

## SCHEDULE 7

### Offspring Slaughter

#### Interpretation

1.—(1) For the purposes of this Schedule—

“barrener cattle” means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;

“beef breeding offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;

“beef offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;

“beef special premium” is the premium payable under Article 4(b) of Council Regulation (EEC) 805/68 as amended <sup>M1</sup>;

“bovine animal” includes buffalo of the species *Bubalus bubalis* and *Bison bison*;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998 <sup>M2</sup>;

“the Council Decision” means Council Decision 98/256/EC <sup>M3</sup> concerning emergency measures to protect against bovine spongiform encephalopathy;

“dairy offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;

“indicative market price” means a price calculated in accordance with paragraph 8 of this Schedule 7.

“market value” means—

(a) in the case of an offspring animal aged 30 months or over, either—

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or

(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS,

whichever is the higher; and

(b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal;

“offspring animal” means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which—

(a) was affected or suspected of being affected with BSE when it gave birth to the animal; or

(b) has subsequently become affected or suspected of being affected with BSE;

“OTMS” means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96 <sup>M4</sup> adopting exceptional support measures for the beef market in the United Kingdom, as amended;

“pedigree offspring animal” means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive 77/504/EEC <sup>M5</sup>;

“productive offspring animal” means—

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The TSE (Wales) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) a female offspring animal in milk or in calf;
- (b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes;

(2) For the purpose of calculating the compensation payable for an offspring animal the age of the animal at slaughter must be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.

#### Marginal Citations

- M1** OJ No. L148, 28.6.68, p. 24 (OJ/SE Vol. I, p. 187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, OJ No. L 296, 21.11.96, p. 50.
- M2** [S.I. 1998/871](#) as amended by [S.I. 1998/1796](#).
- M3** OJ No. L113, 15.4.98, p.32 as amended by Commission Decision 98/564/EC (OJ No. L273, 9.10.98, p. 37) and Commission Decision 98/692/EC (OJ No. L328, 4.12.95, p.28) Council Decision 98/256/EC remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No. 1326/2001 and section D of Annex XI to the Commission TSE Regulation (added by article 3(3) of, and Annex IV to, Commission Regulation (EC) No. 1326/2001).
- M4** OJ No. L99, 20.4.96, p. 14, as amended by Commission Regulations (EC) Nos. 774/96 (OJ No. L104, 27.4.96, p. 21), 835/96 (OJ No. L112, 7.5.96, p. 17), 1512/96 (OJ No. L189, 30.7.96, p.93), 1846/96 (OJ No. L245, 26.9.96, p. 9), 1974/96 (OJ No. L262, 16.10.96, p. 2), 2149/96 (OJ No. L288, 9.11.96, p. 14), 2423/96 (OJ No. L329, 19.12.96, p. 43) and 1365/97 (OJ No. L188, 17.7.97, p. 6).
- M5** OJ No. L206, 12.8.77, p. 8 to which there are amendments not relevant to these Regulations.

#### Requirements relating to offspring animals

2.—(1) If an inspector is of the opinion that there is an offspring animal on any premises, he or she may serve a notice in Form OC 1 on the person appearing to him or her to be the owner or person in charge of that animal.

(2) On the service of a notice in Form OC 1—

- (a) the requirements contained in that notice must have effect; and
- (b) the owner or person in charge of the animal who has been served with the notice must surrender the cattle passport for the animal to an officer of the National Assembly.

(3) The occupier of any premises and his or her employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, must—

- (a) provide all reasonable facilities and assistance and comply with all reasonable requirements that are necessary to assist the inspector to form his or her opinion and carry out any inspection, examination, test, sampling or marking under this regulation; and
- (b) if so required by an inspector, or by an officer of the National Assembly, give such information as he or she possesses as to—
  - (i) any animal or carcase which is or has been on the premises;
  - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
  - (iii) the location and movement of any animal or carcase which is or has been in his or her possession or charge.

(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the National Assembly which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to him or her to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.

### **Notice of intended slaughter**

**3.—**(1) The National Assembly may, if it thinks fit, cause to be slaughtered any offspring animal.

(2) Subject to sub-paragraph (5) below, where the National Assembly proposes to cause an offspring animal to be slaughtered under this paragraph a veterinary inspector must serve a notice of intended slaughter in Form OC 2 on the person appearing to him or her to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.

(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.

(4) No person except an inspector may remove or otherwise interfere with an implant inserted or administered under sub-paragraph (3) above.

(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the National Assembly may cause the animal to be slaughtered without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.

(6) Where an offspring animal is slaughtered in accordance with sub-paragraph (5) above an inspector or officer of the National Assembly shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.

(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the National Assembly which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form OC 2 relates.

### **Compensation for slaughtered offspring animals**

**4.—**(1) Subject to the provisions of this paragraph, where the National Assembly causes an offspring animal to be slaughtered under paragraph 4 above the Secretary of State shall pay compensation in accordance with the provisions of this paragraph.

(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.

(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in paragraph 7 of this Schedule, for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.

(4) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined—

- (a) by agreement between the National Assembly and the owner of the animal; or
- (b) by one valuer appointed jointly by the National Assembly and the owner.

(5) If the market value of a pedigree offspring animal or a productive offspring animal cannot be agreed under sub-paragraph (4)(a) above, or if there is no valuer appointed jointly under sub-

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The TSE (Wales) Regulations 2002*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

paragraph (4)(b) above, the market value of the animal shall be determined by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

(6) A valuer appointed or nominated for the purpose of this paragraph 5 shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value he or she has determined.

(7) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as—

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
- (b) not fit for human consumption by virtue of its condition; and
- (c) having no market value as a consequence,

there shall be no compensation payable for the animal under this paragraph.

(8) Where an offspring animal is slaughtered as an offspring animal and was certified in form OC 4 before slaughter by a veterinary surgeon as—

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
- (b) not unfit for human consumption by virtue of its condition,

compensation shall be payable for the animal in accordance with the compensation payable under sub-paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).

(9) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981 <sup>M6</sup> in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978 <sup>M7</sup> and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal must be ascertained in accordance with the Order concerned.

(10) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the provisions of regulation 84 and Part III of Schedule 1 to these Regulations.

(11) The National Assembly shall take such steps as it considers appropriate for the purpose of bringing to the notice of such organisations as appear to it to be representative of owners of bovine animals—

- (a) the indicative market price in respect of each month; and
- (b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.

#### Marginal Citations

**M6** 1981 c.22; section 35(1A) was inserted by section 1(2) of the [Animal Health and Welfare Act 1984 \(c.40\)](#).

**M7** [S.I. 1978/1483](#), amended by [S.I. 1981/1412](#), [S.I. 1996/1352](#) and [S.I. 1998/2073](#).

#### Forms

6. The following forms shall be used for the purposes of this Schedule—

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The TSE (Wales) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations functions transferred by [S.I. 2004/3044 art. 2\(a\)-\(c\)](#)Sch. 1 (functions in relation to W transferred to the Assembly)
- Regulations revoked (except regs. 8, 9, 84, 93, Sch. 1 Pt. 3, Sch. 6A para. 17, Sch. 7 paras. 4, 8) by [S.I. 2006/1226 Sch. 8](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 6A Pt. 4 reg. 17 revoked by [S.I. 2006/1512 reg. 6](#)
- Sch. 6A Pt. 4 para. 17 revoked by [S.I. 2006/1513 reg. 6](#)
- Sch. 1A inserted by [S.I. 2005/2902 Sch.](#)
- Sch. 6A inserted by [S.I. 2004/2735 reg. 4](#)
- Sch. 6A Pt. 5 inserted by [S.I. 2005/2902 reg. 15](#)
- Sch. 6A para. 17(1) words substituted by [S.I. 2006/1226 reg. 25](#)
- Sch. 7 reg. 4 revoked by [S.I. 2006/1512 reg. 6](#)
- Sch. 7 reg. 8 revoked by [S.I. 2006/1512 reg. 6](#)
- reg. 10A10B inserted by [S.I. 2005/2902 reg. 4](#)
- reg. 13(7) added by [S.I. 2003/2756 Sch. 4 para. 3](#)
- reg. 25A25B inserted by [S.I. 2005/2902 reg. 7](#)
- reg. 29B(4)(5) substituted for reg. 29B(4) by [S.I. 2005/2902 reg. 8](#)
- reg. 34A inserted by [S.I. 2003/2756 Sch. 4 para. 4](#)
- reg. 86A inserted by [S.I. 2004/2735 reg. 3](#)