

## SCHEDULES

### SCHEDULE 3

Regulation 6(b)

#### Control and eradication of TSE in bovine animals

##### **Notification**

1.—(1) For the purposes of Article 11, 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 holding 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 on movements pending investigation**

2.—(1) If a bovine animal is the subject of a notification under paragraph 1 or is otherwise suspected of being infected by a TSE for the purposes of Article 12, a veterinary inspector must serve a notice prohibiting the movement of that animal from its holding.

(2) Movements of restricted animals are only permitted in accordance with regulation 18.

(3) If, following investigation, the veterinary inspector determines that no animal on the holding is suspected of being infected with a TSE, the inspector must remove all restrictions on that holding and return any retained cattle passports.

##### **Killing of a suspect animal**

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

- (a) kill it on the holding immediately;
- (b) remove its cattle passport; or
- (c) ensure that its cattle passport is stamped “Not for human consumption”.

(2) If the animal is killed (or dies) on the holding, it is an offence to remove the body from that holding or dispose of it except in accordance with a written direction from a veterinary inspector.

##### **Identification and restriction of other bovines, cohorts and offspring**

4.—(1) For the purposes of Article 12(1), following suspicion of a TSE (whether in a live animal or through monitoring), an inspector—

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- (a) must serve a notice prohibiting the movement from its holding of any bovine animal on the same holding as the suspect animal if the inspector considers that the suspect animal was exposed to a TSE on that holding;
  - (b) may serve a notice prohibiting the movement onto or from any holding of any bovine animal if there is evidence that the suspect animal was exposed to a TSE on that holding.
- (2) The inspector must identify—
- (a) (if the suspect animal is female) all its offspring born within two years prior to, or after—
    - (i) clinical onset of the disease, or
    - (ii) where the animal did not present with clinical disease, the date of its death; and
  - (b) (in all cases) all its bovine cohorts born on or after 1 August 1996,
- and for these purposes an animal's date of birth is the one shown on its cattle passport.
- (3) 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.
- (4) If the animals in sub-paragraph (2) cannot be immediately identified an inspector may prohibit the movement of any bovine animal from the holding pending identification.
- (5) Movements of restricted animals are only permitted in accordance with regulation 18.

#### **Action following confirmation**

- 5.—(1) If it is confirmed that an animal was infected with a TSE an inspector must—
- (a) (if the animal is female) kill all its offspring born within two years prior to, or after—
    - (i) clinical onset of the disease or,
    - (ii) where the animal did not present with clinical disease, the date of its death; and
  - (b) (in all cases) kill all the bovine animals in its cohort born on or after 1 August 1996 except where the inspector is satisfied that—
    - (i) (in all cases) the animal did not have access to the same feed as the affected animal; or
    - (ii) (where the animal is a bull) the animal is continuously kept at, and will not be removed from, a semen collection centre, in which case the killing may be deferred until the end of that animal's productive life.
- (2) For the purposes of sub-paragraph (1), an animal's date of birth is the one shown on its cattle passport.
- (3) The appeals procedure in regulation 11 applies to a decision to kill under sub-paragraph (1)(b).
- (4) Where sub-paragraph (1)(b)(ii) applies, it is an offence to remove the animal from the semen collection centre, except in accordance with a licence issued under regulation 18.
- (5) If an animal is to be killed in accordance with this paragraph, but is not to be killed on the holding, an inspector must ensure that its cattle passport is stamped "Not for human consumption".
- (6) If the test is negative the inspector must remove all restrictions imposed because of the suspect animal and return the cattle passports.
- (7) 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

directed 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 an animal which that person knows to be the last-born progeny to which a female bovine animal infected with a TSE gave birth during the preceding two-year period or during the period that follows—

- (a) the first clinical signs of the onset of the disease, or
- (b) where the animal did not present with clinical disease, the date of its death,

commits an offence.

### **Consignment and slaughter of an over-age bovine animal**

8.—(1) If a bovine animal was born or reared in the United Kingdom before 1 August 1996, it is an offence—

- (a) to consign it to a slaughterhouse for human consumption (whether the animal is alive or dead); or
- (b) to slaughter it for human consumption.

(2) For the purposes of sub-paragraph (1), a bovine animal is deemed to have been born or reared in the United Kingdom before 1 August 1996 unless its cattle passport shows either that—

- (a) it was born in the United Kingdom on or after 1 August 1996; or
- (b) it first entered the United Kingdom on or after 1 August 1996.

### **When compensation is payable**

9. The Welsh Ministers must pay compensation—

- (a) when an animal is killed under this Schedule; and
- (b) 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, in which case compensation is the value of the body (including the blood and the hide).

### **Compensation based on average market price**

10.—(1) Subject to paragraph 11, the compensation payable for any domestic cattle is the average market price for the category into which the animal falls at the date of the service of the notice of intention to kill as identified in the table at sub-paragraph (6) and—

- (a) in the case of non-pedigree animals, it is calculated each month from sale price data of animals in that category in respect of sales occurring during the period ending on the 20th day of the preceding month and starting on the 21st day of the month before that;
- (b) in the case of pedigree animals, it is calculated each month from sale price data of animals in that category in respect of sales occurring over a six month rolling period covering the six months ending on the 20th day of the preceding month and starting on the 21st day of the month falling six months before that.

(2) To be eligible for compensation an animal must be identified by means of ear tags and there must be presented, at or before the time of slaughter, to the Welsh Ministers or an agent acting on their behalf, a cattle passport in respect of that animal.

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(3) The sale price data are data compiled in relation to domestic cattle from store markets, prime markets, rearing calf sales, breeding sales and dispersal sales in Great Britain.

(4) The average market price for a category for which sale price data have been collected is the amount obtained by dividing the sum of those sale prices by the total number of animals in that category.

(5) An animal is a pedigree for the purposes of this paragraph if at the time when the notice of intention to kill has been served—

- (a) it is entire; and
- (b) the animal at the time when the regulation 16(3)(d) notice is served is a purebred breeding animal which is entered or registered and eligible for entry in the main section of a breeding book, and for which a pedigree certificate has been issued by a breed society that has been recognised by the Welsh Ministers under Article 4 or Article 64(4) of Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals<sup>(1)</sup>.

(6) The Welsh Ministers must categorise animals in accordance with the following table, 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**

<i>Male</i>	<i>Female</i>
<b>Beef Sector — non-pedigree animal</b>	<b>Beef Sector — non-pedigree animal</b>
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, breeding bulls	Over 20 months, calved
Over 20 months, non-breeding bulls	Over 20 months, non-calved
<b>Dairy Sector — non-pedigree animal</b>	<b>Dairy Sector — non-pedigree animal</b>
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

<sup>(1)</sup> OJ No L 171, 29.06.2016, p. 66.

<i>Male</i>	<i>Female</i>
Over 20 months	Over 20 months up to and including 84 months, calved Over 20 months up to and including 84 months, non-calved Over 84 months
<b>Beef Sector — pedigree animal</b>	<b>Beef Sector — pedigree animal</b>
Up to and including 6 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 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months, not calved Over 24 months up to and including 36 months, calved Over 36 months, calved
<b>Dairy Sector — pedigree animal</b>	<b>Dairy Sector — pedigree animal</b>
Up to and including 2 months	Up to and including 2 months
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 Over 18 months up to and including 36 months, calved Over 36 months up to and including 84 months, calved Over 84 months, calved

**Exceptions: compensation based on market value**

11.—(1) Where the Welsh Ministers consider that the data to calculate the average market price in accordance with paragraph 10 are inadequate, the Welsh Ministers may pay compensation—

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

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

(3) For the purposes of this paragraph, 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.

(4) Where the owner and the Welsh Ministers cannot agree on a market value for the purposes of this paragraph, the valuation must be carried out in accordance with the procedure laid down in regulation 12(3) to (7) with the owner paying any valuation fee arising.

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