

## [<sup>F1</sup>SCHEDULE 6

Regulation 5(e)

### Feedingstuffs

#### Textual Amendments

- F1** Sch. 6 substituted (23.5.2019) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Amendment Regulations 2019 \(S.S.I. 2019/118\)](#), reg. 1, sch.

#### Killing of animals that have had access to unlawful feedingstuffs

1.—(1) Where an inspector has reasonable grounds to believe that an animal has been fed or has had access to any material prohibited by Article 7 of, and listed in Annex 4 to, the EUTSE Regulation (referred to in this schedule as unlawful feedingstuffs), that inspector may serve a notice on the owner or person in charge of the animal in accordance with sub-paragraph (2).

(2) The notice may require the owner or person in charge of the animal to—

- (a) kill the animal and dispose of it, as specified in the notice; or
- (b) keep the animal on such holding and in such manner as the notice provides.

(3) Where a bovine animal is required by notice to be killed an inspector must ensure that the relevant cattle passport is stamped “Not for human consumption”.

(4) Any animal the cattle passport for which has been stamped under sub-paragraph (2) must not be consigned for slaughter for human consumption.”.

#### Compensation

2.—(1) Where an animal is killed because an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to unlawful feedingstuffs which consist of—

- (a) specified risk material,
- (b) any material that the inspector has reasonable grounds to believe carries the risk of TSE infectivity, or
- (c) animal protein for which the inspector cannot establish the origin of the TSE infectivity risk,

the Scottish Ministers may pay compensation in accordance with sub-paragraph (4) if the Scottish Ministers consider it appropriate in all the circumstances.

(2) The Scottish Ministers must give notice of any decision to pay compensation in writing to the owner of the animal.

(3) The appeal procedure in regulation 10 applies in relation to any such decision.

(4) The compensation for—

- (a) a bovine animal is the value established in accordance with schedule 3;
- (b) an ovine or caprine animal is the value established in accordance with paragraph 24 of schedule 4; and
- (c) an animal that is not bovine, ovine or caprine, is the market value of the animal calculated in accordance with paragraph 4 of schedule 5.

**Changes to legislation:** There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, SCHEDULE6. (See end of Document for details)

### **Restriction and disposal of unlawful feedingstuffs**

3.—(1) Where unlawful feedingstuffs have been identified by an inspector as suspected of containing material prohibited by Article 7 of, and listed Annex 4 to, the EUTSE Regulation, an inspector may serve a notice on the owner or person in possession of the feedingstuffs.

- (2) The notice may require the owner or person in possession of the feedingstuffs to—
- (a) restrict access by animals to the area where the feedingstuffs are stored;
  - (b) prevent the feedingstuffs being fed to animals generally, or prevent it being fed to those animals specified in the notice;
  - (c) require disposal of the feedingstuffs by the owner or person in possession of the feedingstuffs in accordance with instructions contained in the notice, with the cost of such disposal being borne by the recipient of the notice.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, SCHEDULE6.