

SCHEDULE 5

Regulation 5

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

Notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their control any animal that is not bovine, ovine or caprine that is suspected of being affected by a TSE must immediately notify the Welsh Ministers and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary inspector who examines or inspects any such animal must, with all practical speed, notify the Welsh Ministers of that examination or inspection.

(3) Any person (other than the Welsh Minister) 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 Welsh 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 paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine is affected with a TSE, they 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.

Compensation

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

(2) The compensation is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee arising for nominating and employing a valuer.

Retention of products and disposal

5.—(1) In relation to any deer selected for sampling as part of the survey required by Article 3(1) of Commission Decision [2007/182/EC](#) on a survey for chronic wasting disease in cervids⁽¹⁾, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 1 of Annex III to Commission Decision [2007/182/EC](#), retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with point 4 of that Annex.

(2) In relation to this paragraph the powers of an inspector under these Regulations may also be exercised by a person appointed as such in relation to a hide market or tannery by the Agriculture and Horticulture Development Board.

(3) Any person who fails to comply with sub-paragraph (1) is guilty of an offence.

(1) OJNo. L 84, 24.3.2007, p.37.