
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 46

The TSE (Scotland) Amendment Regulations 2006

Amendment of the TSE (Scotland) Regulations 2002

5.—(1) Schedule 6A (enforcement of Annex VII to the Community TSE Regulation) is amended in accordance with paragraphs (2) to (7).

(2) After paragraph 5, insert—

“Multiple flocks on a holding

5A. Where more than one flock is kept on a single holding, the Scottish Ministers may limit a notice under paragraph 2 or 3 above to the flock in which TSE has been confirmed in accordance with paragraph 2(b)(iii), third sentence, of Annex VII.”.

(3) For paragraph 7, substitute—

“Time for review

7. The Scottish Ministers shall not proceed with a notice served under this Part until—

- (a) they have received written notification from the person on whom the notice is served that that person does not intend to proceed with a review under Part III of this Schedule; or
- (b) after the end of the 21 day period for such a review; or
- (c) if there is such a review, they have given the person aggrieved notification of their final determination.”.

(4) In Part II after “MOVEMENT OF ANIMALS”, insert “ON CONFIRMATION OF TSE” .

(5) After paragraph 13, insert—

“PART IIA

MOVEMENT RESTRICTIONS ON SUSPICION OF TSE

Movement restrictions on suspicion of TSE

13A.—(1) For the purposes of paragraph 3 of Annex VII, where TSE is suspected in an animal on a holding, an inspector—

- (a) shall serve a notice prohibiting the movement of any sheep or goat from that holding; or
- (b) if the inspector is satisfied that that holding is not likely to be the holding where the suspect animal could have been exposed to TSE, the inspector may serve a notice prohibiting the movement of any sheep or goat on to or from other holdings or only the holding of exposure.

PART IIB”.

(6) For paragraph 14, substitute—

“Derogations

14.—(1) In accordance with paragraph 9 of Annex VII, the occupier of a holding may apply to the Scottish Ministers in writing asking them to exercise one of the options permitted under that paragraph.

(2) An application under this paragraph shall be in writing and shall set out in full the reasons for the application.

(3) After they have considered an application under this paragraph, the Scottish Ministers shall serve a notice on the applicant giving their decision, which must either—

- (a) consent to the application; or
- (b) consent in part to the application; or
- (c) refuse the application.

(4) The Scottish Ministers shall not exercise the option permitted under paragraph 7(c) of Annex VII.”.

(7) For Part IV, substitute—

**“PART IV
COMPENSATION**

Compensation

17.—(1) Compensation for animals killed and products destroyed under this Schedule shall be payable by the Scottish Ministers as specified in the following table as read with the Note on the rates:

<i>Animal or product</i>	<i>Compensation (£)</i>	
	<i>A</i>	<i>B</i>
Male sheep or goat	90	90
Female sheep ⁽ⁱ⁾ or goat	90	65
Lamb (under 12 months old) ⁽ⁱⁱ⁾ or kid (under 12 months old)	50	40
Embryos	150	150
Ova	5	5

(i) In the case of a female sheep in respect of which the Scottish Ministers have granted a derogation under paragraph 9 of Annex VII the compensation shall be £30 if it is killed after the first year of the period of that derogation.

(ii) Where the Scottish Ministers have granted a derogation under paragraph 9 of Annex VII in respect of a ram, the compensation for a lamb in that flock shall be £25 if it is killed after the first year of the period of that derogation.

Note on the rates

The rate in Column A is payable if—

- (i) the owner notifies the Divisional Veterinary Manager of an animal suspected of being affected by a TSE in accordance with regulation 77(1) on or before 9th March 2006, and the presence of a TSE is confirmed (whether before or after that date); and

- (ii) the animal for which compensation is being paid was in the flock or herd on or before 9th March 2006.

The rate in Column B is payable in all other cases.

(2) If the owner of an animal killed under this Schedule considers the compensation specified in paragraph (1) is unreasonable—

- (a) that owner may notify the Scottish Ministers of this;
- (b) following such notification the owner may, at the owner's own expense, obtain a valuation of the animal; and
- (c) the expense of having a valuer nominated and the valuation carried out shall be at the owner's expense.

(3) If the Scottish Ministers consider the compensation specified in paragraph (1) is excessive for an animal killed under this Schedule—

- (a) they may notify the owner of this;
- (b) following such notification the Scottish Ministers may, at their own expense, obtain a valuation of the animal; and
- (c) the expense of having a valuer nominated and the valuation carried out shall be at the Scottish Minister's expense.

(4) Any valuation to be obtained under sub paragraphs (2)(b) and (3)(b)—

- (a) shall be obtained from a valuer nominated by the President of the Institute of Auctioneers and Appraisers in Scotland;
- (b) that valuer shall value the animal at a value which might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was not from a herd or flock affected by a TSE;
- (c) the owner and a representative of the Scottish Ministers shall have the right to be present at the valuation;
- (d) the valuer shall submit the valuation and any other relevant information and documentation to the owner and the Scottish Ministers; and
- (e) the valuation shall be binding on the owner and the Scottish Ministers.”.