

## SCHEDULES

### SCHEDULE 4

Regulation 6(c)

#### Control and eradication of TSE in ovine and caprine animals

##### **Notification**

1.—(1) For the purposes of Article 11, any person who has in their possession or under their control any ovine or caprine 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 ovine or caprine 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 an animal is the subject of notification under paragraph 1 or is otherwise suspected of being infected by a TSE for the purpose 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 the receipt of test results, 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.

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

3.—(1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that an ovine or caprine animal is infected with a TSE, the veterinary inspector 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 occupier to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

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

##### **Movement restrictions**

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

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- (a) must serve a notice prohibiting the movement onto or from its holding of any ovine or caprine animal on the same holding as the suspect ovine or caprine 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 ovine or caprine animal if there is evidence that the suspect animal was exposed to a TSE on that holding;
  - (c) may serve a notice prohibiting movement onto or from a holding where an animal specified in point 1(b) of Chapter B of Annex VII is kept or where the inspector suspects such an animal is kept; and
  - (d) must serve a notice prohibiting the movement of sheep or goat milk, or sheep or goat milk products, derived from any ovine or caprine animal present on any holding in relation to which a restriction operates for the purposes of paragraphs (a) to (c).
- (2) Movements of restricted animals or products are only permitted in accordance with regulation 18.
- (3) A notice served under sub-paragraph (1)(d) does not prohibit the use of milk or milk products within the holding.
- (4) If, following the receipt of test results, the veterinary inspector determines that no animal on a holding is infected with a TSE, the inspector must remove all restrictions imposed on that holding.

#### **Confirmation of TSE (excluding BSE and atypical scrapie) in ovine or caprine animals**

- 5.—(1) If it is confirmed that a suspect ovine or caprine animal, or the body of an ovine or caprine animal is infected with a TSE, and BSE and atypical scrapie is excluded, the Welsh Ministers must decide in accordance with Chapter B of Annex VII whether—
- (a) to kill all ruminants on the holding;
  - (b) to kill all susceptible ovine and caprine animals on the holding; or
  - (c) to kill none of the animals on the holding.
- (2) The Welsh Ministers must serve a notice informing the occupier of the holding of their decision.
- (3) The notice must specify—
- (a) the identity or category of the animals (if any) to be killed and destroyed;
  - (b) the identity or category of the animals (if any) to be slaughtered for human consumption;
  - (c) the identity of any ovum or embryo to be destroyed;
  - (d) the identity of the animals (if any) that may be retained; and
  - (e) the time limit for complying with the notice.
- (4) The notice may impose further conditions, restrictions or monitoring requirements which apply in connection with the decision in accordance with Chapter B of Annex VII.
- (5) Milk and milk products derived from sheep and goats to which point 2.2.2 of Chapter B of Annex VII applies may only be used and transported in accordance with that point and failure to comply is an offence.
- (6) The appeals procedure in regulation 11 applies.

#### **Inability to exclude BSE in ovine or caprine animals**

- 6.—(1) This paragraph applies if a TSE is confirmed in a suspect ovine or caprine animal, or a body of an ovine or caprine animal, and BSE cannot be excluded.

(2) The Welsh Ministers 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 and the milk and milk products destroyed, in accordance with point 2.2.1 of Chapter B of Annex VII.

(3) The notice may impose further conditions, restrictions or monitoring requirements which apply in connection with the decision in accordance with Chapter B of Annex VII.

(4) The appeals procedure in regulation 11 applies.

#### **Confirmation of atypical scrapie in ovine or caprine animals (BSE and classical scrapie excluded)**

7.—(1) If the TSE confirmed in a suspect ovine or caprine animal, or a body of an ovine or caprine animal, is only atypical scrapie and BSE is excluded, the Welsh Ministers must, after carrying out an inquiry, serve a notice informing the occupier of the relevant holding that it will be subject to an intensified TSE monitoring protocol in accordance with point 2.2.3 of Chapter B of Annex VII.

(2) The appeal procedure in regulation 11 applies.

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

8.—(1) Where any ovine or caprine animal which is required to be killed by a notice served under paragraph 5 or 6 is not killed on its own holding, an inspector may direct the owner in writing to consign it to other premises for killing as specified in the direction.

(2) It is an offence to remove the body of an animal from the premises on which it was killed except in accordance with a written direction from an inspector.

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

9. For the purposes of point 2.3 of Chapter B of Annex VII, if an animal infected with a TSE was introduced from another holding, the Welsh Ministers may serve a notice in accordance with paragraph 5 or 6 in relation to the holding of origin in addition to, or instead of, the holding on which infection was confirmed.

#### **Common grazing**

10. In the case of an animal infected with a TSE on common grazing, the Welsh Ministers may limit movement restrictions and killing to an individual flock or herd.

#### **Multiple flocks or herds on a holding**

11. Where more than one flock or herd is kept on a single holding, the Welsh Ministers may limit movement restrictions and killing to an individual flock or herd.

#### **Subsequent occupiers**

12.—(1) If there is a change in occupation of the holding, an occupier on whom a notice has been served under this Schedule must ensure that the subsequent occupier is made aware of the existence and contents of that notice, and failure to do so is an offence.

(2) The subsequent occupier must comply with the notice as if that notice had been served on that occupier, and failure to do so is an offence.

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**Death while under restriction**

13. If any ovine or caprine animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII, the owner or keeper must immediately notify the Welsh Ministers, and retain the body on the premises until they are directed 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.

**Placing on the market of progeny of ovine and caprine animals**

14. Any person who places on the market an animal which that person knows to be the last-born progeny to which a female ovine or caprine animal infected with a BSE 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.

**Compensation for an ovine or caprine animal killed as a suspect animal or on confirmation of any TSE**

15.—(1) The Welsh Ministers must pay compensation to the owner of the killed animal in accordance with this paragraph for an ovine or caprine animal killed as a suspect animal or killed following confirmation of a TSE.

(2) The Welsh Ministers must determine the category of ovine or caprine animal in accordance with the relevant category listed in column 1 of the table at sub-paragraph (4).

(3) The age of the animal is its age at the date on which the regulation 16(3)(d) notice is served.

(4) The compensation payable is the amount specified in column 2 of the following table—

**Compensation**

<i>Animal category</i>	<i>Compensation (£)</i>
<b>Goats (caprines)</b>	
1 year old or younger	80
Non-breeding, over 1 year old	160
Breeding female, over 1 year old	250
Stud male, over 1 year old	350
<b>Sheep (ovines)</b>	
Lamb aged 1 year or younger	80
Breeding ewe over 1 year old	130
Breeding ram over 1 year old	350

**Valuations**

16.—(1) If the owner of an animal or product considers the compensation in the preceding paragraph to be unreasonable, a 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.

(2) When carrying out a valuation under regulation 12 the valuer must value the animal or product at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market as if the animal or product was not from a flock or herd affected by TSE.

**Compensation for milk and milk products compulsorily destroyed**

**17.**—(1) The Welsh Ministers must pay compensation in accordance with this paragraph for milk and milk products destroyed.

(2) The compensation payable is that which the Welsh Ministers believe might reasonably have been obtained for it on the open market if the milk or milk product had not been compulsorily destroyed and had not been milk that derived from a flock or herd affected by TSE.

(3) If the owner of milk or milk products considers the compensation in the preceding subparagraph to be unreasonable, a 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.