

## SCHEDULES

### SCHEDULE 5

Regulation 6(d)

#### Control and eradication of TSE in animals that are not bovine, ovine or caprine

##### **Notification**

1.—(1) For the purposes of Article 11, any person who has in their possession or under their control any animal that is not bovine, ovine or caprine that is 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 an animal that is not bovine, ovine or caprine, 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, 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.

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

3.—(1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine 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.

##### **Compensation**

4.—(1) Where an animal is killed under paragraph 3, the Welsh Ministers must pay compensation to the owner of that animal.

**Status:** This is the original version (as it was originally made).

(2) The compensation is the market value of the animal at the time it is killed.

(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 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.