

SCHEDULE 4

Control and eradication of TSE in sheep and goats

Inability to exclude BSE in sheep or goats

9.—(1) This paragraph applies if a TSE is confirmed in a suspect sheep or goat, or a body of a sheep or goat monitored under Annex III to the EU TSE Regulation (monitoring system), and BSE cannot be excluded by the results of a ring trial carried out in accordance with the procedure set out in point 3.2(c) of Chapter C of Annex X to that Regulation (further examination of positive TSE cases).

(2) The Scottish Ministers, after carrying out the inquiry specified in Article 13(1)(b) of, and point 1(b) of Chapter A of Annex VII to, the EU TSE Regulation (measures following confirmation of the presence of a TSE), must serve a notice on the occupier of the holding informing him or her of the Scottish Ministers' intention to have the animals killed and destroyed, and the embryos and ova destroyed and the milk and milk products destroyed, in accordance with Article 13(1)(c), and point 2.3(a) of Chapter A of Annex VII to that Regulation.

(3) In sub-paragraph (2), “milk and milk products” means the milk and milk products that derived from the animals that were present on the relevant holding on and from the date on which notice was served under paragraph 4(1)(d).

(4) The appeals procedure in regulation 10 applies in relation to any decision of the Scottish Ministers under this paragraph.