

## SCHEDULE 2

### TSE MONITORING

#### PART I

#### MONITORING FOR TSE

##### **Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation**

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has in his possession or under his charge the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III of the Community TSE Regulation, or the body of a sheep or goat required for testing in accordance with point 3 of Part II of Chapter A of Annex III of the Community TSE Regulation, must—

- (a) within 24 hours from the time when the animal dies or was killed or the body comes into his possession or charge notify the Department or any other person appointed by it to receive the notification on its behalf; and
- (b) detain it until it has been collected by or on behalf of the Department,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to sheep or goats slaughtered for human consumption or killed in accordance with Schedule 4.

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

2. If a bovine animal was born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1st 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 in a slaughterhouse.

##### **Brain stem sampling of bovine animals**

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III of the Community TSE Regulation is slaughtered must—

- (a) take a sample of brain stem in accordance with point 1 of Chapter C of Annex X of the Community TSE Regulation; and
- (b) arrange for it to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Department shall notify the occupier of a slaughterhouse if an animal comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III of the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III of the Community TSE Regulation, the Department may serve a notice on the occupier of a slaughterhouse requiring him to sample any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) The Department shall approve laboratories to test samples taken under this paragraph if it is satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of Annex X of the Community TSE Regulation;
- (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.

(5) In this Schedule “approved testing laboratory” means a laboratory approved by the Department under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority to carry out the test.

### **Slaughter of bovine animals over 30 months of age**

4.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal over 30 months of age unless the Department has approved the Required Method of Operation (“RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP must, as a minimum—

- (a) describe the procedures that will be followed to comply with this Part; and
- (b) describe all the systems and procedures specified in Part II.

(3) The Department shall approve the RMOP if it is satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with and the occupier must demonstrate this by means of an assessment of two days duration in which animals are slaughtered (using bovine animals under 30 months of age unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(1)</sup>).

(4) If a bovine animal over 30 months of age is slaughtered for human consumption, other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

### **Retention of products and disposal**

5.—(1) In relation to a bovine animal from which a sample is taken under paragraph 3, the occupier of a slaughterhouse, hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III of the Community TSE Regulation and pending receipt of the test result, either—

- (a) retain the carcase and all parts of the body (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with sub-paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of Part I of Chapter A of Annex III of the Community TSE Regulation, if a positive result is received for a sampled animal, the occupier must immediately dispose of—

- (a) the carcase and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation, the carcase 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,

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(1) O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

in accordance with point 6(4) of Part I of Chapter A of Annex III of the Community TSE Regulation.

(3) If a sample in respect of a bovine animal has not been sent to an approved testing laboratory for testing in accordance with paragraph 3 or if a no-test result is received in respect of a sample from a bovine animal required to be tested under this Schedule, the occupier must immediately dispose of—

- (a) the carcase and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation, the carcase 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 point 6(4) of Part I of Chapter A of Annex III of the Community TSE Regulation.

(4) The Department may grant, in writing, a derogation under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation if it is satisfied that there is a system in place that prevents contamination between carcasses.

(5) In relation to a sheep or goat from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III of the Community TSE Regulation, retain the carcase and all parts of the body (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 point 7(4) of Part II of Chapter A of Annex III of the Community TSE Regulation.

(6) Any person who fails to comply with sub-paragraphs (1) to (3) or (5) is guilty of an offence.

(7) For the purposes of this paragraph a “no-test result” in relation to a sample means that an approved testing laboratory has certified it cannot be tested for any reason.

### **Compensation**

6.—(1) If an animal slaughtered for human consumption tests positive, the Department shall pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and,
- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) In the case of an animal for which a no-test result (as described in paragraph 5(3)) is received the Department shall inform the owner in writing whether it intends to pay compensation for—

- (a) the carcase and all parts of the body (including the blood and the hide) of that animal; and
- (b) if they are destroyed because of that no-test result, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding it on the slaughter line and the two animals immediately following it,

giving the reasons, and the appeals procedure in regulation 10 applies.

(3) The compensation is the value of the carcase, established in accordance with the procedure in regulation 11, with any nominated valuer’s fee paid by the occupier of the slaughterhouse, hide market or tannery.

(4) Compensation is not payable in any other case.