

SCHEDULE 1

Compensation

Part VI

Compensation for seizure or disposal under regulation 92

1. Subject to paragraph 5 below, the compensation for any—
 - (a) carcase of a TSE suspect or confirmed animal or the carcase of a first generation progeny of any TSE suspect or confirmed animal;
 - (b) part of the carcase of, or any blood derived from the carcase or part of the carcase of, a TSE suspect or confirmed animal; or
 - (c) semen, embryos or ova derived from any TSE suspect or confirmed animal;

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

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

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

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

4. These costs or expenses may be deducted from the amount of any compensation payable to the owner for the value of the carcase, part, blood or 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 Secretary of State or the National Assembly may serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the authority serving the notice (“the serving authority”).

6. The owner must pay to the serving authority 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 serving authority from the owner.

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](#)