

SCHEDULE 2

TSE monitoring

PART 1

Monitoring for TSE

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

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has possession or control of the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation, or the body of any goat aged 18 months or over at death, shall—

- (a) within 24 hours from the time when the animal dies or is killed or the body comes into that person's possession or charge notify the Scottish Ministers; and
- (b) retain it until it has been collected by or on behalf of the Scottish Ministers,

and failure to do so is an offence.

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

Consignment and slaughter of over-age bovine animals

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

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

Brain stem sampling of bovine animals

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III to the Community TSE Regulation is slaughtered shall—

- (a) take a sample of brain stem in accordance with point 1 of Chapter C of Annex X to the Community TSE Regulation; and
- (b) arrange for it to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Scottish Ministers shall, by means of a notice, notify the occupier of a slaughterhouse if a bovine animal comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III to the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

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

(4) The Scottish Ministers shall approve laboratories to test samples taken under this paragraph if they are satisfied that the laboratory—

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

(5) In this paragraph “approved testing laboratory” means a laboratory approved under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority in that part of the United Kingdom to carry out the test.

Slaughter of bovine animals over 30 months of age

4.—(1) It is an offence for the occupier of a slaughterhouse to use the slaughterhouse to slaughter for human consumption a bovine animal aged over 30 months unless the Scottish Ministers have approved the Required Method of Operation (referred to in this Schedule as “RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP shall, as a minimum—

- (a) describe the procedures that will be followed to comply with Part 1 of this Schedule; and
- (b) describe all the systems and procedures specified in Part 2 of this Schedule.

(3) The Scottish Ministers shall approve the RMOP if they are satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with, and the occupier shall demonstrate this by means of an assessment of two days duration in which bovine animals are slaughtered (using bovine animals under 30 months old unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom⁽¹⁾).

(4) If a bovine animal aged over 30 months is slaughtered for human consumption other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

Retention of products and disposal

5.—(1) In relation to any sampled bovine animal, the occupier of a slaughterhouse, hide market or tannery shall, for the purposes of point 6(3) of Part I of Chapter A of Annex III to the Community TSE Regulation and pending receipt of the test result, either—

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

(2) For the purposes of points 6(4) and 6(5) of that Part, if a positive result is received for a sampled bovine animal, the occupier of the slaughterhouse shall immediately dispose of—

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

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

(3) If no sample has been sent to an approved testing laboratory for testing in accordance with paragraph 3 of this Schedule, or if a no test result is received, in respect of a bovine animal required to be tested under this Schedule, the occupier shall immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and

(1) O.J. No. L 99, 20.4.96, p.14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.05, p.25).

- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part; and for the purposes of this sub paragraph “no test result” means a sample that an approved testing laboratory has certified cannot be tested for any reason.

(4) The Scottish Ministers may grant in writing a derogation under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation if they are satisfied that there is a system in place that prevents contamination between carcasses.

(5) In relation to any sampled sheep or goat, the occupier of a slaughterhouse, hide market or tannery shall—

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

(6) Any person who fails to comply with sub paragraphs (1) to (3) or (5) is guilty of an offence.

Compensation

6.—(1) If a bovine animal slaughtered for human consumption tests positive, the Scottish Ministers shall pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

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

(2) In the case of a bovine animal for which a no test result (as described in paragraph 5(3)) is received the Scottish Ministers shall—

- (a) inform the owner in writing whether they intend to pay compensation for—
 - (i) the carcase and all parts of the body (including the blood and the hide) of that animal; and
 - (ii) if they are destroyed because of that no test result, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding it on the slaughter line and the two animals immediately following it; and
- (b) if they do not intend to pay compensation, give their reasons in writing, and the appeals procedure in regulation 10 applies.

(3) The compensation is the market value, established under the procedure in regulation 11, with the occupier paying any fee arising for nominating and employing a valuer.

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