

SCHEDULE 2

Regulation 6(b)

TSE MONITORING

CONTENTS

1. Notification of the body of a caprine animal for the purpose of monitoring under Article 6
 2. Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6
 3. Persons collecting and delivering the body of a bovine animal
 4. Brain stem sampling of the body of a bovine animal (Approved TSE sampling sites)
 5. Destruction without sampling
 6. Retention and disposal of the body of a bovine animal pending test results
 7. Remote Areas
 8. Consignment and slaughter of an over-age bovine animal
 9. Brain stem sampling of bovine animals (slaughterhouses)
 10. Brain stem sampling of the body of a bovine animal (other places of slaughter)
 11. Approval of laboratories
 12. Approved TSE sampling sites
 13. Retention of products and disposal
 14. TSE sampling of ovine, caprine and cervine animals
 15. Compensation
- Signature
Explanatory Note

Notification of the body of a caprine animal for the purpose of monitoring under Article 6

1.—(1) For the purpose of monitoring under Article 6, a person who has in their possession, or under their control, the body of a caprine animal aged 18 months or over at death, must—

- (a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the death of the animal to a person approved by the Department; and
- (b) detain it until it has been collected by that person approved by the Department,

and failure to do so is an offence.

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

Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6

2.—(1) For the purpose of monitoring under Article 6, a person who has in their possession or under their control the body of a bovine animal that must be tested for BSE in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation must within 24 hours, unless directed

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otherwise by the Department, identify an approved TSE sampling site that will carry out sampling for the test and either—

- (a) make arrangements with the operator of the sampling site to have it collected and detain the body of the bovine animal until it has been collected; or
- (b) agree with the operator of the sampling site that it can be taken to that site and ensure its arrival at the site within the timeframe stipulated by the operator in accordance with the official document relating to the site approved by the Department under paragraph 12,

and failure to do so is an offence.

(2) The period of 24 hours referred to in sub-paragraph (1) runs from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of sub-paragraph (1)(a) or (b) applies.

Persons collecting and delivering the body of a bovine animal

3. The operator of an approved TSE sampling site with whom arrangements have been made in accordance with paragraph 2(1)(a) must, unless otherwise directed by the Department, ensure that the body is collected and delivered to that site in accordance with the official document relating to the site approved by the Department under paragraph 12 and failure to do so is an offence.

Brain stem sampling of the body of a bovine animal (Approved TSE sampling sites)

4. The operator of an approved TSE sampling site to which the body of a bovine animal has been delivered must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X;
- (b) ensure that the bovine animal from which the sample is taken can be identified; and
- (c) prepare the sample for delivery to an approved testing laboratory,

and failure to do so is an offence.

Destruction without sampling

5. Any person who destroys the body of a bovine animal to which paragraph 2(1) applies before it has undergone sampling at an approved TSE sampling site, except in accordance with a direction of the Department, commits an offence.

Retention and disposal of the body of a bovine animal pending test results

6. The operator of an approved TSE sampling site at which the body of a bovine animal has been sampled in accordance with this Part must comply with point 6(3) of Chapter A of Annex III and failure to do so is an offence.

Remote Areas

7.—(1) The requirements of paragraph 1(1) and 2 do not apply in relation to an animal that has died or been killed on Rathlin Island or the Copeland Islands.

(2) The exemption in sub-paragraph (1) continues to apply even if the body of the animal has been removed from Rathlin Island or the Copeland Islands, as the case may be.

Consignment and slaughter of an over-age bovine animal

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

- (a) consign it to a slaughterhouse which slaughters animals for human consumption (whether the animal is alive or dead); or
- (b) 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 1st August 1996 unless records held by the Department or any cattle passport in relation to that animal shows either that—

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

Brain stem sampling of bovine animals (slaughterhouses)

9.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2 of Part I of Chapter A of Annex III, is slaughtered or (if the animal has been slaughtered at a place other than the slaughterhouse) processed must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X;
- (b) ensure that the animal from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Department must, notify the occupier of a slaughterhouse if an animal comes into any of the categories specified in point 2(1) of Part I of Chapter A of Annex III (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, the Department may serve a notice on the occupier of a slaughterhouse requiring them to take a sample from any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

Brain stem sampling of the body of a bovine animal (other places of slaughter)

10.—(1) The occupier of a place—

- (a) that, for the purposes of point 4(1)(a) of Annex V, is another place of slaughter; and
- (b) in which a bovine animal covered by point 2 of Part I of Chapter A of Annex III is slaughtered must—
 - (i) arrange for the identified head of the animal to be delivered, under licence, to an approved testing laboratory for sampling and testing in accordance with point 1 of Chapter C of Annex X; and
 - (ii) ensure that the bovine animal from which the head is taken can be identified,

and failure to do so is an offence.

(2) In paragraph (1)(b)(i) “identified” means identified in a manner approved by the Department.

Approval of laboratories

11.—(1) The Department may approve laboratories to test samples taken in accordance with this Schedule if it is satisfied that the laboratory—

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- (a) will carry out the testing in accordance with Chapter C of Annex X;
 - (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 and to the Department.
- (2) In this Schedule an “approved testing laboratory” means—
- (a) a laboratory approved by the Department under this paragraph; or
 - (b) a laboratory approved, under corresponding legislation, elsewhere in the United Kingdom; or
 - (c) an EU Reference Laboratory; or
 - (d) a diagnostic laboratory approved in a member State in accordance with Annex X.

Approved TSE sampling sites

12.—(1) The Department must, on written application, approve a sampling site to sample animals to which paragraph 2 applies if it is satisfied that the operator has adequate control procedures and facilities to carry out the sampling.

(2) In this Schedule an “approved TSE sampling site” means a sampling site approved by the Department under this paragraph to carry out TSE sampling.

Retention of products and disposal

13.—(1) In relation to a bovine animal from which a sample is taken under paragraph 9 or 10 the occupier of a slaughterhouse, other place of slaughter (for the purposes of point 4(1)(a) of Annex V), hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III and pending receipt of the test result, either—

- (a) retain the carcass and all parts of the body of that animal (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, if a positive result is received for a sampled bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass 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,

in accordance with point 6(4) of that Part.

(3) If a sample in respect of a bovine animal, required to be tested under this Schedule, has not been sent to or no sample has been received by an approved testing laboratory for testing in accordance with paragraph 9 or 10, or if a no-test result is received in respect of a sampled bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass 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.

(4) For the purposes of sub-paragraph (3) a no-test result means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result or an inconclusive result to the test has been obtained.

- (5) If a no-test result in respect of a bovine animal has been received and—
- (a) an approved testing laboratory certifies that subsequent multiple rapid testing of the material has been carried out; and
 - (b) a negative result obtained,

the occupier may release 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.

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

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

TSE sampling of ovine, caprine and cervine animals

14.—(1) In relation to an ovine or caprine animal 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, retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result (except to the extent that point 7(3) permits direct disposal of animal by-products pending receipt of a negative rapid 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 that Part.

(2) Where—

- (a) An ovine, caprine or cervine animal has died, or has been killed, other than for human consumption; and
- (b) either—
 - (i) the death or killing occurred at premises approved, or required to be approved, under Regulation (EC) No. 1069/2009; or
 - (ii) the carcase of the ovine, caprine or cervine animal has been taken to those premises,

the occupier of the premises must comply with any direction given by the Department requiring the carcase to be sampled at the premises.

(3) In relation to any cervine animal, selected for monitoring for TSE from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) 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.

- (4) Any person who fails to comply with sub-paragraph (1), (2) or (3) is guilty of an offence.

Compensation

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

- (a) that animal; and

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- (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) The compensation is the value of the carcass, established in accordance with the procedure in regulation 12 (reading the word “occupier” wherever “owner” is mentioned), with any nominated valuer’s fee paid by the occupier of the slaughterhouse, hide market or tannery.