

SCHEDULE 3

Regulation 5

Control and eradication of TSE in bovine animals

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Explanatory Note

Control and eradication of TSE — notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their control any bovine animal suspected of being affected by a TSE must immediately notify the Welsh Ministers and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Welsh Ministers.

(3) Any person (other than the Welsh Ministers) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Welsh Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

Restriction of a notified animal

2. If an animal is the subject of a notification under paragraph 1, an inspector may serve a notice prohibiting its movement from the premises pending determination of whether or not it is suspected of being affected with TSE.

Slaughter of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a bovine animal is affected with TSE, they must either —

- (a) kill it on the holding immediately;
- (b) remove its cattle passport and serve a notice prohibiting the animal from being moved from the holding until it has been killed; or

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- (c) ensure that its cattle passport is stamped “Not for human consumption” and serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.
- (2) They must restrict the movement of other bovine animals on the holding in accordance with the second, third and fifth paragraphs of Article 12(1) of the Community TSE Regulation as read with Article 2(1)(a) of Commission Decision 2007/411/EC.
- (3) They may restrict the movement of bovine animals on other holdings in accordance with the fourth paragraph of Article 12(1) of the Community TSE Regulation.
- (4) If the animal is killed on the holding, it is an offence to remove the body from that holding except in accordance with a written direction from an inspector.
- (5) If the animal is not killed immediately, its keeper must dispose of its milk in such a way that it cannot be consumed by humans or animals except its own calf or animals kept for research purposes, and failure to comply with this sub-paragraph is an offence.

Identification and restriction of offspring and cohorts

4.—(1) In accordance with Article 13(2) of the Community TSE Regulation, as read with Article 2(1)(b) and (2) of Commission Decision 2007/411/EC, if—

- (a) a veterinary inspector suspects that a bovine animal is affected with TSE;
- (b) the monitoring of carcasses under Schedule 2 Part 1 or under Annex III to the Community TSE Regulation confirms that an animal is suspected of being affected with TSE; or
- (c) the competent authority of another part of the United Kingdom or another member State notifies the Welsh Ministers that a bovine animal is suspected of being affected with TSE,

an inspector must identify—

- (a) (if the suspect animal is female) all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) all its bovine cohorts born on or after 1 August 1996,

and for these purposes the animal’s date of birth is the one shown on its cattle passport.

(2) An inspector must serve notices prohibiting movement of those animals from the holding on which they are kept or where that inspector suspects they may be kept (whether or not this is the same holding as that of the suspect animal) and remove their cattle passports.

(3) If the animals in sub-paragraph (1) cannot be immediately identified an inspector may prohibit the movement of any bovine animal from the holding pending identification.

(4) Movements of restricted animals are only permitted in accordance with regulation 16.

Action following confirmation

5.—(1) In accordance with Article 13(1)(c) of, and point 2 of Annex VII to, the Community TSE Regulation, as read with Articles 2(1)(b) and 2(2) of Commission Decision 2007/411/EC, if it is confirmed that the suspect animal was affected with TSE an inspector must—

- (a) if the animal is female, kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) kill all the bovine animals in its cohort born on or after 1 August 1996 except where—
 - (i) the inspector is satisfied that the animal did not have access to the same feed as the affected animal; or
 - (ii) the animal is a bull that is kept at, and will not be removed from, a semen collection centre.

- (2) The appeals procedure in regulation 10 applies to a decision to kill under subparagraph (1)(b).
- (3) Where a decision not to kill has been made under sub-paragraph 2(b)(ii)—
 - (a) it is an offence to remove the animal from the semen collection centre, except to kill it; and
 - (b) the owner of the animal commits an offence if they do not ensure that its carcase is completely destroyed.
- (4) If an animal killed under this paragraph is not killed on the holding, an inspector must ensure that its passport is stamped “Not for human consumption” and must direct the owner in writing to consign it to other premises for killing as specified in the direction.
- (5) If the test is negative the inspector must remove all restrictions imposed because of the suspect animal and return the cattle passports.
- (6) When an animal is killed under this paragraph, it is an offence to remove the carcase from the premises on which it was killed except in accordance with a written direction from an inspector.

Death while under restriction

6. If any animal dies or is killed while it is under restriction for any reason under this Schedule, the owner must immediately notify the Welsh Ministers, and retain the body on the premises until they are directed in writing to move or dispose of it by an inspector, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

Placing on the market of bovine progeny

7. Any person who places on the market any bovine animal in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

When compensation is payable

8. The Welsh Ministers must pay compensation—
 - (a) when an animal is killed under this Schedule;
 - (b) where an animal is to be killed under this Schedule, and has been valued for the purposes of compensation, but dies (or is killed for other reasons) after valuation; or
 - (c) where an animal is subject to a movement restriction under this Schedule and has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹⁾ in which case compensation is the value of the body (including the blood and the hide).

Amount of compensation payable

9.—(1) The compensation is the average price paid in Great Britain for that age and category of animal—

- (a) for a pedigree animal, in the six months before the date of its valuation; and
- (b) for any other bovine animal, in the month before the date of its valuation.

(2) A pedigree animal is one for which a pedigree certificate has been issued by a breeders' organisation or association that fulfils the conditions of Commission Decision 84/247/EEC laying

(1) OJ No L 139, 30.04.2004, p.55. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (OJ No L 226, 25.6.2004, p.22).

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down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species(2).

(3) The Welsh Ministers must categorise animals as follows, and for the purposes of determining which category the animal falls into, the age of the animal is the age, as shown by its cattle passport, at the date on which the notice of intention to kill was served—

Categories

Male	Female
Beef Sector — non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
Breeding bulls	Calved
Other	Not calved
Dairy Sector — non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
	Calved
	Not calved
Beef Sector — pedigree animal	
6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months (not calved)
	Calved under 36 months
	Calved 36 months and over
Dairy Sector — pedigree animal	
Up to and including 2 months	Up to and including 2 months

(2) OJ No L 125, 12.05.1984, p.58.

Male	Female
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months (not calved)
	Calved under 36 months
	Calved 36 months and over

Exceptions

10.—(1) Where the Welsh Ministers consider that the data to calculate the average price are inadequate, the Welsh Ministers may pay compensation at—

- (a) for animals in that category, the most recent previously calculated average price for which there was sufficient data to calculate the average price; or
- (b) for the individual animal, the market price.

(2) For buffalo or bison, compensation is the market price.

(3) The market price is the price that might reasonably have been obtained for the individual animal from a purchaser in the open market at the time of valuation if the animal was not required to be killed under this Schedule, calculated under regulation 11, with the owner paying any fee arising for nominating and employing a valuer.