

## SCHEDULE 4

Regulation 6(4)

### Control of TSE in ovine or caprine animals

#### **Restriction of a notified ovine or caprine animal**

1. If an ovine or caprine animal is the subject of notification under regulation 5(1) or (2), a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, and the movement of any other ovine or caprine animal onto or from that holding, pending determination of whether or not the suspected animal is infected with a TSE.

#### **Movement restrictions**

2.—(1) Where the presence of a TSE cannot be discounted in a ovine or caprine animal, a veterinary inspector—

- (a) must serve a notice prohibiting the movement onto or from a holding of any or all ovine or caprine animal on the same holding as the suspect ovine or caprine animal if the veterinary inspector considers that the ovine or caprine animal was exposed to a TSE on that holding;
- (b) must serve a notice prohibiting the movement of ovine or caprine milk, or ovine or caprine milk products, derived from any ovine or caprine animal present on the holding;

(2) Subsequent movements of restricted animals or products are only permitted in accordance with a licence issued by a veterinary inspector.

(3) A notice served under sub-paragraph (1)(b) does not prohibit the use of milk or milk products within the holding.

(4) When laboratory test results confirm that no animal on a holding is infected with a TSE the inspector must remove all restrictions imposed on that holding.

#### **Killing all ovines and caprines on a holding when BSE is suspected**

3. If a TSE is confirmed in a suspect ovine or caprine animal, or a carcase of an ovine or caprine animal, and BSE cannot be excluded, the Secretary of State must serve a notice on the occupier of the holding to have the ovine and caprine animals killed and any embryos, ova, milk or milk products (as appropriate) destroyed in accordance with Annex 7.

#### **Killing of a suspect ovine or caprine animal in other circumstances**

4.—(1) If a veterinary inspector suspects that an ovine or caprine animal is infected with a TSE, they must—

- (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 another holding for killing and prohibiting movement other than in accordance with that direction.

(2) If the animal is killed on the holding, the body must not be removed from the holding except in accordance with a written direction from an inspector.

(3) If it is confirmed that a suspect ovine or caprine animal, or the carcase of an ovine or caprine animal is infected with a TSE, but where BSE and atypical scrapie is not suspected, the Secretary of State must act in accordance with one of the options in Annex 7.

(4) Any decision regarding appropriate restrictions or monitoring requirements must be in accordance with Annex 7.

**Changes to legislation:** There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (England) Regulations 2018, SCHEDULE 4. (See end of Document for details)

(5) The Secretary of State must by notice inform the occupier of the holding of the decision and the notice must specify (as appropriate)—

- (a) the identity of the animals to be killed and destroyed or permitted to be slaughtered for human consumption;
- (b) the identity of any animals that may be retained;
- (c) the identity of any ovum or embryo to be destroyed;
- (d) the time limit for complying with the notice.

#### **Confirmation of atypical scrapie in an ovine or caprine animal**

5. If the TSE is confirmed as atypical scrapie, but BSE is excluded, the Secretary of State, after carrying out an inquiry must serve a notice informing the occupier that the holding will be subject to intensified TSE monitoring in accordance with Annex 7.

#### **No action to kill or destroy until appeal determined or withdrawn**

6. No action to kill any ovine or caprine animal, or destroy any ovum, embryo or products must be taken until any appeal under regulation 11 has been either determined or withdrawn.

#### **Infected animals from another holding**

7. 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**

8. In the case of infected animals on common grazing, the Secretary of State may limit movement restrictions and killing to an individual flock or herd.

#### **Multiple flocks or herds on a holding**

9. Where more than one flock or herd is kept on a single holding, the Secretary of State may limit movement restrictions and killing to an individual flock or herd.

#### **Change of occupier**

10. If there is a change in occupation of the holding, the affected occupier must ensure that the new occupier is made aware of the existence and contents of any notice served under this Schedule.

#### **Death while under restriction**

11. If any ovine or caprine animal aged 18 months or over dies or is killed while it is under restriction for any reason, the owner must immediately notify the Secretary of State, and retain the body on the holding until directed to move or dispose of it by the Secretary of State.

#### **Compensation for an ovine or caprine animal killed as a suspect animal or on confirmation of any TSE**

12.—(1) The Secretary of State must pay compensation to the owner of the killed animal in accordance with this paragraph for an ovine or caprine animal killed as a suspect animal or killed following confirmation of a TSE.

(2) The Secretary of State must determine the category of caprine or ovine animal in accordance with the relevant category listed in column 1 of the table at sub-paragraph (4).

(3) The age of the animal is its age at the date on which the regulation 16(2)(e) notice is served.

(4) The compensation payable is the amount specified in column 2 of the following table—

**Categories**

<i>Animal category</i>	<i>Compensation (£)</i>
Goats (caprines)	
1 year old or younger	80
Non-breeding, over 1 year old	160
Breeding female, over 1 year old	250
Stud male, over 1 year old	350
Sheep (ovines)	
Lamb aged 1 year or younger	80
Breeding ewe over 1 year old	130
Breeding ram over 1 year old	350

**Compensation for milk and milk products compulsorily destroyed**

**13.**—(1) The Secretary of State must pay compensation in accordance with this paragraph for milk and milk products destroyed.

(2) The compensation payable is that which the Secretary of State believes might reasonably have been obtained for it on the open market if the milk or milk product had not been compulsorily destroyed and had not been milk that derived from a flock or herd affected by TSE.

(3) If the owner of milk or milk products considers the compensation in the preceding paragraph to be unreasonable a valuation must be carried out in accordance with the procedure laid down in regulation 12 (3) to (7) with the owner paying any valuation fee arising.

**Changes to legislation:**

There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (England) Regulations 2018, SCHEDULE 4.