

## SCHEDULE 1

Regulations 9, 83 and 91

### Compensation

#### Part I

##### Compensation for TSE susceptible animals slaughtered under regulations 6 or 7

1. The compensation payable for a TSE susceptible animal slaughtered under regulation 6 or 7 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. An 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.

#### Part II

##### Compensation for carcasses, parts of carcasses or blood of TSE susceptible animals seized or disposed of under regulation 8

1. Subject to paragraph 5 below, the compensation for any carcase, part of any carcase or any blood seized or disposed of under regulation 8 shall be compensation to the owner of the carcase, part or blood of an amount equal to the value of the carcase, part or blood at the time it was seized or disposed of.
2. The value of any carcase, part or blood seized or disposed of under regulation 8 shall be determined—
  - (a) by agreement between the Scottish Ministers and the owner of the carcase, part or blood seized or disposed of;
  - (b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the carcase, part or blood seized or disposed of; 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.

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3. The owner of a carcass, part of a carcass or blood seized or disposed of under regulation 8 shall pay any reasonable expenses incurred by the Scottish Ministers in connection with the seizure or disposal.

4. These expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcass, part or blood seized or disposed of.

5. If the amount of these expenses exceed the amount of compensation payable to the owner, the Scottish Ministers shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Scottish Ministers.

6. The owner shall pay to the Scottish Ministers the amount of the excess within the period specified in the notice.

7. On the expiry of that period, the amount of the excess shall be recoverable as a debt by the Scottish Ministers from the owner.

### Part III

#### Compensation for TSE susceptible animals slaughtered under regulations 80 and 81

1. The compensation payable for a sheep or goat slaughtered under regulations 80 or 81 above shall be as specified in paragraphs 2 and 3 below.

2. Where an examination at a veterinary laboratory nominated for this purpose by the Scottish Ministers of tissues taken from the carcass of the sheep or goat confirms that it was an animal affected with a TSE, the compensation shall be—

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

3. Where an examination at a veterinary laboratory nominated for this purpose by the Scottish Ministers of tissues taken from the carcass of the sheep or goat does not confirm that it was an animal affected with a TSE, the compensation shall be whatever is the greater of—

- (a) the amount which would be payable under the preceding paragraph if the examination had confirmed it was an animal affected with a TSE; and
- (b) such sum as appears to the Scottish Ministers, having regard to any information provided by the owner of the animal slaughtered 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 bovine animals*

4. The compensation payable for a bovine animal slaughtered under regulations 80 or 81 above shall be as specified in the remaining paragraphs of, and the Annexes to, this Part of this Schedule.

5. The following definitions apply for the purposes of this Part of this Schedule as it relates to compensation payable for bovine animals—

- “affected animal” means a bovine animal which is affected with a TSE;
- “barrener cattle” means adult female bovine animals which have had one or more calves and which are being sold for either immediate slaughter or further fattening before slaughter;
- “bovine animal” means a bull, cow, steer, heifer or calf;
- “exposed animal” means a bovine animal which has been exposed to the infection of a TSE;
- “indicative market price” means a price calculated in accordance with Annex 1 to this Part of this Schedule;

“market value” means–

- (a) in the case of a bovine 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 affected or suspected animal or an exposed animal; or
  - (ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, as amended,whichever is the higher; and
- (b) in the case of a bovine 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 affected, suspected or exposed animal; and

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

- 6. The compensation payable for an affected animal shall be an amount equal to either–
  - (a) the market value of the animal; or
  - (b) the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

7. Where a suspected animal is slaughtered and an examination at a veterinary laboratory nominated for this purpose by the Scottish Ministers of tissues taken from the carcase of the animal does not confirm that it was an animal affected with a TSE, the compensation shall be an amount equal to either–

- (a) the market value of the animal; or
- (b) 125% of the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

8. The market value of an affected or suspected bovine animal shall, for the purposes of payment of compensation under this Part of this Schedule, 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.

9. An arbiter appointed or nominated under paragraph 8(b) or (c) above shall give to the Scottish Ministers and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

10. The Scottish Ministers shall take such steps as they consider appropriate for the purpose of bringing to the notice of persons concerned the indicative market price in respect of each month and the total number of animals and the total sale price on which the calculation of such indicative market price was based.

- 11. The compensation payable for an exposed animal shall be an amount equal to either–

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- (a) in the case of a female animal, 90% of the replacement value of the animal calculated in accordance with paragraph 12 below, or, if higher, the market value of the animal; and
- (b) in the case of a male animal, the market value of the animal,

enhanced, where the Scottish Ministers causes 10% or more of a herd to be slaughtered as exposed animals, by a percentage calculated in accordance with Annex 2 to this Part of this Schedule.

**12.** For the purposes of paragraph 11(a) above the replacement value of a bovine animal is the value, at the time of valuation, of an animal in its first lactation of the same breed and quality as that animal.

**13.** For the purposes of paragraph 11 above and Annex 2 to this Part of this Schedule “herd” means the bovine animals kept on a holding which—

- (a) in the case of female animals, are in milk or in calf; and
- (b) in the case of male animals, have been used for breeding purposes,

and are managed as a separate production unit at the time notice of the decision of the Scottish Ministers to slaughter the animal is given to the keeper or other person in charge of the animal.

**14.** In ascertaining the percentage of a herd slaughtered for the purpose of calculating any enhancement under paragraph 11 above, animals slaughtered under any voluntary slaughter scheme introduced in relation to exposed animals shall be included in the calculation as if they were animals caused to be slaughtered by the Scottish Ministers.

**15.** The replacement value or market value, as the case may be, of a bovine animal which the Scottish Ministers causes to be slaughtered shall, for the purposes of payment of compensation under this Order, 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.

**16.** A valuer appointed or nominated under paragraph 15(b) or (c) above shall give to the Scottish Ministers and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

**17.** 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.

**Paragraph 5**

*Annex 1 to Part III of Schedule 1*

***CALCULATION OF INDICATIVE MARKET PRICE***

The indicative market price for each month shall be calculated using data collected in Great Britain and relating to the month occurring two months before the date on which the market value was determined under paragraph 3 of this Part 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.

#### **Paragraph 11**

### *Annex 2 to Part III of Schedule 1*

#### **CALCULATION OF ENHANCEMENT OF COMPENSATION**

#### **CALCULATION OF ENHANCEMENT OF COMPENSATION**

1.—(1) For bovine animals not in a closed herd, where the Scottish Ministers cause 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall, subject to sub-paragraphs (2) and (3) below, be enhanced by (10+E)%, where E equals half the percentage by which the percentage of the herd caused to be slaughtered exceeds 10%.

(2) Where the amount of compensation payable for a bovine animal exceeds £1,000, that amount shall be treated as £1,000 for the purpose of calculating under sub-paragraph (1) above the amount by which the amount of compensation payable should be enhanced.

(3) Where the calculation in sub-paragraph (1) above produces an enhancement percentage in excess of 25%, the amount of compensation payable shall be enhanced by 25%.

2. For bovine animals in a closed herd, where the Scottish Ministers cause 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall be enhanced by a percentage that is 1\_ times the enhancement percentage produced by the calculation in paragraph 1 above.

3. In this Annex “closed herd” means a herd into which no female bovine animal has been introduced since 15th October 1990.

## **Part IV**

### **Compensation for carcasses, parts of carcasses or blood of TSE susceptible animals seized or disposed of under regulation 82**

1. Subject to paragraph 5 below, the compensation for any carcass, part of any carcass or any blood seized or disposed of under regulation 82 above shall be compensation to the owner of the carcass, part or blood of an amount equal to the value of the carcass, part or blood at the time it was seized or disposed of.

2. The value of any carcass, part or blood seized or disposed of under regulation 82 above shall be determined—

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- (a) by agreement between the Scottish Ministers and the owner of the carcase, part or blood retained, seized or disposed of;
  - (b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the carcase, part or blood seized or disposed of; 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 owner of a carcase, part of a carcase or blood seized or disposed of under regulation 82 shall pay any reasonable expenses incurred by the Scottish Ministers in connection with the seizure or disposal.
4. These expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part or blood seized or disposed of.
5. If the amount of these expenses exceed the amount of compensation payable to the owner, the Scottish Ministers shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Scottish Ministers.
6. The owner shall pay to the Scottish Ministers the amount of the excess within the period specified in the notice.
7. On the expiry of that period, the amount of the excess shall be recoverable as a debt by the Scottish Ministers from the owner.

## 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.

## Part VI

### Compensation for seizure or disposal under regulation 90

1. Subject to paragraph 5 below, the compensation for any—
  - (a) carcase of a TSE suspect or confirmed animal or the carcase of a first generation progeny of any such animal;
  - (b) part of such a carcase or any blood derived from any such carcase or part; or
  - (c) semen, embryos or ova derived from any TSE suspect or confirmed animal,

seized or disposed of under regulation 90 above shall be compensation to the owner of the carcase, part, blood or semen, embryos or ova of an amount equal to the value of the carcase, part, blood or semen, embryos or ova at the time it was seized or disposed of.

2. The value of any carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 90 above shall be determined—

- (a) by agreement between the Scottish Ministers and the owner of the carcase, part, blood or semen, embryos or ova retained, seized or disposed of;
- (b) failing agreement by an arbiter appointed jointly by the Scottish Ministers and the owner of the carcase, part, blood or semen, embryos or ova seized or disposed of; 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 owner of a carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 90 above shall pay any reasonable expenses incurred by the Scottish Ministers in connection with the seizure or disposal.

4. These expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part, blood or semen, embryos or ova seized or disposed of.

5. If the amount of these expenses exceed the amount of compensation payable to the owner, the Scottish Ministers shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Scottish Ministers.

6. The owner shall pay to the Scottish Ministers the amount of the excess within the period specified in the notice.

7. On the expiry of that period, the amount of the excess shall be recoverable as a debt by the Scottish Ministers from the owner.

## SCHEDULE 2

Regulations 14(2)(a) and 16

### Conditions for the transport of fishmeal for feeding to farmed animals other than ruminants

1. Fishmeal for use in the manufacture of feed for farmed animals other than ruminants shall be transported directly from the premises where the fishmeal is produced to the premises manufacturing the animal feed by means of a vehicle which at the same time is not used for the transport of other feed materials.

2. If a vehicle used for the transport of fishmeal for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of the fishmeal.

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3. Intermediate storage of fishmeal is allowed only if it is carried out in dedicated storage plants.
4. Fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants shall be transported directly from the border inspection post in accordance with the conditions laid down in Article 8 of Council Directive [97/78/EC\(1\)](#) to the establishment manufacturing the animal feed by means of a vehicle which at the same time is not used for the transport of other feed materials.
5. If a vehicle used for the transport of fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of the fishmeal.

### SCHEDULE 3

Regulation 17

#### Conditions for the production of dicalcium phosphate for feeding to farmed animals other than ruminants

1. Dicalcium phosphate for feeding to farmed animals other than ruminants shall be produced from defatted bones.
2. The dicalcium phosphate shall be derived from bones derived from animals fit for human consumption following ante- and post-mortem inspection.
3. The dicalcium phosphate shall be produced by a process which ensures that all bone material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4% and pH<1.5) over a period of not less than two days followed by a treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7, which is finally air dried with inlet temperature of 65°C–325°C and end temperature between 30°C–65°C or by an equivalent process approved in accordance with the procedure of Article 17 of Council Directive [89/662/EEC\(2\)](#) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.
4. Dicalcium phosphate for use in the manufacture of feed for farmed animals other than ruminants shall be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

### SCHEDULE 4

Regulation 17

#### Conditions for the production of hydrolysed protein for feeding to farmed animals other than ruminants

1. Hydrolysed protein from hides and skins shall–
  - (a) be derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and whose carcasses have been found fit for human consumption following ante- and post-mortem inspection; and
  - (b) be produced by a production process which involves appropriate measures to minimise contamination of hides and skins, preparation of the raw material by brining, liming and intensive washing followed by exposure of the material to a pH of >11 for >3 hours at

(1) O.J. No. L 24, 30.1.1998, p.9.

(2) O.J. No. L 395, 30.12.1989, p.13, as last amended by Directive [1992/118/EEC](#) (O.J. No. L 62, 15.3.1993, p.49).



temperature >80°C and followed by heat treatment at >140°C for 30 minutes at >3.6 bar; or by an equivalent production process approved in accordance with the procedure of Article 17 of Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

2. Hydrolysed protein from fish, feather, hides and skins shall be sampled after processing and found to have a molecular weight below 10,000 Dalton.

3. Hydrolysed protein for use in the manufacture of feed for farmed animals other than ruminants shall be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

## SCHEDULE 5

Regulation 30(2)

**Application of Part IV of the Regulations to scheme animals**

<i>Column 1</i> <i>Provision of the Regulations</i>	<i>Column 2</i> <i>Extent to which provision applies to scheme animals</i>
Regulation 33(4)	Subject to the modification that from the point at which specified risk material derived from a scheme animal is removed from the slaughterhouse, it may come into contact with any other animal material from such an animal
Regulation 34	Not applicable
Regulation 39(6)(b)	Not applicable
Regulation 52(2)	Subject to the modification that the impervious container may also contain animal material from scheme animals
Regulation 56	Not applicable
Regulation 65(1)	Subject to the modification that specified risk material may come into contact with any animal material from a scheme animal
Regulation 66(3)	Subject to the modification that equipment used for processing specified risk material may be used for processing any part of a scheme animal
Regulation 67(1)	Subject to the modification that rendered material produced from specified risk material of scheme animals shall be disposed of by burning by means which have been licensed under the Environmental Protection Act 1990
Paragraph 1 of Part I of Schedule 6	Subject to the modification that specified risk material need not be stored, handled and processed separately from animal material from scheme animals

SCHEDULE 6

Regulation 55(2)(b), 66(1) to (2), 67(2)

Rendering requirements

**PART I**

**Requirements for premises used for rendering specified risk material**

1. The premises shall be adequately separated from the public road and other premises. Notwithstanding this, they may occupy the same site as premises where animal products which are not specified risk material are rendered provided that specified risk material is stored, handled and processed separately from other animal material and by means of equipment used only for specified risk material.

2. Unauthorised persons and animals shall not be permitted to have access to the premises.

3. The premises or part of the premises used to process specified risk material must have a clean and an unclean section specified by the occupier, adequately separated. The unclean section must have a covered place to receive and store the specified risk material for processing and must be constructed in such a way that it is easy to clean and disinfect. Floors must be laid in such a way as to facilitate the draining of liquids. The premises must have adequate lavatories, changing rooms and washbasins for staff.

4. The premises shall have sufficient capacity of hot water and steam production to render specified risk material in accordance with the method in Part II of this Schedule chosen by the operator.

5. The equipment used to render specified risk material shall include—

- (a) measuring equipment to check temperature and, if necessary, pressure at critical points;
- (b) recording devices to record continuously the results of measurements; and
- (c) an adequate safety system to prevent insufficient heating.

6. To prevent recontamination of processed specified risk material by incoming specified risk material, there must be clear separation between the area of the premises where the incoming specified risk material is unloaded and rendered and the areas set aside for further processing of the heated specified risk material and the storage of finished specified risk material products.

7. The premises must have adequate facilities for cleaning and disinfecting the containers or receptacles in which unprocessed specified risk material is received and the vehicles in which it is transported.

8. Adequate facilities must be provided for disinfecting the wheels, immediately before their departure, of vehicles transporting specified risk material on leaving the unclean section of the premises.

**PART II**  
**Methods of Rendering**  
**METHOD 1**  
**NATURAL FAT BATCH**

**Reduction**

1. If the particle size of the specified risk material to be rendered is more than 150 millimetres, the specified risk material shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 150 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction the specified risk material shall be heated to a core temperature greater than 100°C for at least 125 minutes, a core temperature greater than 110°C for at least 120 minutes and a core temperature greater than 120°C for at least 50 minutes.

3. The rendering shall be carried out in a batch system.

4. The specified risk material may be cooked such that the time-temperature requirements are achieved at the same time.

**METHOD 2**  
**NATURAL FAT**  
**CONTINUOUS OR BATCH**

**Reduction**

1. If the particle size of the specified risk material to be rendered is more than 30 millimetres, the specified risk material shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction, the specified risk material shall be heated to a core temperature greater than 100°C for at least 95 minutes, a core temperature greater than 110°C for at least 55 minutes and a core temperature greater than 120°C for at least 13 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The specified risk material may be cooked such that the time-temperature requirements are achieved at the same time.

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METHOD 3  
ADDED FAT  
CONTINUOUS OR BATCH

**Reduction**

1. If the particle size of the specified risk material to be rendered is more than 30 millimetres, the specified risk material shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction the specified risk material shall be placed in a vessel with added fat and heated to a core temperature greater than 100°C for at least 16 minutes, a core temperature greater than 110°C for at least 13 minutes, a core temperature greater than 120°C for at least 8 minutes and a core temperature greater than 130°C for at least 3 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The specified risk material may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 4  
CONTINUOUS OR BATCH PRESSURE

**Reduction**

1. If the particle size of the specified risk material to be rendered is more than 50 millimetres, the specified risk material shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 50 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction the specified risk material shall be heated to a core temperature of more than 133°C for at least 20 minutes without interruption at a pressure of at least 3 bar.

3. The rendering may be carried out in batch or continuous systems.

METHOD 5  
DEFATTED  
CONTINUOUS OR BATCH

**Reduction**

1. If the particle size of the specified risk material to be rendered is more than 20 millimetres, the specified risk material shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 20 millimetres or such smaller size as the licence

shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

### **Time and temperature**

2. After reduction the specified risk material shall be heated until they coagulate and then pressed so that fat and water are removed from the proteinaceous material. The proteinaceous material shall then be heated to a core temperature greater than 80°C for at least 120 minutes and a core temperature greater than 100°C for at least 60 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The specified risk material may be cooked such that the time-temperature requirements are achieved at the same time.

## **METHOD 6**

### **ADDED FAT CONTINUOUS ATMOSPHERIC**

### **Equipment**

1. The premises shall be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

### **Crushing**

2. The raw material shall be reduced in size by crushing so that the particle size does not exceed 30 mm. Final reduction equipment shall be checked daily and its condition recorded. Any broken equipment shall be repaired without delay to ensure that the final particle size is achieved.

### **Cooking**

3. The material shall be passed into a steam heated vessel where a consistent level of hot liquid tallow is maintained by recycling tallow as appropriate. Passage of the raw material through the vessel shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried material is discharged with all of its residual moisture removed as water vapour. The maximum feed rate for raw material, the maximum tallow recycle rate, and the minimum discharge temperature will be set for the vessel in the approval for the premises granted under this Order. The material shall be cooked at a temperature in excess of 100°C for at least 16 minutes, a temperature in excess of 110°C for at least 13 minutes, a temperature in excess of 120°C for at least 8 minutes and a temperature in excess of 130°C for at least 3 minutes. Material may be cooked so that two or more time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

### **Separation and storage of final products**

4. On discharge from the vessel, any surplus tallow not required to maintain the vessel's operating level shall be removed, and the material separated into its tallow and protein components. Protein and tallow shall be stored separately.

### **Records**

5. All records shall be kept for a period of not less than one year.

## METHOD 7

### DEFATTED CONTINUOUS ATMOSPHERIC

#### **Equipment**

1. The premises shall be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

#### **Crushing**

2. The raw material shall be reduced in size by crushing so that the particle size does not exceed 20 mm. Final reduction equipment shall be checked daily and its condition recorded. Any broken equipment shall be repaired without delay to ensure that the final particle size is achieved.

#### **Pre-heating**

3. The crushed material shall then be passed to a pre-heater. Passage of the raw material through the pre-heater shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked material is discharged at a temperature of at least 80°C and in a form in which water and tallow can be removed from the protein residue.

#### **Pressing**

4. The material discharged from the pre-heater must be passed through a screw press so adjusted that all water and tallow are removed from the protein residue.

#### **Drying**

5. The protein residue shall be passed into a steam heated vessel. Passage of the protein residue through the vessel shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried protein is discharged with all of its residual moisture removed as water vapour. A maximum feed rate for protein residue and a minimum discharge temperature will be set for the vessel by an officer of the Scottish Ministers. The material shall be maintained at a temperature in excess of 80°C for at least 120 minutes and a temperature in excess of 100°C for at least 60 minutes. Material may be cooked so that both time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

#### **Storage of final products**

6. Protein and tallow shall be stored separately.

#### **Records**

7. All records shall be kept for a period of not less than one year.

## 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<sup>(3)</sup>;

“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<sup>(4)</sup>;

“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<sup>(5)</sup> adopting exceptional support measures for the beef market in the United Kingdom, as amended;

<sup>(3)</sup> 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.

<sup>(4)</sup> S.I. 1998/871 as amended by S.I. 1998/1796, 2969, and 1999/1339

<sup>(5)</sup> 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).

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“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](#)(6);

“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.

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(6) 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,

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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<sup>(7)</sup> 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<sup>(8)</sup> 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—

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(7) 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).

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

<b><u>FORM OCl</u></b>	
<b>Notice of requirements relating to an offspring animal</b>	
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	

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**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.**

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<b>FORM OC2</b>	
<b>Notice of intended slaughter of an offspring animal</b>	
To:	
Of:	
Location of animal:	
I, the undersigned, being a veterinary inspector of the <del>United Kingdom</del> 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:	

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**FORM OC3**

**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, 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—

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**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		Slaughter+ premium	Steers		Bulls	
			Basic scale	+		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	Bulls	
						Not yet entered a claim for first beef special premium	Not yet entered a claim for second 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.

## SCHEDULE 8

Regulation 101

## CONSEQUENTIAL AMENDMENTS

## Part I

Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995<sup>(9)</sup>

For regulation 3A<sup>(10)</sup> (laceration of central nervous tissue after stunning), there is substituted—

“**3A** Nothing in these Regulations shall be taken as permitting, on or after 19th June 2002, the laceration after stunning, of central nervous tissue by means of an elongated rod shaped instrument introduced into the cranial cavity of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption, as prohibited by the TSE (Scotland) Regulations 2002.”.

## Part II

Amendments to the Specified Risk Material Order 1997<sup>(11)</sup>

1. In the list of countries in article 3(3) (specified sheep or goat material)<sup>(12)</sup>, there are inserted in the appropriate alphabetical places—

- (a) “El Salvador”; and
- (b) “Panama”.

2. In article 4(5) (specified bovine material)<sup>(13)</sup>, “Austria, Finland or” is omitted.

3. In article 6(2A)(a) (import of class I specified risk material)<sup>(14)</sup> for “designated under regulation 15A of the Specified Risk Material Regulations 1997(a)”, there is substituted “licensed under regulation 55(1) of the TSE (Scotland) Regulations 2002”.

4. In the list of countries<sup>(15)</sup> in the declaration on the form in Schedule 2 (form of importation certificate), there are inserted in the appropriate alphabetical places—

- (a) “El Salvador”; and
- (b) “Panama”.

## Part III

Amendment to the Cattle Identification Regulations 1998<sup>(16)</sup>

For regulation 26(1A) (animal deaths or lost or stolen animals)<sup>(17)</sup>, there is substituted—

“(1A) If a notifiable bovine animal with a cattle passport dies, the keeper will be treated as having complied with paragraph (1) above if, on notifying the fact in accordance with regulation 10(3) of the

(9) S.I. 1995/539, as amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I.2000/62, 171 and 288.

(10) Regulation 3A was inserted by S.S.I. 2001/73.

(11) S.I. 1997/2964, as amended by S.S.I. 2000/344, 2001/4 and 2001/287.

(12) Article 3(3) was inserted by S.S.I. 2001/287.

(13) Article 4(5) was inserted by S.S.I. 2001/287.

(14) Article 6(2A) was inserted by S.S.I. 2001/287.

(15) The list of countries in the declaration was inserted by S.S.I. 2001/287.

(16) S.I. 1998/871, as amended by S.I. 1998/1796, 1998/2969, 1999/1339, S.S.I. 2001/231 and 2002/1.

(17) Regulation 26(1A) was inserted by S.S.I.2001/231.

TSE (Scotland) Regulations 2002, the keeper surrenders the cattle passport to the Scottish Ministers or, where the Scottish Ministers have appointed an agent to receive notifications, to that agent.”.

## Part IV

### Amendments to the Animal By-Products Order 1999**(18)**

1. For article 3(3)(b) (interpretation and scope), there is substituted–  
“**(b)** specified risk material controlled by the Specified Risk Material Order 1997 or the TSE (Scotland) Regulations 2002”.
2. For article 7(2)(d) (approval of premises and equipment for rendering animal by-products), there is substituted–  
“**(d)** the equipment will not be used to render any specified risk material controlled by the Specified Risk Material Order 1997 or the TSE (Scotland) Regulations 2002”.
3. For article 8(2) (operation of approved rendering plants), there is substituted–  
“No person shall render specified risk material controlled by the Specified Risk Material Order 1997 or the TSE (Scotland) Regulations 2002 in any equipment approved for rendering animal by-products under article 7”.

## Part V

### Amendment to the Feeding Stuffs (Scotland) Order 2000**(19)**

For the definition of “mammalian meat and bone meal” in article 2(1) (interpretation), there is substituted–

““mammalian meat and bone meal” has the meaning given in article 3(1) of the TSE (Scotland) Regulations 2002;”.

## Part VI

### Amendment to the Cattle (Identification of Older Animals) (Scotland) Regulations 2001**(20)**

For regulation 9(2) (notification of death)**(21)**, there is substituted–

“(2) If a notifiable bovine animal with a registration certificate dies, the keeper will be treated as having complied with paragraph (1) above if, on notifying the fact in accordance with regulation 10(3) of the TSE (Scotland) Regulations 2002, the keeper surrenders the registration certificate to the Scottish Ministers or, where the Scottish Ministers have appointed an agent to receive notifications, to that agent.”.

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**(18)**

S.I. 1999/646, as amended by S.S.I. 2001/171.

**(19)**

S.S.I. 2000/453, as amended by S.S.I. 2001/231 and 334.

**(20)**

S.S.I. 2001/1, as amended by S.S.I. 2001/231 and 2002/1 and 22.

**(21)** Regulation 9(2) was inserted by S.S.I. 2001/231.

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## Part VII

### Amendment to the Rendering (Fluid Treatment) (Scotland) Order 2001(22)

In the definition of “animal by-product” in article 2 (interpretation), for “the Specified Risk Material Regulations 1997”, there is substituted “the TSE (Scotland) Regulations 2002.

## SCHEDULE 9

Regulation 102

### REVOCATIONS AND SAVINGS

#### Part I

##### Revocations

<i>Column 1 – enactment</i>	<i>Column 2 – references</i>	<i>Column 3 – extent</i>
The Bovine Spongiform Encephalopathy (No. 2) Order 1996	(S.I. <a href="#">1996/3183</a> )	The whole Order
The Bovine Spongiform Encephalopathy Compensation Order 1996	(S.I. <a href="#">1996/3184</a> )	The whole Order
The Specified Risk Material Order 1997	(S.I. <a href="#">1997/2964</a> )	Articles 5 and 7 to 14
The Specified Risk Material Regulations 1997	(S.I. <a href="#">1997/2965</a> )	The whole Regulations
The Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1997	(S.I. <a href="#">1997/2365</a> )	The whole Order
The Specified Risk Material (Amendment) Regulations 1997	(S.I. <a href="#">1997/3062</a> )	The whole Regulations
The Bovine Spongiform Encephalopathy (No. 2) (Amendment) Order 1997	(S.I. <a href="#">1997/2387</a> )	The whole Order
The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998	(S.I. <a href="#">1998/954</a> )	The whole Regulations
The Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998	(S.I. <a href="#">1998/955</a> )	The whole Regulations

<i>Column 1 – enactment</i>	<i>Column 2 – references</i>	<i>Column 3 – extent</i>
The Sheep and Goats Spongiform Encephalopathy Order 1998	(S.I. <a href="#">1998/1645</a> )	The whole Order
The Sheep and Goats Spongiform Encephalopathy Regulations 1998	(S.I. <a href="#">1998/1646</a> )	The whole Regulations
The Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998	(S.I. <a href="#">1998/1647</a> )	The whole Order
The Specified Risk Material (Amendment) Regulations 1998	(S.I. <a href="#">1998/2405</a> )	The whole Regulations
The Specified Risk Material (Coming into Force Date) (Amendment) Regulations 1998	(S.I. <a href="#">1998/2431</a> )	The whole Regulations
The BSE Offspring Slaughter Regulations 1998	(S.I. <a href="#">1998/3070</a> )	The whole Regulations
The Bovine Spongiform Encephalopathy (No. 2) (Amendment) Order 1998	(S.I. <a href="#">1998/3071</a> )	The whole Order
The Specified Risk Material (Inspection Charges) Regulations 1999	(S.I. <a href="#">1999/539</a> )	The whole Regulations
The Animal By-Products Order 1999	(S.I. <a href="#">1999/646</a> )	Article 35(2) and Part II of Schedule 6
The Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999	(S.I. <a href="#">1999/882</a> )	The whole Regulations
The Bovine Spongiform Encephalopathy (No. 2) (Amendment) Order 1999	(S.I. <a href="#">1999/921</a> )	The whole Order
The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings (Scotland) Regulations 2000	(S.S.I. <a href="#">2000/62</a> )	Regulation 6(10) and Part X of Schedule 4
The Specified Risk Material Order Amendment (Scotland) Regulations 2000	(S.S.I. <a href="#">2000/344</a> )	Regulation 2(6)
The Specified Risk Material Amendment (Scotland) Regulations 2000	(S.I. <a href="#">2000/345</a> )	The whole Regulations

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

<i>Column 1 – enactment</i>	<i>Column 2 – references</i>	<i>Column 3 – extent</i>
The Specified Risk Material Amendment (Scotland) Regulations 2001	(S.I. <a href="#">2001/3</a> )	The whole Regulations
The Specified Risk Material Amendment (No. 2) (Scotland) Regulations 2001	(S.I. <a href="#">2001/86</a> )	The whole Regulations
The Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001	(S.I. <a href="#">2001/288</a> )	The whole Regulations
The BSE Monitoring (Scotland) Regulations 2001	(S.I. <a href="#">2001/231</a> )	Regulations 2 to 9
The Processed Animal Protein (Scotland) Regulations 2001	(S.S.I. <a href="#">2001/276</a> )	Regulations 4 to 9, 12 to 16, 26 and Schedules 1, 2 and 3
The Restriction on Pithing (Scotland) Regulations 2001	(S.S.I. <a href="#">2001/73</a> )	The whole Regulations
The Processed Animal Protein (Scotland) Amendment Regulations 2001	(S.S.I. <a href="#">2001/383</a> )	Regulation 2(2)
The Sheep and Goats Spongiform Encephalopathy (Compensation) Amendment (Scotland) Order 2001	(S.S.I. <a href="#">2001/458</a> )	The whole Order
The BSE Monitoring (Scotland) Amendment Regulations 2002	(S.S.I. <a href="#">2002/1</a> )	Regulation 2

Regulation 102(2)

## Part II

### Savings of things done under the Bovine Spongiform Encephalopathy (No. 2) Order 1996**(23)** and the Bovine Spongiform Encephalopathy Compensation Order 1996**(24)**

**1.** Any notice issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 79 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a requirement of a notice issued under regulation 79 of these Regulations.

**2.** Any licence issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 79 of these Regulations.

**3.** Any notice of intended slaughter of–

(23) S.I. [1996/3183](#), as amended by S.I. [1997/2387](#), S.I. [1998/3071](#) and S.I. [1999/646](#) and [921](#).

(24) S.I. [1996/3184](#), as amended by S.I. [1997/2365](#).

- (a) an affected or suspected animal in Form C; or
- (b) an exposed animal in Form F,

issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of intended slaughter of the animal issued under regulation 81(1) of these Regulations.

4. Any notice of confirmation of intention to slaughter in Form G issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of confirmation of intended to slaughter issued under regulation 81(2)(b) of these Regulations.

5. Any notice requiring any cleansing and disinfection issued under article 9 of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 93 of these Regulations.

6. Any licence issued under article 12(2)(b) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations to permit the feeding to an animal or poultry of milk for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 84(2)(b) of these Regulations.

7. Any licence issued under article 13(2) or 14(5) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations to permit the feeding to an animal of any feedingstuff for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 11(2) or 12(5) of these Regulations.

8. Any notice issued under article 16(1) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations, requiring the disposal of any mammalian meat and bone meal or any MBM product and any other material with which it has come into contact, shall have effect as if it were a notice issued under regulation 29(2) of these Regulations.

9. Any notice issued under article 16(2) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations, requiring the collection and transport of any feedingstuff, shall have effect as if it were a notice issued under regulation 29(3) of these Regulations.

10. Any requirement to keep a record in relation to consignments of mammalian meat and bone meal or any such product under article 17 of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a requirement to keep a record under regulation 26 of these Regulations.

11. The compensation payable in respect of any bovine animal slaughtered before the coming into force of these Regulations pursuant to the exercise by the Scottish Ministers of powers under section 32(1) of the Animal Health Act 1981 shall be calculated in accordance with the provisions of the Bovine Spongiform Encephalopathy Compensation Order 1996. Regulation 102(3)

### Part III

#### Savings of things done under the Specified Risk Material Order 1997(25)

1. Any licence issued under article 8(5) of the Specified Risk Material Order 1997 and having effect at the coming into force of these Regulations to permit the feeding to any creature of any

specified risk material or feedingstuff for research purposes in a research establishment shall have effect as if it were a licence for the purposes of regulation 47(6) of these Regulations.

2. Any approval issued under article 10(1) of the Specified Risk Material Order 1997 and having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

3. Any approval issued under article 12(2) of the Specified Risk Material Order 1997 and having effect at the coming into force of these Regulations shall have effect as if it were an approval issued under regulation 51(2) of these Regulations.

Regulation 102(4)

## Part IV

### Savings of things done under the Specified Risk Material Regulations 1997(26)

1. Any approval by the Scottish Ministers under regulation 6(1) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 55(1) or 56(1) of these Regulations.

2. Any authorisation by the Agency under regulation 6(2) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 55(1) of these Regulations.

3. Any authorisation by the Agency under regulation 15(7) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 55(1) of these Regulations.

4. Any designation by the Agency under regulation 15A(4) and (5) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 55(1) of these Regulations.

5. Any appointment by the Agency of a meat technician under regulation 16(4) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 41(4) of these Regulations.

6. Any appointment by the Agency of a meat technician under regulation 18(5) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 42(5) of these Regulations.

7. Any written directions for the disposal of specified risk material in a safe manner under regulation 26(1) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if they were such directions under regulation 72(1) of these Regulations.

8. Any approval of the storage of specified risk material under regulation 28(2) of the Specified Risk Material Regulations 1997 and having effect at the coming into force of these Regulations shall have effect as if it were an approval issued under regulation 51(2) of these Regulations.

Regulation 102(5)

(26) S.I. 1997/2965, as amended by S.I. 1997/3062, 1998/2405 (as amended by S.I. 1998/2431) and 1999/539, and S.S.I. 2000/62, 323 and 345 and 2001/3, 86 and 288.



## Part V

### Savings of things done under the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998(27)

1. Any appointment of an authorised officer under regulation 9(1) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector for the purposes of these Regulations.

2. Any appointment of a person under section 67(3)(a) of the Agriculture Act 1970(28), deemed by virtue of regulation 9(3) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 to be a person appointed under regulation 9(1) of those Regulations and having effect at the coming into force of these Regulations, shall have effect as if it were an appointment of that person as an inspector for the purposes of these Regulations.  
Regulation 102(6)

## Part VI

### Savings of things done under the Sheep and Goats Spongiform Encephalopathy Order 1998(29), the Sheep and Goats Spongiform Encephalopathy Regulations 1998(30) and the Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998(31)

1. Any notice issued under article 4 or 5 of the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 79 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a condition of a notice issued under regulation 79 of these Regulations.

2. Any licence issued under the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 79 of these Regulations.

3. Any notice requiring any cleansing and disinfection issued under article 6 of the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 93 of these Regulations.

4. Any notice of intended slaughter of an affected or suspected animal in Form C served under article 7 the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of intended slaughter of the animal issued under regulation 81(1) of these Regulations.

5. Any appointment of a veterinary inspector for the purposes of the Sheep and Goats Spongiform Encephalopathy Regulations 1998 by the appropriate Minister (within the meaning of those Regulations) and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Scottish Ministers for the purposes of these Regulations.

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(27)

S.I. 1998/955.

(28) 1970 c. 40. Section 67 was amended by paragraph 85(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39) and S.S.I. 2001/334.

(29)

S.I. 1998/1645.

(30)

S.I. 1998/1646.

(31)

S.I. 1998/1647 as amended by S.S.I. 2002/1.

6. The compensation payable in respect of any sheep or goat slaughtered before the coming into force of these Regulations pursuant to the exercise by the Scottish Ministers of powers under section 32(1) of the Animal Health Act 1981 shall be calculated in accordance with the provisions of the Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998.  
Regulation 102(7)

## Part VII

### Savings of things done under the Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999(32)

Any appointment of an authorised officer for the purposes of the Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999 by the appropriate Minister (within the meaning of those Regulations) or a local authority and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector by the Scottish Ministers or the local authority (as the case may be) for the purposes of these Regulations.  
Regulation 102(8)

## Part VIII

### Savings of things done under the BSE Monitoring (Scotland) Regulations 2001(33)

1. Any appointment of an inspector for the purposes of the BSE Monitoring (Scotland) Regulations 2001 by the Scottish Ministers or a local authority and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector by the Scottish Ministers or the local authority (as the case may be) as an inspector for the purposes of these Regulations.

2. Any appointment of a veterinary inspector for the purposes of the BSE Monitoring (Scotland) Regulations 2001 by the Scottish Ministers and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Scottish Ministers for the purposes of these Regulations.

3. Any appointment of an agent under regulation 3 of the BSE Monitoring (Scotland) Regulations 2001 by the Scottish Ministers to receive notifications under that regulation and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that agent by the Scottish Ministers under regulation 10 of these Regulations to receive notifications under that regulation.

Regulation 102(9)

## Part IX

### Savings of things done under the Processed Animal Protein (Scotland) Regulations 2001(34)

1. Any approval by the Scottish Ministers under regulation 5 of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations

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(32)

(33)

(34)

S.I. 1999/882 as amended by S.S.I. 2001/276.

S.S.I. 2001/231, as amended by S.S.I. 2002/1.

S.S.I. 2001/276 as amended by S.S.I. 2001/383.

shall have effect as if it were an approval by the Scottish Ministers under regulation 16 of these Regulations.

**2.** Any approval by the Scottish Ministers under regulation 6 of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations shall have effect as if it were an approval by the Scottish Ministers under regulation 17(1) of these Regulations.

**3.** Any approval by the Scottish Ministers under regulation 7 of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations shall have effect as if it were an approval by the Scottish Ministers under regulation 17(2) of these Regulations.

**4.** Any authorisation of premises for the purposes of paragraph 6 of Annex I to the Commission Decision by the Scottish Ministers under regulation 13(2) of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Scottish Ministers under regulation 23(1)(b) of these Regulations.

**5.** Any authorisation of premises for the purposes of paragraph 3 of Annex II to the Commission Decision by the Scottish Ministers under regulation 14(2) of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Scottish Ministers under regulation 24(1)(b) of these Regulations.

**6.** Any authorisation of premises for the purposes of paragraph 2 of Annex III to the Commission Decision by the Scottish Ministers under regulation 15(2) of the Processed Animal Protein (Scotland) Regulations 2001 and having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Scottish Ministers under regulation 24(2)(b) of these Regulations.

**7.** Any appointment of an inspector for the purposes of the Processed Animal Protein (Scotland) Regulations 2001 by the Scottish Ministers or a local authority and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector as an inspector by the Scottish Ministers or the local authority (as the case may be) for the purposes of these Regulations.

**8.** Any appointment of a veterinary inspector for the purposes of the Processed Animal Protein (Scotland) Regulations 2001 by the Scottish Ministers and having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Scottish Ministers for the purposes of these Regulations.