

**NATIONAL ASSEMBLY FOR WALES**

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**STATUTORY INSTRUMENTS**

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**2006 No. (W. )**

**ANIMAL HEALTH, WALES**

**The Bovine Spongiform  
Encephalopathy (BSE)  
Compensation (Wales) Regulations  
2006**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, provide for rates of compensation to be paid when the National Assembly causes a bovine animal to be slaughtered under Schedule 3 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006.

Under these regulations, the amount of compensation payable on the slaughter of a bovine animal is the average price paid in Great Britain for that age and category of animal in the previous six months in the case of a pedigree animal, and for any other bovine animal in the previous month.

The compensation for Buffalo and Bison is the market price.

A regulatory appraisal has been prepared and placed in the library of the National Assembly. Copies can be obtained from the Department for Environment Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

**2006 No. (W.)**

**ANIMAL HEALTH, WALES**

**The Bovine Spongiform  
Encephalopathy (BSE)  
Compensation (Wales) Regulations  
2006**

*Made* 2006

*Coming into force* 14 June 2006

The National Assembly makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The National Assembly has been designated<sup>(2)</sup> for the purposes of that section in relation to measures in the veterinary field for the protection of public health.

**Title, application and commencement**

1. The title of these Regulations is the Bovine Spongiform Encephalopathy (BSE) Compensation (Wales)

Regulations 2006, they apply in relation to Wales and come into force on 14 June 2006. These Regulations do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under the TSE (Wales) Regulations 2006.

**Interpretation**

2.—(1) In these Regulations—

“bovine animal” (“*anifail buchol*”) includes bison and buffalo (including water buffalo);

“BSE” (“*BSE*”) means bovine spongiform encephalopathy;

“cattle passport” (“*pasbort gwartheg*”) has the same meaning as in the Cattle Identification Regulations 1998<sup>(3)</sup>;

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<sup>(1)</sup> 1972 c.68.

<sup>(2)</sup> S.I. 2003/1246.

<sup>(3)</sup> S.I. 1998/871, as amended by S.I. 1998/2969 and S.I. 1999/1339.

“National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“TSE” (“*TSE*”) means transmissible spongiform encephalopathy.

### **Compensation for bovine animals slaughtered for TSE**

3. The National Assembly must pay compensation—
- (a) when an animal is killed under Schedule 3 of the TSE (Wales) Regulations 2006;
  - (b) where an animal is to be killed under Schedule 3 of the TSE (Wales) Regulations 2006, and has been valued for the purposes of compensation, but dies (or is killed for other reasons) after valuation; or
  - (c) where an animal is subject to a movement restriction under Schedule 3 of the TSE (Wales) Regulations 2006 and has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(1)</sup> in which case compensation is the value of the body (including the blood and hide).

### **Amount of compensation payable**

4.—(1) The compensation payable is the average price paid in Great Britain for that age and category of animal—

- (a) for a pedigree animal, in the previous six months; and
- (b) for any other bovine animal in the previous month.

(2) A pedigree animal is one for which a pedigree certificate has been issued by a breeders’ organisation or association that fulfils the conditions of Council Decision 84/247/EC laying down the criteria for the recognition of breeders’ organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species<sup>(2)</sup>.

(3) The National Assembly must categorise animals as follows, and for the purposes of determining which category the animal falls into, the age of the animal is the age, as shown by its cattle passport, at the date on which the notice of intention to kill was served.

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<sup>(1)</sup> O.J. No. L226, 25.6.2004, p.22.

<sup>(2)</sup> OJ No L125, 12.05.1984, p.58.

## Categories

<i>Male</i>	<i>Female</i>
<b>Beef Sector – non-pedigree animal</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months—	Over 20 months—
Breeding bulls	Calved
Other	Not calved
<b>Dairy Sector – non-pedigree animal</b>	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months—
	Calved
	Not calved
<b>Beef Sector – pedigree animal</b>	
6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months (not calved)
	Calved under 36 months
	Calved 36 months and over
<b>Dairy Sector – pedigree animal</b>	
Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months (not calved)
	Calved under 36 months
	Calved 36 months and over

### **Exceptions to amount of compensation payable**

**3.**—(1) Where the National Assembly considers that the data to calculate the average price is inadequate, it may pay compensation at —

- (a) for animals in that category, the most recent previously calculated average price for which there was sufficient data to calculate the average price; or
- (b) for the individual animal, the market price.

(2) For buffalo or bison, compensation is the market price.

(3) The market price is the price that might reasonably have been obtained for the individual animal from a purchaser in the open market at the time of valuation if the animal was not required to be killed under Schedule 3 of the TSE (Wales) 2006 Regulations, calculated by agreement failing which the provisions of regulation 4 below apply, with the fees for nominating the valuer and the valuers' fee payable by the National Assembly.

### **Valuation**

**4.**—(1) This regulation only applies when a valuation is necessary under these Regulations.

(2) The President of the Royal Institution of Chartered Surveyors must appoint a valuer, and both the owner and the National Assembly must accept the nomination.

(3) The valuer must carry out the valuation and submit it and any other relevant information and documentation to the National Assembly, and a copy to the owner.

(4) Both the owner and a representative of the National Assembly have the right to be present at a valuation.

(5) The valuation is binding on both the owner and the National Assembly.

### **Revocations**

**5.** Regulations 8, 9, 84, 93, Part III of Schedule 1, regulation 17 of Part IV of Schedule 6A and regulations 4 and 8 of Schedule 7 of the TSE (Wales) Regulations 2006 are revoked<sup>(1)</sup>.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(2)</sup>.

Date

The Presiding Officer of the National Assembly

