

SCHEDULE 1

COMPENSATION

Part VI

COMPENSATION FOR SEIZURE OR DISPOSAL UNDER REGULATION 92

1. Subject to paragraph 5, the compensation for any

- (a) carcase of a TSE suspect or confirmed animal or the carcase of a first generation progeny of any such animal;
- (b) part of such a carcase or any blood derived from any such carcase or part; or
- (c) semen, embryos or ova derived from any TSE suspect or confirmed animal,

seized or disposed of under regulation 92 shall be an amount equal to the value of the carcase, part of the carcase, blood, semen, embryos or ova at the time it was seized or disposed of.

2. The value of any carcase, part of a carcase, blood, semen, embryos or ova seized or disposed of under regulation 92 shall be determined –

- (a) by agreement between the Department and the owner of the carcase, part of the carcase, blood, semen, embryos or ova retained, seized or disposed of; or
- (b) by arbitration.

3. The owner of a carcase, part of a carcase, blood, semen, embryos or ova seized or disposed of under regulation 92 shall pay any reasonable costs or expenses incurred by the Department in connection with the seizure or disposal.

4. These costs or expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part of the carcase, blood, semen, embryos or ova seized or disposed of.

5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Department shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Department.

6. The owner shall pay to the Department the amount of the excess within the period specified in the notice.

7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the Department from the owner.