

SCHEDULE 4

Regulation 5

Control and eradication of TSE in sheep and goats

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Explanatory Note

Notification of TSE

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in his possession or under his control any sheep or goat suspected of being affected with a TSE shall immediately notify the Secretary of State 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 shall, with all practical speed, notify the Secretary of State.

(3) Any person (other than the Secretary of State) who examines the body of any sheep or goat, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Secretary of State, 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.

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Restriction of a notified animal

2.—(1) If an animal is notified under paragraph 1, pending determination of whether or not it is suspected of being affected with a TSE, a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, and the movement of any other sheep or goat onto or from that holding.

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

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 sheep or goat is affected with a TSE, he must 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) In accordance with Article 12(3) of the Community TSE Regulation, if the animal is killed on the holding, it is an offence to remove the body from the holding except in accordance with a written direction from an inspector.

Movement restrictions

4.—(1) For the purposes of point 3 of Annex VII to the Community TSE Regulation, and Article 12(1) of that Regulation, following suspicion of a TSE (whether in a live animal or through the monitoring under Annex III to the Community TSE Regulation), an inspector—

- (a) must serve a notice—
 - (i) prohibiting the movement onto or from its holding of any sheep or goat on the same holding as the suspect animal if he considers that the animal was exposed to a TSE on that holding; or
 - (ii) if the animal came from another holding, and he considers that the animal may have been exposed to a TSE on that holding, may serve such a notice either on that holding and on the same holding as the suspect animal, or only the holding of exposure; and
- (b) must serve a notice prohibiting movement onto or from a holding where an animal specified in point 1(b) of Annex VII to the Community TSE Regulation is kept or where he suspects such an animal is kept.

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

Action where TSE is not confirmed

5. If it is confirmed that the animal was not affected with a TSE, the inspector must remove all restrictions imposed because of the suspect animal.

Confirmation of TSE in sheep

6.—(1) If it is confirmed that a suspect sheep, or a body of a sheep monitored under Annex III to the Community TSE Regulation, is affected with a TSE, the Secretary of State, after—

- (a) carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and

(b) sampling the animals to establish their genotype (if this is necessary), shall decide which of the options set out in points 2(b)(i) and (ii) of Annex VII to the Community TSE Regulation she intends to exercise.

(2) She shall then serve a notice on the occupier of the holding informing him of which of the options in those paragraphs she intends to exercise.

(3) The notice shall specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of the animals (if any) to be slaughtered for human consumption;
- (c) the identity of the animals (if any) that may be retained;
- (d) the identity of any ovum or embryo to be destroyed;
- (e) the time limit for complying with the notice; and
- (f) the right to apply for a derogation in accordance with paragraph 22(2).

(4) The appeals procedure in regulation 10 applies.

Confirmation of TSE in goats

7.—(1) If it is confirmed that a suspect goat, or a body of a goat monitored under Annex III to the Community TSE Regulation, is affected with TSE, the Secretary of State, after carrying out the inquiry specified in Article 13(1)(b) of that Regulation and in point 1(b) of Annex VII to that Regulation, shall serve a notice on the occupier of the holding informing him that she intends to kill and destroy all the goats on the holding and all embryos and ova from those animals in accordance with Article 13(1)(c) of, and point 2(b)(i) of Annex VII, to that Regulation.

(2) The appeals procedure in regulation 10 applies.

Confirmation of BSE in sheep or goats

8.—(1) If BSE is confirmed in a sheep or goat on a holding, the Secretary of State, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and point 1 of Annex VII to that Regulation, shall serve a notice on the occupier of the holding informing him of her intention to kill and destroy the animals, embryos and ova in accordance with Article 13(1)(c) of, and point 2(c) of Annex VII to that Regulation.

(2) The appeals procedure in regulation 10 applies.

Time for appeals

9. The Secretary of State shall not kill any sheep or goat, or destroy any ovum or embryo, under this Schedule until—

- (a) she has received written notification from the person on whom the notice is served that that person has no intention to proceed with an appeal;
- (b) after the 21 day period for appeal under regulation 10 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

Killing and destruction following confirmation

10.—(1) An inspector shall ensure that all the animals specified for killing in the notice in paragraphs 6(2), 7(1) or 8(1) are killed and that all the ova and embryos specified for destruction in the notice are destroyed.

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(2) If an animal is not killed on the holding, an inspector shall direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed under this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

Infected animals from another holding

11. For the purposes of point 2(b)(iii) of Annex VII to the Community TSE Regulation, if the infected animal was introduced from another holding, the Secretary of State may act in accordance with this Schedule in relation to the holding of origin in addition to, or instead of, the holding on which infection was confirmed.

Common grazing

12. In the case of infected animals on common grazing, the Secretary of State may limit a notice under paragraphs 6(2) or 7(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII to the Community TSE Regulation.

Multiple flocks on a holding

13. Where more than one flock is kept on a single holding, the Secretary of State may limit a notice under paragraphs 6(2) or 7(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII to the Community TSE Regulation.

Subsequent occupiers

14. If there is a change in occupation of the holding, the previous occupier shall ensure that the subsequent occupier is made aware of the existence and contents of any notice served under this Schedule, and failure to do so shall be an offence.

Introduction of animals onto a holding

15. Any person who introduces an animal onto a holding in contravention of point 4 of Annex VII to the Community TSE Regulation is guilty of an offence.

Use of ovine germinal products

16. Any person who uses ovine germinal products in contravention of point 5 of Annex VII to the Community TSE Regulation is guilty of an offence.

Movement of animals from a holding

17. Any person who moves an animal from a holding in contravention of point 7 of Annex VII to the Community TSE Regulation is guilty of an offence.

Time of movement restrictions

18. For the purposes of point 8 of Annex VII to the Community TSE Regulation the relevant dates shall be established by the Secretary of State giving written notification of those dates to the occupier of the holding.

Death while under restriction

19. If any animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII to the Community TSE Regulation, the owner must immediately notify the Secretary of State, and retain the body on the premises until he is directed in writing to move or dispose of it by the Secretary of State, 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 progeny of BSE affected sheep and goats

20. Any person who places on the market any BSE affected sheep or goat 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.

Notification while the holding is under restriction

21.—(1) For the purposes of point 8(d) of Annex VII to the Community TSE Regulation, for the period that the holding is under restriction in accordance with point 8 of that Annex, if the owner intends to consign a sheep aged 18 months or more for slaughter for human consumption, he must notify the Secretary of State at least four weeks before consignment.

(2) He must not consign a sheep aged 18 months or more for killing or slaughter for human consumption except under a written direction from the Secretary of State, and must do so in accordance with that direction.

(3) Failure to comply with this paragraph is an offence.

Derogations

22.—(1) The Secretary of State shall not exercise the option permitted under point 7(c) of Annex VII to the Community TSE Regulation.

(2) The occupier of a holding may apply to the Secretary of State asking her to exercise one or both of the options permitted under point 9 of that Annex.

(3) An application under this paragraph shall be in writing and shall set out in full the reasons for the application.

(4) The Secretary of State shall give the applicant her decision in writing, which shall state that she either—

- (a) consents to the application;
- (b) consents in part to the application; or
- (c) refuses the application.

(5) Unless the Secretary of State consents to the application in full, the appeals procedure in regulation 10 applies.

Compensation for a sheep or goat slaughtered as a suspect animal

23.—(1) The Secretary of State shall pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

(2) Where it is confirmed that it was affected with a TSE, the compensation is—

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that it was affected with a TSE, the compensation is the higher of—

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- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal was affected with a TSE; and
- (b) such sum as appears to the Secretary of State, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for animals killed or products destroyed following confirmation of TSE

24. The Secretary of State shall pay compensation to the owner of animals killed and products destroyed under this Schedule following confirmation of a TSE in accordance with the following provisions of this paragraph—

Compensation

Note on the rates

The rate in Column A is payable in all cases until 10th March 2006.

On or after 10th March 2006—

- (a) the rate in Column A is payable if—
 - (i) the owner notifies an animal under paragraph 1 before 10th March 2006, and the presence of a TSE is confirmed (whether before or after that date); and
 - (ii) the animal for which compensation is being paid was in the flock or herd before 10th March 2006; and
- (b) the rate in Column B is payable in all other cases.

<i>Animal or product</i>	<i>Compensation (£)</i>	<i>Compensation (£)</i>
	<i>A</i>	<i>B</i>
Male sheep or goat	90	90
Female sheep ^(a) or goat	90	65
Lamb (under 12 months old) ^(b) or kid (under 12 months old)	50	40
Embryo	150	150
Ovum	5	5

(a) Where the Secretary of State has granted a derogation under point 9 of Annex VII to the Community TSE Regulation the compensation for a female sheep is £30 if it is killed after the first year of the derogation period.

(b) Where the Secretary of State has granted a derogation in accordance with that point in respect of any ram in a flock, the compensation for any lamb in that flock killed after the first year of the period of derogation is £25.

Valuations

25.—(1) If the owner of an animal considers the compensation in the preceding paragraph to be unreasonable he may notify the Secretary of State, and the procedure in regulation 11 applies, with the owner paying any fee arising for nominating and employing a valuer.

(2) If the Secretary of State considers the compensation in the preceding paragraph to be excessive in all the circumstances she may obtain a valuation of the animal in accordance with the procedure in regulation 11, but in this case she must pay any fee arising for nominating and employing a valuer.

(3) The valuer shall value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was not from a flock affected by TSE.