspector to be the owner or person in charge of the animal to which the notice in Form OC 2 relates.

Compensation for slaughtered offspring animals

4.—(1) Subject to the provisions of this paragraph, where the Scottish Ministers cause an offspring animal to be slaughtered under paragraph 3 above the Scottish Ministers shall pay compensation in accordance with the provisions of this paragraph.

(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.

(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in paragraph 6 below for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.

(4) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, 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.

(5) An arbiter appointed or nominated for the purpose of this paragraph shall give to the Scottish Ministers and the owner a certificate in writing of the value that arbiter has determined.

(6) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon 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,

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

there shall be no compensation payable for the animal under this paragraph.

(7) Where an offspring animal is slaughtered as an offspring animal and was certified in form OC 4 before slaughter by a veterinary surgeon as—

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
- (b) not unfit for human consumption by virtue of its condition,

compensation shall be payable for the animal in accordance with the compensation payable under paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).

(8) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981⁽⁵⁾ in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978⁽⁶⁾ and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Order concerned.

(9) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the provisions of regulation 83 and Part III of Schedule 1 above.

(10) The Scottish Ministers shall take such steps as they consider appropriate for the purpose of bringing to the notice of such organisations as appear to them to be representative of owners of bovine animals—

- (a) the indicative market price in respect of each month; and
- (b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.

Forms

5. The following forms shall be used for the purposes of this Schedule—

⁽⁵⁾ 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).

⁽⁶⁾ S.I. 1978/1485, amended by S.I. 1981/1448, S.I. 1996/1358 and S.I. 1998/2181.

<u>FORM OCl</u>	
Notice of requirements relating to an offspring animal	
To	
Of	
Location of animal	
I, the undersigned, being an inspector of the hereby give you notice in accordance with the provisions of Schedule 7 to the TSE (Scotland) Regulations 2002 that, as the person appearing to be the owner or person in charge of the bovine animal specified below, you are required to observe the requirements of this form as specified overleaf.	
The Bovine animal to which the completed and signed notice applies is:	
Official Ear Mark Description of bovine animal including age, breed and sex:	
Signed	Dated
Name in BLOCK LETTERS	
Office Address	

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

FORM OCL REQUIREMENTS

Notice of requirements as respects the animal specified overleaf

Requirements:

1. The animal must be detained at the location specified overleaf. If the owner or person in charge of the animal intends to move the animal off the premises that owner or person must first obtain a licence from an officer of the Scottish Ministers for the animal to be moved; and the movement of the animal off the premises must be in accordance with any condition subject to which the licence is issued.
2. In the event of the animal dying, otherwise than as the result of being slaughtered, a veterinary inspector must be informed immediately.
3. In the event of the animal dying or being slaughtered on the premises—
 - (a) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;
 - (b) the carcase of the animal must be disposed of as required by the veterinary inspector; and
 - (c) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Scottish Ministers and in accordance with any conditions subject to which the licence is issued.

Breach of the requirements of this notice may constitute an offence against the TSF (Scotland) Regulations 2002 and render a person liable to penalties on conviction.

FORM OC2	
Notice of intended slaughter of an offspring animal	
To:	
Of:	
Location of animal:	
I, the undersigned, being a veterinary inspector of the United Kingdom hereby give you notice in accordance with the provisions of the TSE (Scotland) Regulations 2002 that, as the person appearing to me to be the owner or person in charge of the bovine animal specified below, the Scottish Ministers propose to cause the animal to be slaughtered at the premises specified below as an offspring animal under Schedule 7 to the TSE (Scotland) Regulations 2002.	
Signed:	Dated:
Name in BLOCK LETTERS	
Office Address:	
The bovine animal to which the completed and signed notice applies is:	
Official Ear Mark Description, of bovine animal including age, breed and sex:	
Premises at which the animal is to be slaughtered:	

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

FORM OC-3

Withdrawal of notice relating to an offspring animal

I, the undersigned, being a veterinary inspector of the hereby withdraw as from this day of the notice relating to the bovine animal specified below, signed by.....and served on on day of.....

The bovine animal to which the completed and signed notice applies is:

Official Ear Tag Number/Offspring Slaughter Tag Number/Age/Breed/Sex:

Signed _____ Dated _____

Name in BLOCK LETTERS _____

Office Address _____

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

FORM OC 4

Certificate that a casualty animal is not unfit for human consumption

Name and address of owner or person in charge of the animal

Telephone number

Animal details

<i>Ear tags</i>	<i>Sex</i>	<i>Breed</i>	<i>Age</i>	<i>Other identifiers</i>

Reason for slaughter

After carrying out ante-mortem inspection, making due enquiries, and, where appropriate, carrying out the tests detailed below ², I certify that in my opinion—

- (1) this animal was not affected with any disease or condition liable to render the whole carcase of the animal unfit for human consumption or that could be transmitted through the meat to humans or animals; and
- (2) there is no evidence that any substances have been administered to the animal that might lead to a residue being present in the meat which might render meat from the animal unfit for human consumption or that the animal consumed any substance that might render meat from the animal unfit for human consumption.

*Tests performed and results

Name of veterinary surgeon

Address

Time and date

Signed

Table of compensation

6. The following table of compensation shall be used for the purposes of this Schedule—

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

Ascertainment of amount of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals by reference to the indicative market price for the month of slaughter

Age (months)	Dairy	Beef breeding	Beef Basic scale	+	Slaughter+ premium	Steers			Bulls
						Not yet entered a claim for first beef special premium	Not yet entered a claim for second beef special premium	Not yet entered a claim for beef special premium	
Less than 1	20% of IMP	20% of IMP	20% of IMP						
1 – less than 3	30% of IMP	30% of IMP	30% of IMP	+	£30.04				
3 – less than 6	40% of IMP	40% of IMP	40% of IMP	+	£30.04				
6 – less than 7	50% of IMP	50% of IMP	50% of IMP	+	£30.04				
7 – less than 8	50% of IMP	50% of IMP	50% of IMP	+		+	£90.13		£126.18
8 – less than 9	50% of IMP	50% of IMP	50% of IMP	+	£48.07	+	£90.13		£126.18
9 – less than 12	60% of IMP	60% of IMP	60% of IMP	+	£48.07	+	£90.13		£126.18
12 – less than 15	70% of IMP	70% of IMP	70% of IMP	+	£48.07	+	£90.13		£126.18
15 – less than 18	80% of IMP	80% of IMP	80% of IMP	+	£48.07	+	£90.13		£126.18
18 – less than 20	90% of IMP	90% of IMP	90% of IMP	+	£48.07	+	£90.13		£126.18
20 – less than 21	90% of IMP	90% of IMP	90% of IMP	+	£48.07	+		£90.13	£126.18
21 – less than 24	100% of IMP	100% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18

Age (months)	Dairy	Beef breeding	Beef Basic scale	+	Slaughter+ premium	+	Steers Not yet entered a claim for first beef special premium	Not yet entered a claim for second beef special premium	Bulls Not yet entered a claim for beef special premium
24 – less than 27	110% of IMP	110% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18
27 – less than 30	120% of IMP	120% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18
30 or over	130% of IMP	120% of IMP	OTMS rate	+	£48.07	+		£90.13	£126.18

Calculation of indicative market price

7. The indicative market price for each month shall be calculated using data collected in Great Britain relating to the month occurring two months before the month of slaughter and in accordance with the following formula:–

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

where–

A equals the number of cattle aged less than 7 years when valued which were slaughtered as BSE suspects;

B equals the average price for Friesian and Holstein cows in milk and in calf, first calving cows in milk and down calving heifers, in each case of first and second quality;

C equals the number of cattle aged 7 years or more when valued which were slaughtered as BSE suspects; and

D equals the average purchase price paid in the case of barren cattle of dairy breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional measures for the support of the beef market in the United Kingdom, as amended,

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