

2001 No. 292

EUROPEAN COMMUNITIES

ANIMAL HEALTH

**Bovine Spongiform Encephalopathy Monitoring
Regulations (Northern Ireland) 2001**

Made 30th July 2001

Coming into operation 27th August 2001

The Department of Agriculture and Rural Development, being a Department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Bovine Spongiform Encephalopathy Monitoring Regulations (Northern Ireland) 2001 and shall come into operation on 27th August 2001.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

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

“the Department” means the Department of Agriculture and Rural Development;

“the Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department;

“inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Department, including a veterinary inspector;

“a notifiable bovine animal” means a bovine animal over 24 months of age which—

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)

(a) dies on any farm or in transport; or

(b) has been killed otherwise than for human consumption;

“premises” means any place (including any structure or vehicle) in which bovine animals may be bred, handled, held, kept, marketed or shown to the public, and includes any such place occupied as a private dwelling; and

“veterinary inspector” means any person appointed as a veterinary inspector by the Department.

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in Article 6 and Annex III, Chapter A, Section 1, paragraph 3 of Regulation (EC) No. 999/2001 of 22nd May 2001(a) laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended by Commission Regulation (EC) No. 1248/2001 of 22nd June 2001(b) have the same meaning in these Regulations as they have for the purposes of the Regulations in which they appear.

(3) Any person appointed by the Department to be an inspector for the purposes of the Diseases of Animals (Northern Ireland) Order 1981(c) shall be deemed to have been appointed by the Department to be an inspector for the purposes of these Regulations.

Requirements relating to bovine animals over 24 months of age

3.—(1) A person who has in his possession or under his charge a notifiable bovine animal which dies, or the carcase of a notifiable bovine animal, shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcase comes into his possession or charge, notify the fact to the Divisional Veterinary Officer.

(2) Any veterinary surgeon or other person who, in the course of his duties—

(a) examines or inspects any notifiable bovine animal which dies during the course of those duties; or

(b) examines or inspects the carcase of any notifiable bovine animal,

shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify the fact to the Divisional Veterinary Officer.

(3) A person who has in his possession or under his charge on any premises a notifiable bovine animal which dies, or the carcase of a notifiable bovine animal, shall detain it on the premises until it has been collected by or on behalf of the Department.

(a) O.J. No. L147, 31.5.2001, p. 5 and 16

(b) O.J. No. L173, 27.6.2001, p. 12

(c) S.I. 1981/1115 (N.I. 22)

Powers of entry, examination, search and sampling etc.

4.—(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 notifiable bovine animal is being or has been kept on the premises;
- (b) 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) 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 of the peace may by warrant signed by him authorise an inspector to enter the premises, if need be by reasonable force.

(3) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(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, may 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 Article 6 and Annex III, Chapter A, Section 1, paragraph 3 of Regulation (EC) No. 999/2001 of 22nd May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended by Commission Regulation (EC) No. 1248/2001 of 22nd June 2001.

Obstruction

5.—(1) A person shall not—

- (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) 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

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

- (a) contravenes or fails to comply with regulation 3(1), 3(2), 3(3) or 6(1); or
- (b) knowingly causes or permits any such contravention or non-compliance,

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.

Amendment of the Cattle Passport Regulations (Northern Ireland) 1999

7.—(1) The Cattle Passport Regulations (Northern Ireland) 1999(a) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(2) after the definition of “member state” there shall be inserted the definition—

(a) S.R. 1999 No. 324

“ “notifiable bovine animal” means a bovine animal over 24 months of age which—

(a) dies on any farm or in transport; or

(b) has been killed otherwise than for human consumption;”.

(3) In regulation 10 at the beginning of paragraph (1) there shall be inserted the following words—

“Subject to paragraph (1A),”.

(4) In regulation 10, after paragraph (1) there shall be inserted the following paragraph—

“(1A) If a notifiable bovine animal with a cattle passport dies, the keeper will be treated as having complied with paragraph (1) if, on notifying the fact in accordance with regulation 3(1) of the Bovine Spongiform Encephalopathy Monitoring Regulations (Northern Ireland) 2001, the keeper surrenders the cattle passport to the Department. ”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th July 2001.

(L.S.)

R. S. Johnston

A senior Officer of the Department of
Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the purpose of dealing in Northern Ireland with the obligations in Article 6 and Annex III, Chapter A, Section 1, paragraph 3 of Regulation (EC) No. 999/2001 of 22nd May 2001 (O.J. No. L147, 31.5.2001, p. 5 & 16) laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended by Commission Regulation (EC) No. 1248/2001 of 22nd June 2001 (O.J. No. L173, 27.6.2001, p. 12).

These require member States to ensure that certain categories of bovine animals over 24 months of age are examined in accordance with prescribed minimum requirements for monitoring bovine spongiform encephalopathy.

The Regulations require the person in possession or in charge of a notifiable bovine animal, defined in regulation 2 as a bovine animal aged over 24 months of age which dies on any farm or in transport or which has been killed otherwise than for human consumption, to notify the death to a Divisional Veterinary Officer of the Department of Agriculture and Rural Development. The Regulations provide powers of entry, examination and search, offences and penalties.

Related amendments for the purpose of dealing with these Community obligations are made to regulations 2 and 10 of the Cattle Passport Regulations (Northern Ireland) 1999.

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