

SCHEDULE 3

Regulation 5

CONTROL AND ERADICATION OF TSE IN BOVINE ANIMALS

CONTENTS

1. Control and eradication of TSE - notification
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Identification and restriction of offspring and cohorts
5. Action following confirmation of TSE
6. Action where TSE is not confirmed
7. Death while under restriction
8. Placing on the market of bovine progeny
9. When compensation is payable
10. Compensation for a suspect animal
11. Compensation for a cohort animal
12. Compensation for an offspring animal
13. Compensation for Buffalo and Bison
14. Assessment of market value
15. Definitions
16. Returns
Signature
Explanatory Note

Control and eradication of TSE - notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their charge any bovine animal suspected of being affected by a TSE must immediately notify the Department and detain it on the premises 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 Department.

(3) Any person (other than the Department) 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 Department, 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. If notification of a suspected bovine animal is given to the Department under paragraph 1, an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained pending determination by a veterinary inspector of whether or not it is suspected of being affected with TSE.

Status: This is the original version (as it was originally made).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

Slaughter of a suspect animal

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

- (a) kill it immediately on the premises on which it is kept; or
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed; or
- (c) serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction; and
- (d) remove any cattle passport relating to it.

(2) The veterinary inspector must restrict the movement of other bovine animals from the premises in question in accordance with the second, third and fifth paragraphs of Article 12(1) of the Community TSE Regulation as read with Article 2(1)(a) of Commission Decision 2007/411/EC⁽¹⁾.

(3) The veterinary inspector may restrict the movement of bovine animals on other premises in accordance with the fourth paragraph of Article 12(1) of the Community TSE Regulation.

(4) If the animal is killed on any premises as provided for by this paragraph, it is an offence to remove the body from the premises except in accordance with a licence issued by an inspector.

(5) If the animal to which sub-paragraph (1) applies is not killed immediately, the keeper must dispose of its milk in such a way that it cannot be consumed by a human or an animal other than its own calf or an animal kept for research purposes and any contravention of this sub-paragraph is an offence.

(6) The keeper must maintain the animal at their expense until it is slaughtered or the notice is withdrawn.

Identification and restriction of offspring and cohorts

4.—(1) In accordance with Article 13(2) of the Community TSE Regulation as read with Articles 2(1)(b) and (2) of Commission Decision 2007/411/EC, if—

- (a) an animal is a suspected animal;
- (b) the monitoring of bovine carcasses under Schedule 2 Part I or under Annex III of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, confirms that an animal is suspected of being affected with TSE; or
- (c) the competent authority of another part of the United Kingdom or a member State notifies the Department that a bovine animal is suspected of being affected with TSE,

then sub-paragraph (2) applies.

(2) Where this paragraph applies, an inspector must identify—

- (a) in the case of a female animal, all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) all its bovine cohorts born on or after 1st August 1996.

(3) An inspector must serve a notice prohibiting movement of those animals identified in accordance with sub-paragraph (2) from the premises on which they are kept or where that inspector suspects they are kept (whether or not this is the same premises as that of the suspect animal) and remove any cattle passports.

(4) If the animals in sub-paragraph (2) cannot immediately be identified an inspector may serve a notice prohibiting the movement of any bovine animal from the premises pending identification.

⁽¹⁾ O.J. No. L 155, 15.6.2007, p.75

(5) Movements of animals restricted by notice under sub-paragraph (3) are only permitted in accordance with regulation 16.

Action following confirmation of TSE

5.—(1) In accordance with Article 13(1)(c), and point 2 of Annex VII of the Community TSE Regulation as read with Articles 2(1)(b) and (2) of Commission Decision 2007/411/EC, if it is confirmed that the suspected animal to which paragraph 4(1) applies was affected with a TSE an inspector must—

- (a) if the animal is female, kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) kill all the bovine animals in its cohort born on or after 1st August 1996 except where—
 - (i) the inspector is satisfied that the animal did not have access to the same feed as the affected animal; or
 - (ii) the animal is a bull that is kept at, and will not be removed from, a semen collection centre.

(2) The appeals procedure in regulation 10 applies to a decision to kill under sub-paragraph (1)(b).

(3) Where a decision not to kill has been made under sub-paragraph (1)(b)(ii)—

- (a) it is an offence to remove the bull from the semen collection centre, except to kill it; and
- (b) when it is killed the owner commits an offence unless they ensure that its carcass is completely destroyed.

(4) If an animal required to be killed under sub-paragraph (1) is not killed on the premises on which it was kept, an inspector must issue a licence authorising the owner to consign it to other premises for killing as specified in the licence and must ensure that any cattle passport relating to it is stamped “Not for human consumption”.

(5) When an animal is killed under this paragraph, it is an offence to remove the carcass from the premises on which it was killed except in accordance with a movement licence issued by an inspector.

Action where TSE is not confirmed

6. Where restrictions are imposed on an animal under paragraph 3 and the results of all tests carried out in relation to that animal to determine whether it is affected with a TSE are negative an inspector must remove all the restrictions imposed because of the suspected animal and return any cattle passport which was removed.

Death while under restriction

7. If an animal dies or is killed for any reason while it is under restriction under this Schedule, the owner must immediately notify the Department and retain the body on the premises in question until they are directed, in writing, by an inspector to move or dispose of it 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

8. Any person who places on the market any bovine animal in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

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When compensation is payable

9. The Department must pay compensation—
- (a) when an animal is killed under this Schedule;
 - (b) where an animal to be killed under this Schedule has been valued for the purposes of compensation but dies, or is killed for other reasons, after valuation; or
 - (c) where an animal subject to a movement restriction under this Schedule 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 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽²⁾ in which case compensation is the value of the body (including the blood and the hide).

Compensation for a suspect animal

10.—(1) If an animal is killed because it was suspected of being affected with a TSE the compensation is either—

- (a) the market value of the animal; or
- (b) the average market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is the lesser.

(2) The average market price must be an amount obtained by dividing the total amount of the prices shown in returns, made in accordance with paragraph 16, for a four week period ending on the last Saturday of the month of the year (“the calculation month”) occurring two such months before the month for which the price is being calculated, as having been paid for animals by the total number of the animals stated in those returns to have been sold.

(3) The average market price must be calculated by the Department where returns have been obtained for sales totalling not less than 100 animals during the calculation month.

(4) Where in any calculation month the requirements of sub-paragraph (3) are not met the average market price must be the same amount as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraphs (2) and (3).

(5) For the purposes of sub-paragraphs (2) and (3) animals means commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk.

Compensation for a cohort animal

11. If an animal has been killed because it is a cohort of an animal in which a TSE has been confirmed, the compensation is the market value of the animal.

Compensation for an offspring animal

12. If an animal is killed because it is the offspring of an animal in which a TSE has been confirmed, the compensation is the market value of the animal.

Compensation for Buffalo and Bison

13. For Buffalo or Bison compensation is the market value of the animal.

(2) O.J. No. L 139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p.22) and that Corrigendum was later amended by a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26)

Assessment of market value

14.—(1) Market value must be assessed before slaughter of the animal in accordance with the procedure in regulation 11.

(2) Assessment of market value must not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory or any Community provision.

Definitions

15. The following definitions apply in relation to compensation payable for bovine animals killed under this Schedule—

“average market price” means a price calculated by the Department in accordance with paragraph 10(2), (3) and (4) of this Schedule.

“return” means a document furnished to the Department by a person operating a market at a place listed in paragraph 16 which shows for a week ending on a Saturday the number of commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk, sold at that market and the total sale price for such animals in that week at that market.

“suspect animal” means a bovine animal which is suspected of being affected with a TSE.

Returns

16. A return must be furnished to the Department within 7 days from the end of the week to which that return relates, by a person operating a market in animals at any of the following places, that is to say—

Ballymena
Markethill
Omagh
Saintfield.