

## SCHEDULE 4

Regulation 5

### Control and eradication of TSE in sheep and goats

## CONTENTS

1. Notification of TSE
  2. Restriction of a notified animal
  3. Slaughter of a suspect animal
  4. Movement restrictions
  5. Action where TSE is not confirmed
  6. Confirmation of TSE in sheep
  7. Confirmation of TSE in goats
  8. Confirmation of BSE in sheep or goats
  9. Confirmation of atypical scrapie in sheep or goats
  10. Time for appeals
  11. Killing and destruction following confirmation
  12. Infected animals from another holding
  13. Common grazing
  14. Multiple flocks on a holding
  15. Subsequent occupiers
  16. Introduction of animals onto a holding
  17. Use of ovine germinal products
  18. Movement of animals from a holding
  19. Time of movement restrictions
  20. Death while under restriction
  21. Placing on the market of progeny of BSE affected sheep and goats
  22. Compensation for a sheep or goat slaughtered as a suspect animal
  23. Compensation for animals killed or products destroyed following confirmation of TSE
  24. Valuations
- Signature  
Explanatory Note

### **Notification of TSE**

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 sheep or goat suspected of being affected with 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 sheep or goat, 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.—(1) If an animal is the subject of notification under paragraph 1, pending determination of whether or not it is suspected of being affected with a TSE, a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, and the movement of any other sheep or goat onto or from that holding.

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

### **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 sheep or goat is affected with a TSE, they must either—

- (a) kill it on the holding immediately;
- (b) serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) 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) If the animal is killed on the holding, it is an offence to remove the body from the holding except in accordance with a written direction from an inspector.

### **Movement restrictions**

4.—(1) For the purposes of point 2(2) of Annex VII to the Community TSE Regulation, and Article 12(1) of that Regulation, following suspicion of a TSE (whether in a live animal or through the monitoring under Annex III to the Community TSE Regulation), an inspector—

- (a) must serve a notice prohibiting the movement onto or from its holding of any sheep or goat on the same holding as the suspect sheep or goat if the inspector considers that the sheep or goat was exposed to a TSE on that holding;
- (b) may serve a notice prohibiting the movement onto or from any holding of any sheep or goat if there is evidence that the suspect animal was exposed to a TSE on that holding; and
- (c) must serve a notice prohibiting movement onto or from a holding where an animal specified in point 1(b) of Annex VII to the Community TSE Regulation is kept or where the inspector suspects such an animal is kept.

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

### **Action where TSE is not confirmed**

5. If it is confirmed that the sheep or goat was not affected with a TSE, the inspector must, as soon as reasonably possible, remove all restrictions imposed because the sheep or goat was suspected of being infected with a TSE.

### **Confirmation of TSE in sheep**

6.—(1) This paragraph applies if it is confirmed that a suspect sheep, or a body of a sheep monitored under Annex III to the Community TSE Regulation, is affected with a TSE, and BSE is excluded in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X, to that Regulation except where the Welsh Ministers decide to exercise the power in paragraph 9(2).

(2) The Welsh Ministers, after—

(a) carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and  
(b) sampling the animals to establish their genotype (if this is necessary),  
must decide which of the options set out in points 2(3)(b)(i) and 2(3)(b)(ii) of Annex VII to the Community TSE Regulation they intend to exercise.

(3) The Welsh Ministers must then serve a notice on the occupier of the holding informing the occupier of which of those options the Welsh Ministers intend to exercise.

(4) The notice must specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of the animals (if any) to be slaughtered for human consumption;
- (c) the identity of the animals (if any) that may be retained;
- (d) the identity of any ovum or embryo to be destroyed; and
- (e) the time limit for complying with the notice.

(5) The appeals procedure in regulation 10 applies.

#### **Confirmation of TSE in goats**

7.—(1) This paragraph applies if it is confirmed that a suspect goat, or a body of a goat monitored under Annex III to the Community TSE Regulation, is affected with a TSE, and BSE is excluded in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X to that Regulation except where the Welsh Ministers decide to exercise the power in paragraph 9(2).

(2) The Welsh Ministers, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation, must serve a notice on the occupier of the holding informing them that the Welsh Ministers intend to kill and destroy all the goats on the holding and all embryos and ova from those animals in accordance with Article 13(1)(c) of, and point 2.3(b)(i) of Annex VII, to that Regulation.

(3) The appeals procedure in regulation 10 applies.

#### **Confirmation of BSE in sheep or goats**

8.—(1) This paragraph applies if TSE is confirmed in a suspect sheep or goat, or a body of a sheep or goat monitored under Annex III to the Community TSE Regulation, and BSE cannot be excluded by the results of a ring trial carried out in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X to that Regulation.

(2) The Welsh Ministers, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and point 1(b) of Annex VII to that Regulation, must serve a notice on the occupier of the holding informing them of the Welsh Ministers' intention to have the animals killed and destroyed, and the embryos and ova destroyed, in accordance with Article 13(1)(c), and point 2(3)(a) of Annex VII to that Regulation.

(3) The appeals procedure in regulation 10 applies.

#### **Confirmation of atypical scrapie in sheep or goats**

9.—(1) This paragraph applies if the TSE confirmed in a suspect sheep or goat, or a body of a sheep or goat, monitored under Annex III to the Community TSE Regulation is atypical scrapie, and BSE is excluded in accordance with the procedure set out in Chapter C, Point 3(2)(c) of Annex X to that Regulation.

*Status: This is the original version (as it was originally made).*

(2) The Welsh Ministers may decide not to apply paragraph 6 in respect of sheep, or paragraph 7 in respect of goats.

(3) If the Welsh Ministers decide not to apply either paragraph 6 or 7, the Welsh Ministers must, instead of complying with the requirements in that paragraph,—

- (a) carry out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and
- (b) decide which of the options set out in points 5(a) and 5(b) of Annex VII to that Regulation the Welsh Ministers intend to exercise.

(4) The Welsh Ministers must then serve a notice on the occupier of the holding informing them of which option the Welsh Ministers intend to exercise.

(5) If the Welsh Ministers choose the option set out in point 5(a) of Annex VII to the Community TSE Regulation, the notice must specify—

- (a) the identity of the animals (if any) to be killed and destroyed;
- (b) the identity of any ovum or embryo (if any) to be destroyed; and
- (c) the time limit for complying with the notice.

(6) If the Welsh Ministers choose the option set out in point 5(b) of Annex VII to the Community TSE Regulation, for two breeding years following the detection of the last TSE case, the occupier—

- (a) must identify all sheep and goats on the holding; and
- (b) must subject the holding to the intensified TSE monitoring set out in point 5(b)(ii) of that Annex,

and failure to comply with this sub-paragraph is an offence.

(7) No person may dispatch any live ovine or caprine animals identified under sub-paragraph (6) (a) or embryos or ova from such animals to another member State or third country, and failure to comply with this sub-paragraph is an offence.

(8) The appeals procedure in regulation 10 applies.

### **Time for appeals**

**10.** The Welsh Ministers must not have killed any sheep or goat, or have destroyed any ovum or embryo, under this Schedule until—

- (a) receipt of written notification from the person on whom the notice is served that that person has no intention to proceed with an appeal;
- (b) after the 21 day period for appeal under regulation 10 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

### **Killing and destruction following confirmation**

**11.—**(1) An inspector must ensure that all the animals specified for killing in the notice in paragraph 6(3), 7(2), 8(2), or 9(4) are killed and that all the ova and embryos specified for destruction in the notice are destroyed.

(2) If an animal is not killed on the holding, an inspector must direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed under this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

### **Infected animals from another holding**

12. For the purposes of point 2(4) of Annex VII to the Community TSE Regulation, if the infected animal was introduced from another holding, the Welsh Ministers may act in accordance with this Schedule in relation to the holding of origin in addition to, or instead of, the holding on which infection was confirmed.

### **Common grazing**

13. In the case of infected animals on common grazing, the Welsh Ministers may limit a notice under paragraph 6(3), 7(2), 8(2) or 9(4) to an individual flock in accordance with point 2(4) of Annex VII to the Community TSE Regulation.

### **Multiple flocks on a holding**

14. Where more than one flock is kept on a single holding, the Welsh Ministers may limit a notice under paragraph 6(3), 7(2), 8(2) or 9(4) to an individual flock in accordance with point 2(4) of Annex VII to the Community TSE Regulation.

### **Subsequent occupiers**

15. If there is a change in occupation of the holding, the previous occupier must ensure that the subsequent occupier is made aware of the existence and contents of any notice served under this Schedule, and failure to do so is an offence.

### **Introduction of animals onto a holding**

16. Any person who introduces an animal onto a holding in contravention of point 3(1) of Annex VII to the Community TSE Regulation is guilty of an offence.

### **Use of ovine germinal products**

17. Any person who uses ovine germinal products in contravention of point 3(2) of Annex VII to the Community TSE Regulation is guilty of an offence.

### **Movement of animals from a holding**

18. Any person who moves an animal from a holding in contravention of point 3(3) of Annex VII to the Community TSE Regulation is guilty of an offence.

### **Time of movement restrictions**

19. For the purposes of point 3(4) of Annex VII to the Community TSE Regulation the relevant dates must be established by the Welsh Ministers giving written notification of those dates to the occupier of the holding.

### **Death while under restriction**

20. If any animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII to the Community TSE Regulation, 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 the Welsh Ministers, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

*Status: This is the original version (as it was originally made).*

### **Placing on the market of progeny of BSE affected sheep and goats**

**21.** Any person who places on the market any BSE affected sheep or goat 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.

### **Compensation for a sheep or goat slaughtered as a suspect animal**

**22.—**(1) The Welsh Ministers must pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

(2) Where it is confirmed that it was affected with a TSE, the compensation is—

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that it was affected with a TSE, the compensation is the higher of—

- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal was affected with a TSE; and
- (b) such sum as appears to the Welsh Ministers, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

### **Compensation for animals killed or products destroyed following confirmation of TSE**

**23.** The Welsh Ministers must pay compensation to the owner of animals killed and products destroyed under this Schedule following confirmation of a TSE in accordance with the following provisions of this paragraph—

#### **Compensation**

Animal or product	Compensation (£)
Male sheep or goat	90
Female sheep or goat	65
Lamb (under 12 months old) or kid (under 12 months old)	40
Embryo	150
Ovum	5

### **Valuations**

**24.—**(1) If the owner of an animal considers the compensation in the preceding paragraph to be unreasonable the owner may notify the Welsh Ministers, and the procedure in regulation 11 applies, with the owner paying any fee arising for nominating and employing a valuer.

(2) If the Welsh Ministers consider the compensation in the preceding paragraph to be excessive the Welsh Ministers may obtain a valuation of the animal in accordance with the procedure in regulation 11, but must also pay any fee arising for nominating and employing a valuer.

(3) The valuer must value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was not from a flock affected by TSE.