

# Statutory Instrument 1998 No. 3070

## The BSE Offspring Slaughter Regulations 1998

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### STATUTORY INSTRUMENTS

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**1998 No. 3070**

**ANIMALS**

**ANIMAL HEALTH**

**The BSE Offspring Slaughter Regulations 1998**

*Made*

*8th December 1998*

*Laid before Parliament*

*10th December 1998*

*Coming into force*

*4th January 1999*

## Arrangement of provisions

1. Title, commencement and extent
2. Interpretation
3. Requirements relating to offspring animals
4. Notice of intended slaughter
5. Compensation for slaughtered offspring animals
6. Powers of entry, examination, search and sampling etc.
7. Obstruction
8. Offences and penalties
9. Offences by bodies corporate
10. Enforcement

## Schedules

Schedule 1.	Forms
Schedule 2.	
Part I	Ascertainment of amount of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals by reference to the indicative market price for the month of slaughter
Part II	Example of amounts of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals ascertained by reference to the indicative market price for these animals for December 1998
Part III	Calculation of indicative market price

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by that section, hereby make the following Regulations:-

### **Title, commencement and extent**

**1. - (1) These Regulations may be cited as the BSE Offspring Slaughter Regulations 1998 and shall come into force on 4th January 1999.**

**(2) These Regulations extend to Great Britain.**

### **Interpretation**

**2. - (1) In these Regulations, unless the context otherwise requires-**

**"the appropriate Minister" means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;**

**"BSE" means the disease bovine spongiform encephalopathy;**

**"barrener cattle" means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;**

**"beef breeding offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;**

**"beef offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;**

**"beef special premium" is the premium payable under article 4(b) of Council Regulation (EEC) 805/68 as amended[];**

**"bovine animal" includes buffalo of the species *Bubalus bubalis* and *Bison bison*;**

**"cattle passport" has the same meaning as in the Cattle Identification Regulations 1998[4];**

**"the Council Decision" means Council Decision 98/256/EC[5] concerning emergency measures to protect against bovine spongiform encephalopathy;**

**"dairy offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;**

**"indicative market price" means a price calculated in accordance with Part III of Schedule 2 to these Regulations;**

**"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the appropriate Minister or a local authority, and includes a veterinary inspector;**

**"local authority" means-**

**(a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994[6], a unitary authority for that local government area, that authority;**

**(b) in any part of England where there is not a unitary authority-**

**(i) in a metropolitan district, the council of that district;**

**(ii) in a non-metropolitan county, the council of that county;**

**(iii) in each London borough, the council of that borough; or**

**(iv) in the City of London, the Common Council;**

**(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994[7]; and**

**(d) in Wales, a county or county borough;**

**"market value" means-**

**(a) in the case of an offspring animal aged 30 months or over, either-**

**(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or**

**(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS, whichever is the higher; and**

**(b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal;**

**"the Minister" means the Minister of Agriculture, Fisheries and Food;**

**"offspring animal" means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which-**

**(a) was affected or suspected of being affected with BSE when it gave birth to the animal; or**

**(b) has subsequently become affected or suspected of being affected with BSE;**

**"OTMS" means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96[8] adopting exceptional support measures for the beef market in the United Kingdom, as amended;**

**"pedigree offspring animal" means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive 77/504/EEC[9];**

**"productive offspring animal" means-**

**(a) a female offspring animal in milk or in calf;**

**(b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes;**

**"premises" means any place (including any structure or vehicle) in which bovine animals may be grazed, handled, held or kept and includes any such place occupied as a private dwelling; and**

**"veterinary inspector" means a veterinary inspector appointed for the purposes of these Regulations by the appropriate Minister.**

**(2) For the purpose of calculating the compensation payable for an offspring animal slaughtered under these Regulations the age of the animal at slaughter shall be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.**

**(3) Any reference in these Regulations-**

**(a) to a numbered regulation is a reference to the regulation bearing that number in these Regulations;**

**(b) to a numbered schedule is a reference to the schedule to these Regulations bearing that number; and**

**(c) to a lettered and numbered form is a reference to the form bearing that letter and number in Schedule 1 to these Regulations.**

**Requirements relating to offspring animals**

**3. - (1) If an inspector is of the opinion that there is an offspring animal on any premises, he may serve a notice in Form OC 1 on the person appearing to him to be the owner or person in charge of that animal.**

**(2) On the service of a notice in Form OC 1-**

**(a) the requirements contained in that notice shall have effect; and**

**(b) the owner or person in charge of the animal who has been served with the notice shall surrender the cattle passport for the animal to an officer of the appropriate Minister.**

**(3) The occupier of any premises and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall-**

**(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary to assist the inspector to form his opinion and carry out any inspection, examination, test, sampling or marking under this regulation; and**

**(b) if so required by an inspector, or by an officer of the appropriate Minister, give such information as he possesses as to-**

- (i) any animal or carcase which is or has been on the premises;**
- (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and**
- (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.**

**(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the appropriate Minister which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.**

**(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to him to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.**

#### **Notice of intended slaughter**

**4. - (1) The appropriate Minister may, if he thinks fit, cause to be slaughtered any offspring animal.**

**(2) Subject to paragraph (5) below, where the appropriate Minister proposes to cause an offspring animal to be slaughtered under this regulation a veterinary inspector shall serve a notice of intended slaughter in Form OC 2 on the person appearing to him to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.**

**(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.**

**(4) No person except an inspector shall remove or otherwise interfere with an implant inserted or administered under paragraph (3) above.**

**(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the appropriate Minister may cause the animal to be slaughtered under this regulation without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.**

**(6) Where an offspring animal is slaughtered in accordance with paragraph (5) above an inspector or officer of the appropriate Minister shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.**

**(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the appropriate Minister which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.**

**(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form OC 2 relates.**

#### **Compensation for slaughtered offspring animals**

**5. - (1) Subject to the provisions of this regulation, where the appropriate Minister causes an offspring animal to be slaughtered under regulation 4 the Minister shall pay compensation in accordance with the provisions of this regulation.**

**(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.**

**(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in Part I of Schedule 2 for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.**

**(4) The table in Part II of Schedule 2 sets out an example of the amounts of compensation payable for dairy offspring animals, beef breeding offspring animals and beef offspring animals ascertained by reference to the percentage of the indicative market price for these animals for December 1998.**

**(5) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined-**

**(a) by agreement between the appropriate Minister and the owner of the animal; or**

**(b) by one valuer appointed jointly by the appropriate Minister and the owner.**

**(6) If the market value of a pedigree offspring animal or a productive offspring animal cannot be agreed under paragraph (5)(a) above, or if there is no valuer appointed jointly under paragraph (5)(b) above, the market value of the animal shall be determined by a valuer nominated by the President of the Royal Institution of Chartered Surveyors or, in the case of a pedigree offspring animal or a productive offspring animal in Scotland, by the President of the Institute of Auctioneers and Appraisers in Scotland.**

**(7) A valuer appointed or nominated for the purpose of this regulation shall be paid by the Minister and shall give to the Minister and the owner a certificate in writing of the value he has determined.**

**(8) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as-**

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;**
- (b) not fit for human consumption by virtue of its condition; and**
- (c) having no market value as a consequence,**

**there shall be no compensation payable for the animal under this regulation.**

**(9) Where an offspring animal is slaughtered as an offspring animal and was certified in Form OC 4 before slaughter by a veterinary surgeon as-**

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;  
and**
- (b) not unfit for human consumption by virtue of its condition,**

**compensation shall be payable for the animal in accordance with the compensation payable under paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).**

**(10) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981[10] in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978[11] or the Brucellosis and Tuberculosis (Scotland) Compensation Order 1978[12], and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Order concerned.**

**(11) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall**



be ascertained in accordance with the Bovine Spongiform Encephalopathy Compensation Order 1996[13].

(12) The appropriate Minister shall take such steps as he considers appropriate for the purpose of bringing to the notice of such organisations as appear to him to be representative of owners of bovine animals-

(a) the indicative market price in respect of each month; and

(b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.

**Powers of entry, examination, search and sampling etc.**

6. - (1) An inspector shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises including any part of any premises occupied as a private dwelling-

(a) for the purpose of ascertaining whether any bovine animal is being or has been kept on the premises;

(b) for any purpose connected with the service of a notice under these Regulations;  
or

(c) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations.

(2) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (1) above and that either-

(a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise an inspector to enter the premises, if need be by reasonable force.

**(3) In the application of this regulation to Scotland any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.**

**(4) An inspector may-**

**(a) inspect and examine any bovine animal or any carcase of a bovine animal on the premises;**

**(b) make such tests in relation to, and take such samples from, any bovine animal or any carcase of a bovine animal on the premises as he considers necessary for the purposes of these Regulations;**

**(c) mark for identification purposes any bovine animal or carcase of any bovine animal on the premises;**

**(d) examine any record in whatever form on the premises, and take copies of those records;**

**(e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any records, and may require any person having charge of, or who is otherwise concerned with the operation of the computer, apparatus or material to afford him such assistance as he may reasonably require;**

**(f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;**

**(g) take with him such other person as he considers necessary for any purpose in relation to the enforcement of these Regulations; and**

**(h) take with him a representative of the European Commission acting for any purposes in relation to the Council Decision.**

#### **Obstruction**

**7. - (1) No person shall-**

**(a) intentionally obstruct any person acting in the execution of these Regulations;**

**(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or**

**(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.**

**(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.**

**Offences and penalties**

**8. - (1) Any person who, without lawful authority or excuse, proof of which shall lie on him-**

**(a) fails to comply with any notice served under regulation 3(1), or any requirement of such a notice, or any notice served under regulation 4(2), or knowingly causes or permits any such non-compliance;**

**(b) contravenes or fails to comply with regulation 3(3) or 7(1) or knowingly causes or permits any such contravention or non-compliance; or**

**(c) defaces, obliterates or removes any mark applied to any bovine animal or carcase under regulation 6(4)(c),**

**shall be guilty of an offence.**

**(2) A person guilty of an offence under these Regulations shall be liable-**

**(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;**

**(b) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.**

**Offences by bodies corporate**

**9. - (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of-**

**(a) any director, manager, secretary or other similar person of the body corporate, or**

**(b) any person who was purporting to act in any such capacity,**

he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

#### **Enforcement**

10. The provisions of these Regulations shall be executed and enforced by the local authority or-

(a) in England, by the Minister;

(b) in Wales, by the Secretary of State for Wales; and

(c) in Scotland, by the Secretary of State for Scotland.

*Jeff Rooker*

Minister of State, Ministry of Agriculture, Fisheries and Food

7th December 1998

*Sewel*

Parliamentary Under Secretary of State, Scottish Office

8th December 1998

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#### *Notes:*

[1] S.I. 1972/1811.back

[2] 1972 c. 68.back

[3] OJ No. L 148, 28.6.68, p. 24 (OJ/SE Vol. I, p. 187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, OJ No. L 296, 21.11.96, p. 50.back

[4] S.I. 1998/871 as amended by S.I. 1998/1796.back

[5] OJ No. L 113, 15.4.98, p. 32 as amended by Commission Decision 98/564/EC (OJ No. L 273, 9.10.98, p. 37) and Commission Decision 98/692/EC of 25.11.98 (OJ No. L 328, 4.12.98, p. 28).back

[6] S.I. 1994/867 to which there are amendments not relevant to these Regulations.back

[7] 1994 c. 39.back

[8] OJ No. L 99, 20.4.96, p. 14, as amended by Commission Regulations (EC) Nos. 774/96 (OJ No. L 104, 27.4.96, p. 21), 835/96 (OJ No. L 112, 7.5.96, p. 17), 1512/96 (OJ No. L 189, 30.7.96, p. 93), 1846/96 (OJ No. L 245, 26.9.96, p. 9), 1974/96 (OJ No. L 262, 16.10.96, p. 2), 2149/96 (OJ No. L 288, 9.11.96, p. 14), 2423/96 (OJ No. L 329, 19.12.96, p. 43) and 1365/97 (OJ No. L 188, 17.7.97, p. 6).back

[9] OJ No. L 206, 12.8.77, p. 8 to which there are amendments not relevant to these Regulations.back

[10] 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).back

[11] S.I. 1978/1483, amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073.back

[12] S.I. 1978/1485, as amended by S.I. 1981/1448, S.I. 1996/1358 and S.I. 1998/2181.back

[13] S.I. 1996/3184, amended by S.I. 1997/2365.back

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### The BSE Offspring Slaughter Regulations 1998

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## STATUTORY INSTRUMENTS

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**1998 No. 3070**

### **ANIMALS**

#### **ANIMAL HEALTH**

### **The BSE Offspring Slaughter Regulations 1998**

<i>Made</i>	<i>8th December 1998</i>
<i>Laid before Parliament</i>	<i>10th December 1998</i>
<i>Coming into force</i>	<i>4th January 1999</i>

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#### **Schedules**

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Part I	Ascertainment of amount of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals by reference to the indicative market price for the month of slaughter
Part II	Example of amounts of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals ascertained by reference to the indicative market price for these animals for December 1998
Part III	Calculation of indicative market price

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by that section, hereby make the following Regulations:-

#### **Title, commencement and extent**

**1. - (1) These Regulations may be cited as the BSE Offspring Slaughter Regulations 1998 and shall come into force on 4th January 1999.**

**(2) These Regulations extend to Great Britain.**

#### **Interpretation**

**2. - (1) In these Regulations, unless the context otherwise requires-**

**"the appropriate Minister" means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;**

**"BSE" means the disease bovine spongiform encephalopathy;**

**"barrener cattle" means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;**

**"beef breeding offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;**

**"beef offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;**

**"beef special premium" is the premium payable under article 4(b) of Council Regulation (EEC) 805/68 as amended[];**

**"bovine animal" includes buffalo of the species *Bubalus bubalis* and *Bison bison*;**

**"cattle passport" has the same meaning as in the Cattle Identification Regulations 1998[4];**

**"the Council Decision" means Council Decision 98/256/EC[5] concerning emergency measures to protect against bovine spongiform encephalopathy;**

**"dairy offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;**

**"indicative market price" means a price calculated in accordance with Part III of Schedule 2 to these Regulations;**

**"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the appropriate Minister or a local authority, and includes a veterinary inspector;**

**"local authority" means-**

**(a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994[6], a unitary authority for that local government area, that authority;**

**(b) in any part of England where there is not a unitary authority-**

**(i) in a metropolitan district, the council of that district;**

**(ii) in a non-metropolitan county, the council of that county;**

**(iii) in each London borough, the council of that borough; or**

**(iv) in the City of London, the Common Council;**

**(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994[7]; and**

**(d) in Wales, a county or county borough;**

**"market value" means-**

**(a) in the case of an offspring animal aged 30 months or over, either-**

**(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or**

**(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS, whichever is the higher; and**

**(b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in**



the open market if the animal were not an offspring animal;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"offspring animal" means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which-

(a) was affected or suspected of being affected with BSE when it gave birth to the animal; or

(b) has subsequently become affected or suspected of being affected with BSE;

"OTMS" means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96[8] adopting exceptional support measures for the beef market in the United Kingdom, as amended;

"pedigree offspring animal" means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive 77/504/EEC[9];

"productive offspring animal" means-

(a) a female offspring animal in milk or in calf;

(b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes;

"premises" means any place (including any structure or vehicle) in which bovine animals may be grazed, handled, held or kept and includes any such place occupied as a private dwelling; and

"veterinary inspector" means a veterinary inspector appointed for the purposes of these Regulations by the appropriate Minister.

(2) For the purpose of calculating the compensation payable for an offspring animal slaughtered under these Regulations the age of the animal at slaughter shall be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.

(3) Any reference in these Regulations-

(a) to a numbered regulation is a reference to the regulation bearing that number in these Regulations;

(b) to a numbered schedule is a reference to the schedule to these Regulations bearing that number; and

**(c) to a lettered and numbered form is a reference to the form bearing that letter and number in Schedule 1 to these Regulations.**

**Requirements relating to offspring animals**

**3. - (1) If an inspector is of the opinion that there is an offspring animal on any premises, he may serve a notice in Form OC 1 on the person appearing to him to be the owner or person in charge of that animal.**

**(2) On the service of a notice in Form OC 1-**

**(a) the requirements contained in that notice shall have effect; and**

**(b) the owner or person in charge of the animal who has been served with the notice shall surrender the cattle passport for the animal to an officer of the appropriate Minister.**

**(3) The occupier of any premises and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall-**

**(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary to assist the inspector to form his opinion and carry out any inspection, examination, test, sampling or marking under this regulation; and**

**(b) if so required by an inspector, or by an officer of the appropriate Minister, give such information as he possesses as to-**

**(i) any animal or carcase which is or has been on the premises;**

**(ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and**

**(iii) the location and movement of any animal or carcase which is or has been in his possession or charge.**

**(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the appropriate Minister which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.**

**(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to him to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.**

#### **Notice of intended slaughter**

**4. - (1) The appropriate Minister may, if he thinks fit, cause to be slaughtered any offspring animal.**

**(2) Subject to paragraph (5) below, where the appropriate Minister proposes to cause an offspring animal to be slaughtered under this regulation a veterinary inspector shall serve a notice of intended slaughter in Form OC 2 on the person appearing to him to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.**

**(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.**

**(4) No person except an inspector shall remove or otherwise interfere with an implant inserted or administered under paragraph (3) above.**

**(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the appropriate Minister may cause the animal to be slaughtered under this regulation without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.**

**(6) Where an offspring animal is slaughtered in accordance with paragraph (5) above an inspector or officer of the appropriate Minister shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.**

**(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the appropriate Minister which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.**

**(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form OC 2 relates.**

#### **Compensation for slaughtered offspring animals**

**5. - (1) Subject to the provisions of this regulation, where the appropriate Minister causes an offspring animal to be slaughtered under regulation 4 the Minister shall pay compensation in accordance with the provisions of this regulation.**

**(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.**

**(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in Part I of Schedule 2 for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.**

**(4) The table in Part II of Schedule 2 sets out an example of the amounts of compensation payable for dairy offspring animals, beef breeding offspring animals and beef offspring animals ascertained by reference to the percentage of the indicative market price for these animals for December 1998.**

**(5) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined-**

**(a) by agreement between the appropriate Minister and the owner of the animal; or**

**(b) by one valuer appointed jointly by the appropriate Minister and the owner.**

**(6) If the market value of a pedigree offspring animal or a productive offspring animal cannot be agreed under paragraph (5)(a) above, or if there is no valuer appointed jointly under paragraph (5)(b) above, the market value of the animal shall be determined by a valuer nominated by the President of the Royal Institution of Chartered Surveyors or, in the case of a pedigree offspring animal or a productive offspring animal in Scotland, by the President of the Institute of Auctioneers and Appraisers in Scotland.**

**(7) A valuer appointed or nominated for the purpose of this regulation shall be paid by the Minister and shall give to the Minister and the owner a certificate in writing of the value he has determined.**

**(8) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as-**

**(a) requiring slaughter for emergency reasons relating to the welfare of the animal;**

**(b) not fit for human consumption by virtue of its condition; and**

**(c) having no market value as a consequence,**

**there shall be no compensation payable for the animal under this regulation.**

**(9) Where an offspring animal is slaughtered as an offspring animal and was certified in Form OC 4 before slaughter by a veterinary surgeon as-**

**(a) requiring slaughter for emergency reasons relating to the welfare of the animal;  
and**

**(b) not unfit for human consumption by virtue of its condition,**

**compensation shall be payable for the animal in accordance with the compensation payable under paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).**

**(10) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981[10] in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978[11] or the Brucellosis and Tuberculosis (Scotland) Compensation Order 1978[12], and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Order concerned.**

**(11) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Bovine Spongiform Encephalopathy Compensation Order 1996[13].**

**(12) The appropriate Minister shall take such steps as he considers appropriate for the purpose of bringing to the notice of such organisations as appear to him to be representative of owners of bovine animals-**

**(a) the indicative market price in respect of each month; and**

**(b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.**

**Powers of entry, examination, search and sampling etc.**

**6. - (1) An inspector shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises including any part of any premises occupied as a private dwelling-**

**(a) for the purpose of ascertaining whether any bovine animal is being or has been kept on the premises;**

**(b) for any purpose connected with the service of a notice under these Regulations; or**

**(c) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations.**

**(2) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (1) above and that either-**

**(a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or**

**(b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,**

**the justice may by warrant signed by him authorise an inspector to enter the premises, if need be by reasonable force.**

**(3) In the application of this regulation to Scotland any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.**

**(4) An inspector may-**

**(a) inspect and examine any bovine animal or any carcase of a bovine animal on the premises;**

**(b) make such tests in relation to, and take such samples from, any bovine animal or any carcase of a bovine animal on the premises as he considers necessary for the purposes of these Regulations;**

**(c) mark for identification purposes any bovine animal or carcase of any bovine animal on the premises;**

**(d) examine any record in whatever form on the premises, and take copies of those records;**

**(e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any records, and may require any person having charge of, or who is otherwise concerned with the operation of the computer, apparatus or material to afford him such assistance as he may reasonably require;**

**(f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;**

**(g) take with him such other person as he considers necessary for any purpose in relation to the enforcement of these Regulations; and**

**(h) take with him a representative of the European Commission acting for any purposes in relation to the Council Decision.**

#### **Obstruction**

**7. - (1) No person shall-**

**(a) intentionally obstruct any person acting in the execution of these Regulations;**

**(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or**

**(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.**

**(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.**

#### **Offences and penalties**

**8. - (1) Any person who, without lawful authority or excuse, proof of which shall lie on him-**

**(a) fails to comply with any notice served under regulation 3(1), or any requirement of such a notice, or any notice served under regulation 4(2), or knowingly causes or permits any such non-compliance;**

**(b) contravenes or fails to comply with regulation 3(3) or 7(1) or knowingly causes or permits any such contravention or non-compliance; or**

**(c) defaces, obliterates or removes any mark applied to any bovine animal or carcase under regulation 6(4)(c),**

**shall be guilty of an offence.**

**(2) A person guilty of an offence under these Regulations shall be liable-**

**(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;**

**(b) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.**

#### **Offences by bodies corporate**

**9. - (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of-**

**(a) any director, manager, secretary or other similar person of the body corporate, or**

**(b) any person who was purporting to act in any such capacity,**

**he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.**

**(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.**

**(3) Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.**

#### **Enforcement**

**10. The provisions of these Regulations shall be executed and enforced by the local authority or-**



- (a) in England, by the Minister;
- (b) in Wales, by the Secretary of State for Wales; and
- (c) in Scotland, by the Secretary of State for Scotland.

*Jeff Rooker*

Minister of State, Ministry of Agriculture, Fisheries and Food

7th December 1998

*Sewel*

Parliamentary Under Secretary of State, Scottish Office

8th December 1998

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*Notes:*

[1] S.I. 1972/1811.back

[2] 1972 c. 68.back

[3] OJ No. L 148, 28.6.68, p. 24 (OJ/SE Vol. I, p. 187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, OJ No. L 296, 21.11.96, p. 50.back

[4] S.I. 1998/871 as amended by S.I. 1998/1796.back

[5] OJ No. L 113, 15.4.98, p. 32 as amended by Commission Decision 98/564/EC (OJ No. L 273, 9.10.98, p. 37) and Commission Decision 98/692/EC of 25.11.98 (OJ No. L 328, 4.12.98, p. 28).back

[6] S.I. 1994/867 to which there are amendments not relevant to these Regulations.back

[7] 1994 c. 39.back

[8] OJ No. L 99, 20.4.96, p. 14, as amended by Commission Regulations (EC) Nos. 774/96 (OJ No. L 104, 27.4.96, p. 21), 835/96 (OJ No. L 112, 7.5.96, p. 17), 1512/96 (OJ No. L 189, 30.7.96, p. 93), 1846/96 (OJ No. L 245, 26.9.96, p. 9), 1974/96 (OJ No. L 262, 16.10.96, p. 2), 2149/96 (OJ No. L 288, 9.11.96, p. 14), 2423/96 (OJ No. L 329, 19.12.96, p. 43) and 1365/97 (OJ No. L 188, 17.7.97, p. 6).back

**[9] OJ No. L 206, 12.8.77, p. 8 to which there are amendments not relevant to these Regulations.back**

**[10] 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).back**

**[11] S.I. 1978/1483, amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073.back**

**[12] S.I. 1978/1485, as amended by S.I. 1981/1448, S.I. 1996/1358 and S.I. 1998/2181.back**

**[13] S.I. 1996/3184, amended by S.I. 1997/2365.back**