

## SCHEDULE 6

### Feedingstuffs

## PART 1

### Restrictions on feeding proteins to animals

#### **Prohibition on feeding animal protein to ruminants**

1.—(1) For the purposes of Article 7(1) (prohibitions concerning animal feeding) of, and point (b) of Part I of Annex IV (extension of the prohibition provided for in Article 7(1)) to the EU TSE Regulation it is an offence to—

- (a) feed to any ruminant animal;
- (b) supply for feeding to any ruminant animal; or
- (c) permit any ruminant animal to have access to,

any animal protein (or anything containing animal protein) other than the proteins specified in point A(a) and, if authorised by the Scottish Ministers following a risk assessment, point A(d) of Part II of Annex IV to that Regulation (derogations from the prohibitions provided for in Article 7(1) and (2), and specific conditions for the application of such derogations).

(2) It is an offence to bring onto any premises where ruminant animals are kept, or to possess on such premises, anything (other than food intended for human consumption) prohibited by sub#paragraph (1), except—

- (a) in accordance with paragraph 3; or
- (b) where authorised by an inspector and suitable measures are in place to ensure that ruminant animals do not have access to the animal protein specified in the authorisation.

(3) Sub-paragraph (2) does not apply where the premises are registered to use and store the relevant animal protein under paragraph 8(6), 9(6)(b), 11(5) or 13(9).

(4) The prohibition in sub-paragraph (1) does not apply in relation to liquid milk replacers containing fishmeal provided that—

- (a) the fishmeal has been produced, labelled, transported and used in accordance with point BA of Part II of Annex IV to the EU TSE Regulation; and
- (b) the liquid milk replacer is intended for, and fed only to, unweaned, ruminant farmed animals in accordance with point A(e) of that Part.

#### **Prohibition on feeding animal protein to non-ruminants**

2.—(1) For the purposes of Article 7(2) (prohibitions concerning animal feeding) of, and point (a) of Part I of Annex IV (extension of the prohibition provided for in Article 7(1)) to, the EU TSE Regulation it is an offence to—

- (a) feed to any pig, poultry, horse or any farmed non#ruminant animal;
- (b) supply for feeding to any such animal; or
- (c) allow any such animal to have access to,

anything in relation to which this paragraph applies.

(2) Subject to sub#paragraph (3), the prohibition in sub#paragraph (1) applies in relation to—

- (a) processed animal protein;

- (b) gelatine of ruminant origin;
  - (c) blood products;
  - (d) hydrolysed protein;
  - (e) dicalcium phosphate and tricalcium phosphate of animal origin;
  - (f) petfood containing animal protein; and
  - (g) raw petfood consisting of animal protein.
- (3) The prohibition in sub#paragraph (1) does not apply in relation to—
- (a) the protein specified in point A(a) of Part II of Annex IV to the EUTSE Regulation (derogations from the prohibitions provided for in Article 7(1) and (2), and specific conditions for the application of such derogations);
  - (b) fishmeal (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with the conditions in point B of that Part;
  - (c) dicalcium phosphate and tricalcium phosphate (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with the conditions in point C of that Part;
  - (d) blood products derived from non#ruminants (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with the conditions in point D of that Part;
  - (e) in the case of feeding to fish, blood meal derived from non#ruminants (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with the conditions in point D of that Part; and
  - (f) feed materials of plant origin (and feedingstuffs containing such products) in which bone spicules have been detected, if authorised by the Scottish Ministers following a risk assessment in accordance with point A(d) of that Part.
- (4) In this paragraph “protein” includes any feedingstuffs containing animal protein.
- (5) It is an offence to bring onto any premises where any animals specified in sub#paragraph (1) are kept anything prohibited by this paragraph, or to possess it on such premises other than—
- (a) food intended for human consumption;
  - (b) in accordance with paragraph 3; or
  - (c) where authorised by an inspector and suitable measures are in place to ensure that animals specified in sub#paragraph (1)(a) do not have access to it.

### Exceptions

3. Paragraphs 1(2) and 2(5) do not apply to—
- (a) raw petfood consisting of animal protein or anything incorporated into petfood for feeding to pets (including working dogs) on those premises; or
  - (b) anything incorporated into organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No. 1774/2002 and the Animal By#Products (Scotland) Regulations 2003(1) and paragraph 19,

provided that—

- (i) it is not fed to any farmed animals;
- (ii) it is not stored or handled, or fed to pets (including working dogs), in parts of the premises—

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(1) S.S.I. 2003/411, amended by S.S.I. 2006/3 and 530, 2007/1 and 2009/7.

- (aa) to which farmed animals have access; or
- (bb) where feedingstuffs for farmed animals are stored or handled;
- (iii) it does not come into contact with—
  - (aa) feedingstuffs permitted to be fed to farmed animals; or
  - (bb) handling equipment used in connection with any such feedingstuffs; and
- (iv) farmed animals do not have access to petfood at any time and do not have access to organic fertiliser or soil improver until it has been applied to the land and the no#grazing period specified in regulation 11(1) of the Animal By#Products (Scotland) Regulations 2003 has expired.

### **Movement prohibitions and restrictions of animals**

4. Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to—

- (a) specified risk material;
- (b) any material which 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 or the TSE infectivity risk,

the inspector may—

- (i) serve a notice on the owner or person in charge of the animal prohibiting or restricting the movement of the animal from the premises described in the notice; and
- (ii) if it is a bovine animal, seize its cattle passport.

### **Killing of animals**

5.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 4, the inspector may serve a notice on the owner or person in charge of the animal in accordance with this paragraph.

(2) The notice may either—

- (a) require the owner or person in charge of the animal to kill it and dispose of it as specified in the notice; or
- (b) require the owner or person in charge of the animal to keep it on such premises and in such manner as the notice provides, in which case the inspector must ensure that the cattle passport of any bovine animal is stamped with the words “Not for human consumption”.

(3) The inspector must ensure that all the animals specified for killing in the notice in subparagraph (2)(a) are killed and disposed of.

### **Compensation**

6.—(1) Where an animal is killed under paragraph 5, the Scottish Ministers may pay compensation if they consider it appropriate in all the circumstances and give their decision on whether or not to pay compensation in writing.

(2) The compensation for—

- (a) a bovine animal is the value established in accordance with paragraphs 9 and 10 of 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 at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee for nominating the valuer and the valuer's fee.
- (3) The appeals procedure in regulation 10 applies in relation to any decision of the Scottish Ministers under this paragraph.

**Slaughter or sale for human consumption**

7. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal the cattle passport for which has been stamped under paragraph 5.