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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 322**

**Bovine Spongiform Encephalopathy  
Order (Northern Ireland) 1999**

**PART III**

**Controls on Protein Etc.**

**Milk from affected or suspected animals**

- 10.**—(1) Subject to paragraph (3) a person shall not knowingly—
- (a) sell or supply for feeding to animals or poultry; or
  - (b) use in the manufacture of any product for sale or supply for feeding to animals or poultry,
- any milk which he knows or has reason to suspect has been produced by an affected or a suspected animal.
- (2) Subject to paragraph (3), a person shall not feed to any animal or poultry any milk which he knows or has reason to suspect has been produced by an affected or suspected animal.
- (3) The prohibitions in paragraphs (1) and (2) shall not apply—
- (a) to the feeding to its own calf of any milk produced by a cow; or
  - (b) to the feeding to any animal or poultry of any milk for research purposes in a research establishment, or to the sale or supply to any person of milk for such purposes under and in accordance with the conditions of a licence granted by the Department.
- (4) A person shall not remove any milk, which he knows or has reason to suspect has come from an affected or suspected animal, from the premises on which that animal was milked except under the authority of and in accordance with the conditions of a licence granted by the Department.

**Prohibition on sale, supply and use of certain feedingstuffs for feeding to animals and poultry**

- 11.**—(1) Subject to paragraph (5) a person shall not—
- (a) sell or supply for feeding to ruminant animals any protein or any feedingstuffs in which he knows or has reason to suspect any protein has been incorporated;
  - (b) feed to a ruminant animal any protein or any feedingstuffs in which he knows or has reason to suspect that any protein has been incorporated;
  - (c) sell or supply for incorporation into any feedingstuff for livestock, fish or equine animals any mammalian meat and bone meal;
  - (d) sell or supply for feeding to livestock, fish or equine animals any feedingstuff in which he knows or has reason to suspect any mammalian meat and bone meal has been incorporated;
  - (e) feed to any livestock, fish or equine animals any feedingstuff in which any mammalian meat and bone meal has been incorporated;

- (f) use any mammalian meat and bone meal in the production of any feedingstuff for livestock, fish or equine animals;
- (2) A person shall not undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feedingstuff for livestock, fish or equine animals is produced and a person shall not offer any mammalian meat and bone meal or any MBM product for sale there, unless (in either case)—
- (a) the ingredients of the feedingstuff are stored, and the feedingstuff is produced, in a separate building from that in which any mammalian meat and bone meal or any MBM product is stored, used or sold;
  - (b) except as provided by sub-paragraph (d), the feedingstuff is stored in a separate building from that in which any mammalian meat and bone meal or any MBM product is stored, used or sold;
  - (c) any equipment or vehicle used in the production of the feedingstuff does not come into contact with any mammalian meat and bone meal, any MBM product or any ingredient or equipment used with mammalian meat and bone meal or any MBM product; and
  - (d) in any case where mammalian meat and bone meal or any MBM product is sold, any of the feedingstuff stored in the same building as that meal or product is stored there solely for the purpose of being sold in that building and either—
    - (i) the mammalian meat and bone meal or MBM product is stored in a place which is physically separated from any place where the feedingstuff is stored; or
    - (ii) both the feedingstuff on the one hand and the mammalian meat and bone meal or MBM product on the other are securely packaged with no spillage or leakage taking place.
- (3) Subject to paragraph (5), a person shall not have in his possession any mammalian meat and bone meal or any MBM product on any premises where—
- (a) any livestock, fish or equine animals are kept;
  - (b) any feedingstuff for livestock, fish or equine animals is produced other than in accordance with paragraph (2); or
  - (c) any feedingstuff for livestock, fish or equine animals is stored but not produced and no livestock are kept.
- (4) A person shall not transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feedingstuff for livestock, fish or equine animals is being transported.
- (5) Nothing in paragraphs (1) or (3) shall prevent—
- (a) the feeding to any poultry or animal of any feedingstuff for research purposes carried out in a research establishment under the authority of a licence issued by the Department and in accordance with any conditions subject to which the licence is issued; or
  - (b) the sale or supply of any feedingstuff to a research establishment for such purposes; or
  - (c) the possession of any mammalian meat and bone meal or MBM product at such an establishment for such purposes.
- (6) A person shall not be considered to have contravened any prohibitions in paragraphs (1) to (4) which relate to the sale, supply, possession, transport, feeding or use of mammalian meat and bone meal or anything containing it, where he is able to prove—
- (a) that he did not know or have reason to suspect that the material in question was mammalian meat and bone meal or contained mammalian meat and bone meal; and
  - (b) that he had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.

(7) A person shall not be considered to have contravened any prohibitions in paragraphs (1) to (4) which relate to the sale, supply, possession, transport, feeding or use of protein or any feedingstuff containing it, where he is able to prove—

- (a) that he did not know or have reason to suspect that the material in question was protein or any feedingstuff containing such protein; and
- (b) that he had taken all reasonable steps to ensure that it was not, and did not contain, protein.

(8) A person shall not be considered to have contravened the prohibitions in paragraph (3)(a) or (c) relating to the possession of mammalian meat and bone meal or any MBM product, where he is able to prove—

- (a) that the mammalian meat and bone meal or MBM product, as the case may be, was stored and used in a place which was physically separated from any place where feedingstuff for livestock, fish or equine animals was stored or to which such creatures had access;
- (b) in the case of the prohibition in paragraph (3)(a), that the mammalian meat and bone meal or MBM product was in his possession solely for feeding either to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;
- (c) in the case of the prohibition in paragraph (3)(c)—
  - (i) that both the mammalian meat and bone meal or the MBM product, as the case may be, on the one hand, and the feedingstuff for livestock, fish or equine animals on the other were offered for sale on those premises; or
  - (ii) that adequate precautions were taken to ensure that no equipment used with the mammalian meat and bone meal or the MBM product, as the case may be, was used with the feedingstuff for livestock, fish or equine animals.

(9) A person shall not be considered to have contravened the prohibitions in paragraph (3)(a) or (c) or (4) relating to the possession or transport of any mammalian meat and bone meal or MBM product if he is able to prove that at all material times, both the mammalian meat and bone meal or MBM product, as the case may be, on the one hand and the feedingstuff for livestock, fish or equine animals on the other were securely packaged and that no spillage or leakage took place.

(10) Where a person is found in possession of, or to have transported, any mammalian meat and bone meal or any MBM product in contravention of paragraph (3) or (4), as the case may be, the Department may, without prejudice to any proceedings for an offence arising out of such possession or transport, direct the person (whether or not he falls within paragraph (6)) to dispose of that material and any other material with which it has come into contact within such time and in accordance with such conditions as the Department may direct.

(11) Where a person is found, or is reasonably suspected, to have sold or supplied any MBM product in contravention of paragraph (1), the Department may direct that person (whether or not he falls within paragraph (6)) to collect at his own expense that product from the person to whom he supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold and to transport it to such place and within such time as the Department may direct.

(12) A person shall comply with any direction given to him under paragraph (10) or (11).

(13) Where any person to whom a direction is given under paragraph (10) or (11) fails to comply with the requirements thereof, the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

### **Records relating to mammalian meat and bone meal**

**12.—**(1) Any person who consigns mammalian meat and bone meal shall keep for two years from the date of consignment (or, in the case of material originating outside Northern Ireland, for two years from the date on which it was introduced into Northern Ireland) a record indicating—

- (a) the date of consignment;
  - (b) the weight consigned;
  - (c) the destination of the consignment;
  - (d) the name and address of the consignee;
  - (e) the registration number of the vehicle in which the consignment is transported; and
  - (f) the name and address of the operator of that vehicle.
- (2) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of receipt of the consignment a record indicating—
- (a) the date on which it was received;
  - (b) its weight on receipt;
  - (c) the place from which it was consigned;
  - (d) the name and address of the person by whom it was consigned;
  - (e) the registration number of the vehicle in which it was consigned; and
  - (f) the name and address of the operator of that vehicle.
- (3) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of any use, disposal or further consignment a record indicating—
- (a) in the case of any use, details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;
  - (b) in the case of disposal, the weight so disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and
  - (c) in the case of further consignment, the information required by paragraph (1).
- (4) Any person who controls a vehicle in which mammalian meat and bone meal is transported shall keep, for two years from the date on which transport of a particular consignment of such material commenced (or, in the case of material originating outside Northern Ireland, from the date on which that material entered Northern Ireland), a record of—
- (a) the person and place from which that consignment was transported;
  - (b) the date on which it was collected from that person;
  - (c) its weight;
  - (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported;
  - (e) the person and place to which it was to be or was delivered; and
  - (f) the date or intended date of delivery to that person.
- (5) The driver of a vehicle in which a consignment of mammalian meat and bone meal is transported shall have a document recording the information required by paragraph (1) in his possession at all times when he is in charge of that vehicle.
- (6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraph (1)(e), (2)(e), (3)(c) and (4)(d) shall be a requirement to keep such details as are necessary to permit the identification of the vehicle in question.
- (7) A person shall not be required to keep any record relating to the consignment or transport of mammalian meat and bone meal in accordance with the provisions of paragraphs (1) to (6) where the consignment or transport follows the retail sale of the meal, and a person receiving a consignment for the purpose of selling it by retail shall not be required to keep any record other than required by paragraph (2) or (3), provided that in either case—
- (a) the meal is contained in sealed packages each weighing not more than 26 kilograms;

- (b) the packages containing the meal are presented as containing a fertiliser solely for a use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1996<sup>(1)</sup>; and
- (c) (in the case of a person receiving a consignment for the purposes of selling it by retail) the consignment consists of not more than 104 kilograms of meal.

### **Cleansing and disinfection**

**13.**—(1) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertiliser that is not for use on agricultural land within the meaning of the Fertilisers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1996.

(2) Any person who stores or transports mammalian meat and bone meal or an MBM product, or who makes any arrangement for such storage or transport, shall ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for such storage or transport as soon as possible after the storage or transport ceases and in any event before they are used for any other purpose.

(3) A person shall not be considered to have contravened the requirements of paragraph (2) if he is able to prove that at all material times the mammalian meat and bone meal or MBM product that was stored or transported, as the case may be, was securely packaged and that no leakage or spillage took place.

(4) A person shall not be considered to have contravened the requirements of paragraph (2) in connection with any arrangement made by him for the storage or transport of mammalian meat and bone meal or an MBM product, if he is able to prove that he took all reasonable steps to ensure that the premises, equipment or vehicle used for such storage or transport were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) The Department may serve on the owner or occupier of any premises on which there is or has within 56 days been—

- (a) any mammalian meat and bone meal; or
- (b) any MBM product,

a notice requiring him to cleanse and disinfect, at his own expense, and in such manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment, appliance, utensil or other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) Where any person on whom the notice served under paragraph (5) fails to comply with the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such cleansing and disinfection as is required in the notice.

### **Samples**

**14.** Where an inspector has reasonable grounds for suspecting that any person has contravened, is contravening or is likely to contravene any of the provisions of this Part, he may take from any carcase, feedingstuff, fertiliser, mammalian meat and bone meal, MBM product or protein such samples as he considers necessary to establish the correctness of that suspicion.

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(1) S.R. 1996 No. 165

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