

## SCHEDULE 5

Regulation 5(d)

Control and eradication of TSE in animals that are not bovine, ovine or caprine

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### **Notification**

1.—(1) For the purposes of Article 11 of the EU TSE Regulation (notification), any person who has in his or her possession or under his or her control any animal that is not bovine, ovine or caprine that is suspected of being affected by a TSE must immediately notify the Scottish Ministers 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 Scottish Ministers of that examination or inspection.

(3) Any person (other than the Scottish Ministers) who examines the body of an animal that is not bovine, ovine or caprine, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Scottish Ministers, 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.—(1) If an animal is the subject of notification under paragraph 1, a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, pending determination of whether or not it is suspected of being affected with a TSE.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

### **Slaughter of a suspect animal**

3.—(1) For the purposes of Article 12(1) and (2) of the EU TSE Regulation (measures with respect to suspect animals), if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine is affected with a TSE, he or she may either—

- (a) kill it on the holding immediately;
- (b) serve a notice prohibiting the animal from being moved from the holding 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.

(2) If the animal is killed on the holding, it is an offence to remove the body from the holding or dispose of it except in accordance with a written direction from an inspector.

*Status: This is the original version (as it was originally made).*

## **Compensation**

4.—(1) Where an animal is killed under paragraph 3, the Scottish Ministers must pay compensation.

(2) The compensation is the market value of the animal at the time it is killed.

(3) For the purposes of this paragraph, the market value—

(a) must be calculated in accordance with the procedure in regulation 11;

(b) must be the price that would reasonably be expected to have been obtained for the animal from a buyer in the open market at the time of the valuation; and

(c) on the assumption that the animal was not from a group affected by a TSE.

(4) Where the owner and the Scottish Ministers cannot agree on a market value, the valuation must be carried out in accordance with the procedure laid down in regulation 11(3) to (8), with the owner paying any valuation fee arising.