

SCHEDULES

SCHEDULE 2

Regulation 6(a)

TSE monitoring and approval of laboratories

Delivery of the body of a bovine animal for the purpose of monitoring

1.—(1) For the purpose of monitoring under Article 6, a person who has in their possession or under their control the body of a bovine animal that must be tested for BSE in accordance with point 3.1 of Part I of Chapter A of Annex III (read with Article 2 of Commission [Decision 2009/719/EC](#)) must, unless directed otherwise by the Welsh Ministers—

- (a) within 24 hours of the death of the animal make arrangements with another person for that person to collect the body and to deliver it to an approved sampling site or to an Animal and Plant Health Agency (APHA) veterinary investigation centre; or
- (b) within 72 hours of the death of the animal deliver the body direct to an approved sampling site or an APHA veterinary investigation centre that has a trained person available to take a sample from the body,

and failure to do so is an offence.

(2) A person with whom arrangements are made for the delivery of a body for the purposes of sub-paragraph (1) must, unless directed otherwise by the Welsh Ministers—

- (a) identify the site or centre that will carry out the sampling; and
- (b) ensure it is delivered to that site or centre so as to arrive there within 72 hours,

and failure to do so is an offence.

(3) The periods of 24 and 72 hours referred to in this paragraph run from the time when the animal was discovered to have died or was killed.

(4) The owner of the dead bovine animal is responsible for the expense incurred by the sampling site operator for carrying out the sampling.

(5) If the owner of the dead bovine animal has any outstanding invoice payable to the operator of the sampling site, that operator may refuse to take delivery of any live or dead animals from that owner until any outstanding invoice has been paid.

Destruction without sampling

2. Any person who destroys the body of a bovine animal to which paragraph 1 applies before it has been delivered for sampling for the purposes of that paragraph, except in accordance with a direction of the Welsh Ministers, commits an offence.

Brain stem sampling of bovine animals (approved sampling sites)

3. The occupier of an approved sampling site to which an animal that must be tested for BSE has been sent in accordance with paragraph 1 must—

- (a) take a sample comprising the brain stem for testing in accordance with Chapter C of Annex X;

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- (b) ensure that the animal (or all parts of it) from which the sample has been taken can be identified;
- (c) arrange for the sample to be delivered to an approved testing laboratory; and
- (d) retain the body of the animal pending test results and dispose of it in accordance with Part I of Chapter A of Annex III,

and failure to do so is an offence.

Brain stem sampling of bovine animals (slaughterhouses)

4.—(1) The occupier of a slaughterhouse or other place of slaughter in which a bovine animal to which sub-paragraph (2) applies is slaughtered or processed must—

- (a) take, or make arrangements for a sample to be taken, comprising the brain stem for testing in accordance with Chapter C of Annex X;
- (b) ensure that the animal (or all parts of it) from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) This sub-paragraph applies to a bovine animal that—

- (a) was born in a country that is not listed in the Annex to Commission [Decision 2009/719/EC](#) and is covered by point 2 of Chapter A of Annex III; or
- (b) is covered by point (b) of paragraph 1 of Article 2 of Commission [Decision 2009/719/EC](#).

(3) The Welsh Ministers may serve a notice on the occupier of a slaughterhouse or other place of slaughter requiring them to take a sample and send it for testing as required by sub-paragraph (1) from any bovine animal slaughtered there.

Approval of testing laboratories

5.—(1) The Welsh Ministers must on application approve laboratories to test samples for the purposes of Chapter C of Annex X if satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of that Annex;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse and to the Welsh Ministers.

(2) For the purposes of this Schedule, an “approved testing laboratory” (*“labordy profi a gymeradwywyd”*) means—

- (a) a laboratory approved under this paragraph;
- (b) a laboratory approved under corresponding legislation elsewhere in the United Kingdom;
- (c) any national reference laboratory referred to in Annex X or the EU reference laboratory referred to in that Annex; or
- (d) a diagnostic laboratory approved by a Member State in accordance with Annex X.

Approved sampling sites

6.—(1) The Welsh Ministers must on application approve a sampling site to sample animals pursuant to these Regulations if satisfied that the sampling site has adequate control procedures, including a trained person who is available to carry out the sampling.

(2) An “approved sampling site” (“*safle samplu a gymeradwywyd*”) in this Schedule means a sampling site approved under this paragraph or a sampling site in another part of the United Kingdom approved by the competent authority in that part of the United Kingdom to carry out sampling for the same purpose.

Retention of products and disposal

7.—(1) Where any bovine animal is required to be sampled for the purposes of paragraph 4, the occupier of the slaughterhouse or other place of slaughter, must in accordance with Part I of Chapter A of Annex III and pending receipt of a negative test result, either—

- (a) retain the carcass and all parts of the body of the sampled animal (except the hide where sub-paragraph (2) applies) for disposal in accordance with that Part in the event of a positive or inconclusive result; or
- (b) dispose of the carcass and of all parts of the body of the sampled animal (including the blood and the hide) in accordance with that Part.

(2) Where a hide or a batch of hides has been marked so as to identify it with a sampled animal, the hide or batch of hides may be consigned to a hide market or tannery and the occupier of the hide market or tannery must pending receipt of a negative test result either—

- (a) retain the hide or the batch of hides for disposal in accordance with Part 1 of Chapter A of Annex III in the event of a positive or inconclusive result; or
- (b) dispose of the hide or the batch of hides in accordance with that Part.

(3) Where a positive or inconclusive result is received for a sampled animal, the occupier of a slaughterhouse or other place of slaughter must immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide), and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with Part I of Chapter A of Annex III.

(4) If no sample has been sent to, or no sample has been received by, an approved testing laboratory in accordance with paragraph 5, or if an insufficient test result is received, in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal, and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with Part 1 of Chapter A of Annex III and for the purposes of this sub-paragraph an “insufficient test result” (“*canlyniad prawf annigonol*”) means a certification by an approved laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result.

(5) If a no-test result is received in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of the carcass and all parts of the body (including the blood and the hide) of that animal in accordance with Part 1 of Chapter A of Annex III; and for the purposes of this sub-paragraph a “no-test result” (“*canlyniad dim prawf*”) means a negative result from a sample following multiple rapid testing where such testing was certified as necessary by an approved testing laboratory.

(6) The Welsh Ministers may grant in writing a derogation from the requirement to destroy other carcasses on the slaughter line where they are satisfied that the slaughterhouse operates a system that prevents contamination between carcasses.

(7) Any person who fails to comply with this paragraph commits an offence.

TSE sampling of ovine, caprine and cervid animals

8.—(1) Where any ovine or caprine animal has been selected for sampling for the purposes of Part II of Chapter A of Annex III, the occupier of a slaughterhouse or other place of slaughter must in accordance with that Part and pending receipt of a negative test result either—

- (a) retain the carcase and all parts of the body (except the hide where sub-paragraph (2) applies) for disposal in accordance with that Part in the event of a positive or inconclusive result; or
- (b) dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with that Part.

(2) Where a hide or a batch of hides has been marked so as to identify it with a sampled animal, the hide or batch of hides may be consigned to a hide market or tannery and the occupier of the hide market or tannery must pending receipt of a negative test result either—

- (a) retain the hide or the batch of hides for disposal in accordance with Part II of Chapter A of Annex III in the event of a positive or inconclusive result; or
- (b) dispose of the hide or the batch of hides in accordance with that Part.

(3) Where—

- (a) an ovine, caprine or cervid animal has died, or has been killed, other than for human consumption; and
- (b) either—
 - (i) the death or killing occurred at premises approved, or required to be approved, under Regulation (EC) No 1069/2009; or
 - (ii) the carcase of the ovine, caprine or cervid animal has been taken to those premises,

the occupier of the premises must comply with any direction given by the Welsh Ministers requiring the carcase to be sampled at the premises.

(4) Where any cervid animal has been selected for monitoring for TSE in accordance with Part III of Chapter A of Annex III, the occupier of a slaughterhouse, hide market or tannery must—

- (a) retain the carcase and all parts of the body of the sampled animal (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with Part II of Chapter A of Annex III.

(5) Any person who fails to comply with this paragraph commits an offence.

Compensation

9.—(1) If an animal slaughtered for human consumption tests positive for a TSE, the Welsh Ministers must pay to the occupier of the slaughterhouse or other place of slaughter compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and
- (b) in the case of a bovine animal which is destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it unless a derogation has been granted by the Welsh Ministers under paragraph 7(6).

(2) The compensation is the market value, and if a market value cannot be agreed the valuation must be established in accordance with the procedure laid down in regulation 12(3) to (7) (reading

the word “occupier” wherever “owner” is mentioned in those paragraphs), with the occupier paying any valuation fee arising.

(3) For the purposes of sub-paragraph (2), the market value is the price that would reasonably be expected to have been obtained for the animal from a buyer in the open market at the time of the valuation, and on the assumption that the animal was not affected by a TSE.