

[^{F1}][^{F2}SCHEDULE 1]

Article 26

Calculation of the value of a bovine animal slaughtered for tuberculosis

Textual Amendments

- F1** Sch. substituted (1.4.2016) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2016 \(S.I. 2016/328\)](#), art. 1(3), **Sch. para. 16** (with art. 3)
- F2** Sch. renumbered as Sch. 1 (1.10.2017) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 8** (with art. 3)

Calculation

1.—(1) The value of a bovine animal slaughtered for tuberculosis is to be calculated using the following formula—

If

$$SV \leq (M \times MV)$$

then

$$C = (M \times MV)$$

, otherwise

$$C = SV$$

Where—

SV is the salvage value of the animal;

M is the figure provided by paragraphs 3 to 9;

MV is the market value of the animal established in accordance with paragraph 2; and

C is the value of the animal for the purposes of article 26 and cannot be more than [^{F3}£5,000, unless SV is greater than £5,000,] and cannot be less than £1.

[^{F4}(1A) Where a bovine animal is not identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007, C is £1.]

(2) Paragraphs 3 to 9 will apply where the Welsh Ministers are satisfied on a balance of probabilities that there has been a breach of this Order.

Textual Amendments

- F3** Words in [Sch. 1 para. 1\(1\)](#) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 9(a)** (with art. 3)
- F4** [Sch. 1 para. 1\(1A\)](#) inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 9(b)** (with art. 3)

Market value

2.—(1) Notwithstanding the provisions of article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959, the market value of a bovine animal which the Welsh Ministers cause to be slaughtered must be determined—

- (a) by a valuer appointed by the Welsh Ministers; or

Changes to legislation: There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010. (See end of Document for details)

- (b) failing such appointment, by a valuer named on a list maintained by the Welsh Ministers, nominated by the President of the Royal Institution of Chartered Surveyors or the President of the Central Association of Agricultural Valuers as the Welsh Ministers may decide in any particular case or class of case.
- (2) A valuer appointed or nominated under sub-paragraph (1)(a) or (1)(b) must be paid by the Welsh Ministers and must inform, in writing, the Welsh Ministers and the owner of the market value.
- (3) In this paragraph a reference to a valuer is a reference to an individual and not to a company or firm or to two or more persons jointly.
- (4) For the purposes of this paragraph, the market value of an animal is the price that might reasonably be expected would have been obtained for it from a purchaser in the open market at the time of valuation if the animal were not an affected animal or a suspected animal.

Failure to comply with a notice

- 3.—(1) This paragraph applies where—
 - (a) the keeper of a bovine animal has been served with any one or more of the following—
 - (i) a notice under article 10(3) (veterinary inquiry as to the existence of disease);
 - (ii) a veterinary requirements notice under article 11;
 - (iii) a biosecurity [^{F5}requirements] notice under article 11A;
 - (iv) a notice under article 18 (precautions against spread of infection);
 - (b) the keeper fails to comply with one or more of the requirements or steps in the notice;
 - (c) the animal has been tested under article 12 (tuberculosis testing);
 - (d) the animal has been slaughtered following that test; and
 - (e) the test was applied to the herd that includes that animal (after the keeper was served with the notice).
- (2) Where the keeper fails to comply with one or more of the requirements or steps—
 - (a) under article 10(3)(a), “M” is 0.5;
 - (b) under article 10(3)(b), “M” is 0.05;
 - (c) under article 10(3)(c), “M” is 0.05;
 - (d) in a veterinary requirements notice—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
 - (e) in a biosecurity [^{F6}requirements] notice—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
 - (f) under article 18(1)(a) to (c), “M” is 0.75;
 - (g) under article 18(1)(d) to (h)—
 - (i) for the first time, “M” is 0.5; or
 - (ii) subsequently, “M” is 0.05;
 - (h) under article 18(1)(j), “M” is 0.05.

Textual Amendments

- F5** Word in Sch. 1 para. 3(1)(a)(iii) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 10(a)** (with art. 3)
- F6** Word in Sch. 1 para. 3(2)(e) substituted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 10(b)** (with art. 3)

Failure to test animals in accordance with article 12(1)

- 4.—(1) Subject to sub-paragraph (4), this paragraph applies where—
- (a) the keeper of a bovine animal has been served with a notice under article 12(1) (tuberculosis testing);
 - (b) the keeper has failed to carry out that test by the date specified in the notice (the “specified date”);
 - (c) the test has been carried out at a later date; and
 - (d) the animal has been slaughtered following the test.
- (2) Where the test was carried out as required by a notice under article 12(1) at a date later than the specified date and the interval between the specified date and the test is—
- (a) more than 60 but not more than 90 days, “M” is 0.5;
 - (b) more than 90 days, “M” is 0.05.
- (3) Where the test was carried out under article 12(5), “M” is 0.05.
- (4) Where the animal was slaughtered by virtue of the provisions of article 12(6) or 12(7), “M” is 0.05.

^{F7} ... Approved finishing units

- 5.—(1) This paragraph applies where—
- (a) the operator of ^{F8}... an approved finishing unit is also the keeper of a bovine animal at that unit; or
 - (b) a person for the purposes of article 14A(4) to (6) is also the keeper of a bovine animal.
- (2) Where—
- (a) the keeper fails to comply with one or more of the conditions or obligations under article 14A;
 - (b) an animal has been tested under article 12 (tuberculosis testing);
 - (c) the animal has been slaughtered following that test; and
 - (d) the test was applied to the herd that includes that animal;
- “M” is 0.05.

Textual Amendments

- F7** Words in Sch. 1 para. 5 heading omitted (1.2.2024) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), **Sch. para. 7(a)** (with art. 3)
- F8** Words in Sch. 1 para. 5(1)(a) omitted (1.2.2024) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), **Sch. para. 7(b)** (with art. 3)

Slaughter following movement on to premises under licence

6.—(1) This paragraph applies where the keeper of a bovine animal has been served with a notice under article 16 (isolation and prohibition on movement of animals) prohibiting the movement of bovine animals on to premises, except under the authority of a licence issued by an inspector.

(2) Where—

- (a) the keeper brings a bovine animal under licence on to the premises;
- (b) a relevant test has been applied to that animal; and
- (c) the animal has been slaughtered following the test or has been slaughtered under section 32 of the Act in its application to tuberculosis;

“M” is 0.5.

Delay in removal for slaughter

7.—(1) This paragraph applies where—

- (a) the keeper of a bovine animal has been served with a notice of intended slaughter under article 17 (notification of intended slaughter of animals);
- (b) the keeper delays the removal of the animal for slaughter beyond the date specified in the notice (the “specified date”); and
- (c) the animal has been slaughtered.

(2) Where the removal for slaughter of the animal was at a date later than the specified date and the interval between the specified date and removal is—

- (a) more than 0 but not more than 10 days, “M” is 0.75;
- (b) more than 10 but not more than 20 days, “M” is 0.5; and
- (c) more than 20 days, “M” is 0.25.

Breach of obligations

8.—(1) This paragraph applies where the keeper of a bovine animal has—

- (a) failed to comply with one or more reasonable requirements of an inspector or an approved veterinary surgeon under article 12(2) (tuberculosis testing);
- (b) breached one or more of the prohibitions in article 15 (prohibitions);
- (c) breached the requirement or prohibition or both in article 16 (isolation and prohibition on movement of animals);
- (d) breached one or more of the requirements in article 19(2) (suspected animals in markets, shows, etc).

(2) Where—

- (a) one or more of sub-paragraphs (1)(a) to (d) apply;
- (b) the relevant test has been applied to an animal; and
- (c) that animal has been slaughtered;

“M” is 0.05.

Other cases

9. Where paragraphs 3 to 8 do not apply, “M” is 1.]

[^{F9}SCHEDULE 2

Article 13

Permitted movements without pre-movement testing

Textual Amendments

- F9** Sch. 2, Sch. 3 inserted (1.10.2017) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2017 \(S.I. 2017/711\)](#), art. 1(3), **Sch. para. 11** (with art. 3)

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to markets

3. The movement of a bovine animal to market provided that it is returned direct to its premises of origin if not sold, or is a movement to market approved by the Welsh Ministers under article 13.

Movement to collection centres

4. The movement of a bovine animal direct to a collection centre approved by the Welsh Ministers under article 13.

Movement to exempt finishing units

5. The movement of a bovine animal direct to an exempt finishing unit ^{F10}....

Textual Amendments

- F10** Words in Sch. 2 para. 5 omitted (1.2.2024) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), **Sch. para. 8(a)** (with art. 3)

Movement to approved finishing units

6. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to agricultural shows

7. The movement of a bovine animal to an agricultural show that does not involve a stay of more than 24 hours or housing of that animal at the showground, provided that the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

Movement within or from the low TB area

- ^{F11}8.

Changes to legislation: There are currently no known outstanding effects for the *The Tuberculosis (Wales) Order 2010*. (See end of Document for details)

Textual Amendments

F11 Sch. 2 para. 8 omitted (1.2.2024) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), **Sch. para. 8(b)** (with art. 3)

SCHEDULE 3

Article 13A

Permitted movements without post-movement testing

Movement to slaughter

1. The movement of a bovine animal direct to slaughter.

Movement to slaughter markets

2. The movement of a bovine animal direct to a market from which all animals go direct to slaughter.

Movement to exempt finishing units

3. The movement of a bovine animal direct to an exempt finishing unit ^{F12}....

Textual Amendments

F12 Words in Sch. 3 para. 3 omitted (1.2.2024) by virtue of [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), **Sch. para. 9(a)** (with art. 3)

Movement to approved finishing units

4. The movement of a bovine animal direct to an approved finishing unit approved by the Welsh Ministers under article 14A.

Movement to licensed finishing units

5. The movement of a bovine animal direct to a licensed finishing unit.

Movement to agricultural shows

6. The movement of a bovine animal to an agricultural show in the low TB area, or a return to the low TB area from an agricultural show outside the low TB area, provided that—
 - (a) the move does not involve a stay of more than 24 hours or the housing of that animal at the showground; and
 - (b) the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.

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^{F13}**6A.** The movement of a bovine animal to an agricultural show in the intermediate TB area, or a return to the intermediate TB area from an agricultural show outside the intermediate TB area, provided that—

- (a) the move does not involve a stay of more than 24 hours or the housing of that animal at the showground, and
- (b) the animal either goes directly from the show to slaughter or is returned directly to its premises of origin after the show.]]

Textual Amendments

F13 Sch. 3 para. 6A inserted (1.2.2024) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), [Sch. para. 9\(b\)](#) (with art. 3)

^{F14}**Movement from the low-risk area in England to the low TB area**

7. The movement of a bovine animal from the low-risk area in England to the low TB area. The “low-risk area” means the area defined in article 2(1) of, and Schedule 1 to, the Tuberculosis in Animals (England) Order 2021.]

Textual Amendments

F14 Sch. 3 para. 7 substituted (1.2.2024) by [The Tuberculosis \(Wales\) \(Amendment\) Order 2023 \(S.I. 2023/1423\)](#), art. 1(2), [Sch. para. 9\(c\)](#) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Tuberculosis (Wales) Order 2010.