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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 225**

**Transmissible Spongiform Encephalopathy  
Regulations (Northern Ireland) 2002**

**PART I  
INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002 and shall come into operation on 18th July 2002.

**Application**

2.—(1) Subject to paragraph (2), these Regulations do not apply to the production or placing on the market of the products, medical devices, starting materials, intermediate products and live animals referred to in Article 1(2) of the Community TSE Regulation.

(2) In so far as is necessary to avoid the cross-contamination or substitution referred to in Article 2 of the Community TSE Regulation, these Regulations apply to the use of specified risk material in the production or placing on the market of any product, medical device, starting material or intermediate product referred to in Article 1(2) of the Community TSE Regulation.

(3) Part III of these Regulations applies in relation to mammalian protein, mammalian meat and bone meal and processed animal protein intended for the feeding of animals (excluding humans).

(4) Part III of these Regulations does not apply in relation to –  
(a) catering waste; or  
(b) eggs and egg products.

**Interpretation**

3.—(1) In these Regulations, unless the context otherwise requires –

“ABPO approved”, in relation to premises, means approved under Article 7 or registered under Article 15, of the Animal By-Products Order (Northern Ireland) 2002(1);

“Agency” means the Food Standards Agency;

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodlands, and horticulture (except the propagation of plants and the growing of plants within greenhouses and glass or plastic structures);

“animal by-product” has the same meaning as in the Animal By-Products Order (Northern Ireland) 2002;

“authorised officer” means a person, whether or not an officer of the Agency or of the Department, who is generally or specifically authorised by the Agency or the Department for the purposes of these Regulations;

“catering waste” has the same meaning as in the Animal By-Products Order (Northern Ireland) 2002;

“the Commission Decision” means Commission Decision [2001/9/EC\(2\)](#) concerning control measures required for the implementation of Council Decision [2000/766/EC](#) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“the Community TSE Regulation” means Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(3);

“the Community Transitional Measures” means –

- (a) Commission Regulation [\(EC\) No. 1248/2001](#) of 22 June 2001 amending Annexes III, X and XI to Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies(4);
- (b) Commission Regulation [\(EC\) No. 1326/2001](#) of 29 June 2001 laying down transitional measures to permit the changeover to Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation(5); and
- (c) Commission Regulation [\(EC\) No. 270/2002](#) of 14 February 2002 amending Regulation [\(EC\) No. 999/2001](#) of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies, and amending Regulation [\(EC\) No. 1326/2001](#) as regards animal feeding and placing on the market of ovine and caprine animals and products thereof(6);

“the Council Decision” means Council Decision [2000/766/EC\(7\)](#) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“cutting premises” means premises used for the purpose of cutting up fresh meat intended for sale for human consumption;

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

“the Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department appointed for the time being by the Department to receive information in relation to animals suspected of being affected by a TSE, or the carcasses of such animals, for the area in which such animals or carcasses are located;

“farmed animal” means any animal, including a fish, which is kept, fattened or bred for the production of food;

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(2) O.J. No. L2, 5.1.2001, p. 32  
(3) O.J. No. L147, 31.5.2001, p. 1  
(4) O.J. No. L173, 27.6.2001, p. 12  
(5) O.J. No. L177, 30.6.2001, p. 61  
(6) O.J. No. L45, 15.2.2002, p. 4  
(7) O.J. No. L306, 7.12.2000, p. 32

“feedingstuff” has the meaning given to it by section 66(1) of the Agriculture Act 1970<sup>(8)</sup>, save that it shall apply to products and substances for oral feeding to any animal except a human being, and section 66(2)(b) of that Act shall have effect for the purposes of these Regulations as it does for the purposes of that Act;

“fertiliser” has the meaning assigned to it by the Agriculture Act 1970;

“food” has the same meaning as in the Food Safety (Northern Ireland) Order 1991<sup>(9)</sup>;

“inspector” means –

- (a) a person appointed as such for the purposes of these Regulations by the Department, including a veterinary inspector;
- (b) a person appointed as such for the purposes of these Regulations by the Agency, including in relation to Part IV of these Regulations, a person –
  - (i) designated as an official veterinary surgeon in accordance with regulation 7(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997<sup>(10)</sup>;
  - (ii) appointed as a meat inspector in accordance with regulation 7(2) of those Regulations;

“listed premises” means those premises listed by the Department for the purposes of these Regulations and published in such a manner and to such an extent as it appears to the Department to be sufficient to bring the list to the attention of those persons likely to be affected by it;

“livestock” means –

- (a) any creature, including a fish, kept, fattened or bred for the production of food, wool, skin or fur;
- (b) any creature, other than a dog, kept for use in the farming of land; and
- (c) any equine animal;

“MBM product” means any product containing mammalian meat and bone meal;

“mammalian meat and bone meal” means –

- (a) any mammalian protein (including greaves) other than processed animal protein derived from the whole or part of any dead mammal by –
  - (i) the process of rendering; or
  - (ii) in the case of a product or material originating outside Northern Ireland, by an equivalent process; or
- (b) any material derived from mammalian protein;

and for this purpose “protein” means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;

“meat inspector” means a meat inspector appointed in accordance with regulation 7(2) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;

“a notifiable animal” means any TSE susceptible animal in relation to which the annual programme of monitoring referred to in Article 6 of the Community TSE Regulations applies;

“occupier”, in relation to any premises, means any person carrying on a business there;

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<sup>(8)</sup> 1970 c. 40

<sup>(9)</sup> S.I.1991/762 (N.I. 7)

<sup>(10)</sup> S.R. 1997 No. 493 as amended by S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2000 No. 287 and S.R. 2002 No. 217

“official veterinary surgeon” means an official veterinary surgeon designated as such in accordance with regulation 7(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;

“offspring animal” means a bovine animal born on or after 1st August 1996 to a female bovine animal which was affected or suspected of being affected with bovine spongiform encephalopathy when it gave birth to the animal or which has subsequently become affected or suspected of being affected with bovine spongiform encephalopathy;

“premises” means any place, including any land, building, structure (moveable or otherwise), tent or vehicle, –

- (a) in which TSE susceptible animals may be bred, grazed, handled, held, kept, marketed or shown to the public;
- (b) in which processed animal protein or mammalian meat and bone meal may be handled, kept or disposed of;
- (c) in which specified risk material may be removed from a carcase of an animal, handled, kept or disposed of; or
- (d) any place where blood, carcasses or parts of the carcasses derived from any creature except man may be kept,

and includes any such place occupied as a private dwelling;

“processed animal protein” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatin and any other similar products, including mixtures, feedingstuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;

“production” includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

“rendering” means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures specified in Schedule 2 to the Animal By-Products Order (Northern Ireland) 2002;

“ruminant animal” means a bovine animal, a sheep or a goat;

“scheme animal” means a bovine animal –

- (a) which has been slaughtered pursuant to the purchase scheme introduced under Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom; or
- (b) which the Department has caused to be slaughtered under the Diseases of Animals (Northern Ireland) Order 1981(11) for the prevention of bovine spongiform encephalopathy;

“sealed vehicle” means a vehicle sealed in accordance with regulation 41(3);

“slaughterhouse” means any premises used for slaughtering animals the flesh of which is intended for sale for human consumption;

“specified risk material” includes –

- (a) any part of –

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(11) S.I. 1981/1115 (N.I. 22) as amended by S.R. 1998 Nos. 365 and 442. There are other amendments not relevant to these Regulations

- (i) a bovine animal, other than a carcase of a bovine animal containing vertebral column, which has been imported in accordance with the Specified Risk Material Order (Northern Ireland) 1997(12);
- (ii) a sheep or a goat,  
remaining attached to specified risk material after dissection of the carcase of the animal;
- (b) any animal material which comes into contact with specified risk material after it has been removed from the carcase; and
- (c) specified solid waste;

“specified solid waste” means any solid matter resulting from the slaughter or death of a bovine animal, sheep or goat, or from the subsequent processing of the carcase of such an animal, which is collected in any part of the drainage system draining any place where specified risk material is handled;

“stained blue” has the meaning given in regulation 39;

“stained yellow” has the meaning given in regulation 39;

“TSE” means transmissible spongiform encephalopathy;

“TSE susceptible animal” means any animal (whether it is a farmed animal or not) which is capable of being affected by a TSE;

“tallow” means fat derived from animal tissues by a process of rendering;

“UK specified risk material” means specified risk material derived from a ruminant animal which has died or was slaughtered in the United Kingdom;

“vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;

“veterinary inspector” means a person appointed by the Department of Agriculture and Rural Development as a veterinary inspector; and

“young lamb stamp” means the stamp described in regulation 38(2).

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in the Community TSE Regulation or in the Community Transitional Measures have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation or the Community Transitional Measures.

(3) Expressions in Part III of these Regulations which are not defined in paragraph (1) and which appear in the Council Decision or the Commission Decision have the same meaning in these Regulations as they have for the purposes of those Decisions.

(4) For the purposes of these Regulations and their application, material shall be treated as a feedingstuff whether it is used or intended to be used as a feedingstuff by itself or as an ingredient in something which is so used or intended for such use.

(5) Any notice served under these Regulations may be made subject to conditions and may be amended, suspended or revoked by a further notice at any time.

(6) The Interpretation Act (Northern Ireland) 1954(13) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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(12) S.R. 1997 No. 551 as amended by S.R. 2001 No. 1 and S.R. 2001 No. 377

(13) 1954 c. 33 (N.I.)

## PART II

### TSE MONITORING

#### **TSE monitoring**

4.—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) to –

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether –
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of any TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
- (f) mark or tag for identification purposes any TSE susceptible animal, or the carcase of such an animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of such an animal;
- (i) seize any TSE susceptible animal or the carcase of such an animal;
- (j) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (k) slaughter any TSE susceptible animal;
- (l) examine any record, in whatever form the record may be held, and take copies of the record;
- (m) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of, or who is otherwise concerned with the operation of, the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or
- (n) ascertain whether there is or has been any contravention of, or failure to comply with, this Part or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied to a TSE susceptible animal or the carcase of such an animal under paragraph (2)(f) and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a private dwelling) for any purpose specified in paragraph (2) and that either –

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

he may issue a warrant authorising an inspector to enter the premises for that purpose if necessary using reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises 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 reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation; and
- (b) if required by an inspector, 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.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him –

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Movement prohibitions and restrictions of TSE susceptible animals**

5.—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring under Article 6 of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal from or to any premises.

(2) By notice in writing served on the owner or person in charge of the animal an inspector may prohibit or restrict the movement of the animal or carcase from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specified in the notice.

(3) Any notice served by an inspector may be renewed, subject to such requirements or conditions as he considers necessary, for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase from premises on the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such conditions or requirements as he considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of the Police Service of Northern Ireland, produce the licence, permit a copy or extract to be taken, and shall, on such demand, furnish his name and address.

### **Slaughter of TSE susceptible animals at slaughterhouses**

6.—(1) This regulation and regulation 7 apply where the Department is satisfied it is necessary to slaughter any TSE susceptible animal for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) Where the Department is satisfied that it is necessary to slaughter a TSE susceptible animal at a slaughterhouse an inspector shall so inform the occupier of the slaughterhouse concerned and direct the occupier to slaughter the animal in such manner and within such period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the requirements as to hygiene, specified risk material or animal welfare with which the occupier must comply at the slaughterhouse in relation to –

- (a) the slaughter of the animal; and
- (b) any related operation, including –
  - (i) the handling of the animal before and at slaughter, the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of that animal before and at slaughter, the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must –

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and within such period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to –

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse, any part of the carcase or any blood derived from the carcase or any part of the carcase.



(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given except where the Department is satisfied that it is not proportionate for that person to bear some or all of that expense.

(7) Where the Department is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction, it shall give notice to that person of the proportion of the expense, if any, which it is satisfied the person should bear.

(8) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

### **Slaughter of TSE susceptible animals at other premises**

7.—(1) Where the Department is satisfied that it is necessary to slaughter a TSE susceptible animal at premises other than a slaughterhouse a veterinary inspector shall serve a notice on the owner or person in charge of the animal –

- (a) informing him of the intention to slaughter the animal; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Department.

(2) After expiry of that period, the Department, after considering any representations received during this period from the owner or person in charge of the animal, shall either –

- (a) withdraw the notice of intended slaughter; or
- (b) serve a notice on the owner or person in charge of the animal to confirm the intended slaughter of the animal.

(3) After service of the notice confirming the intended slaughter of the animal the Department shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals**

8.—(1) This regulation applies where the Department is satisfied that, for any purpose connected with the administration or enforcement of the annual programme of monitoring under Article 6 of the Community TSE Regulation, it is necessary –

- (a) to require an occupier of premises to retain on the premises, under the direction of the Department, a carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part of a carcass; or
- (b) to seize from any premises the carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part of a carcass.

(2) For any such purpose an inspector may –

- (a) direct the occupier of the premises to retain on the premises a carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part of a carcass; or
- (b) seize or dispose of –
  - (i) any carcass of a TSE susceptible animal from any premises, or any part of such a carcass, whether or not it is a carcass or part of a carcass which the occupier has been required to retain under the direction of an inspector; or
  - (ii) any blood derived from a carcass of a TSE susceptible animal or any part of such a carcass, whether or not the carcass or part of the carcass from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions, under this regulation, from an inspector to an occupier requiring him to retain a carcase, part of a carcase or blood derived from any carcase or part of a carcase may include directions in relation to the treatment, storage and disposal of the carcase, part of the carcase or blood derived from it.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given except where the Department is satisfied that it is not proportionate for that person to bear some or all of that expense.

(5) Where the Department is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction, it shall give notice to that person of the expense, if any, which it is satisfied the person should bear.

(6) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

### **Compensation for slaughtered TSE susceptible animals**

**9.—**(1) Where a TSE susceptible animal is slaughtered under regulation 6 or 7 the Department shall pay compensation to the owner of the animal in accordance with the provisions of Part I of Schedule 1.

(2) The Department shall pay compensation to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 8 in accordance with the provisions of Part II of Schedule 1.

### **Notifications**

**10.—**(1) A person who has in his possession or under his charge a notifiable animal or the carcase of a notifiable animal, shall, within 24 hours from the time when the animal dies or was killed 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 examines or inspects a notifiable animal which dies during the course of those duties, or examines or inspects the carcase of such an animal, shall, 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 animal which dies or the carcase of a notifiable animal, shall detain it on the premises until it has been collected by or on behalf of the Department except where the Department directs otherwise.

## **PART III**

### **ANIMAL FEEDING**

#### *Mammalian protein and mammalian meat and bone meal*

### **Mammalian protein**

**11.—**(1) Subject to paragraph (2), a person shall not knowingly—

- (a) sell or supply for feeding to ruminant animals; or
- (b) feed to a ruminant animal,

any feedingstuff in which he knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibitions in paragraph (1) shall not apply to the feeding to an animal of any feedingstuff for research purposes 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 to the sale or supply of any feedingstuff to a research establishment for such purposes.

### **Mammalian meat and bone meal for use in feedingstuffs for livestock**

12.—(1) Subject to paragraphs (5) and (6), a person shall not –

- (a) sell or supply for incorporation into any feedingstuff for livestock any mammalian meat and bone meal;
- (b) use any mammalian meat and bone meal in the production of any feedingstuff for livestock;
- (c) sell or supply for feeding to livestock any feedingstuff in which any mammalian meat and bone meal has been incorporated; or
- (d) feed to livestock any feedingstuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6), 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 is produced.

(3) Subject to paragraphs (5) to (8), 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 is kept;
- (b) any feedingstuff for livestock is produced; or
- (c) any feedingstuff for livestock is stored but not produced and no livestock are kept.

(4) Subject to paragraphs (6) and (8), a person shall not transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feedingstuff for livestock is being transported.

(5) The prohibitions in paragraphs (1) and (3) shall not apply to the feeding to an animal of any feedingstuff for research purposes 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 to the sale or supply of any feedingstuff to a research establishment for such purposes or to the possession of a feedingstuff at such an establishment for such purposes.

(6) In any proceedings for an offence under paragraphs (1) to (4) it shall be a defence for any person charged 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) In any proceedings for an offence under paragraph (3) in relation to any mammalian meat and bone meal or MBM product it shall be a defence for any person charged to prove –

- (a) in the case of an offence under paragraph (3)(a), that the mammalian meat and bone meal or MBM product was in his possession solely for feeding to a pet of a species which is not commonly used as livestock in Northern Ireland or to a working dog or for use as a fertiliser on a domestic garden or for house plants;
- (b) in the case of an offence under paragraph (3)(c), that both the mammalian meat and bone meal or MBM product and the feedingstuff for livestock were offered for sale on those premises;

- (c) that the mammalian meat and bone meal or MBM product was stored and used in a place which was physically separated from any place where feedingstuff for livestock was stored or to which such animals had access; and
- (d) that adequate precautions were taken to ensure that no equipment used with the mammalian meat and bone meal or MBM product was used with the feedingstuff for livestock.

(8) In any proceedings for an offence under paragraph (3) or (4) it shall be a defence for any person charged to prove that, at all material times, both the mammalian meat and bone meal or MBM product (as the case may be) and the feedingstuff for livestock were securely packaged and that no spillage or leakage took place.

(9) A person shall not transport from or to any premises, or store in bulk at any premises, any mammalian meat and bone meal the sale or supply of which is prohibited by paragraph (1)(a), unless he and the premises are registered by the Department for the purpose and the premises are not used for the preparation of feedingstuffs for livestock.

(10) The Department shall register premises under this regulation where the occupier declares the premises are capable of being used in accordance with this Part.

#### **Mammalian meat and bone meal for use in fertilisers on agricultural land**

**13.**—(1) A person shall not sell or have in his possession with a view to sale for use as a fertiliser on agricultural land, any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal to any extent.

(2) A person shall not use on agricultural land as a fertiliser any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal to any extent.

(3) Subject to paragraph (4), a person shall not –

- (a) sell or have in his possession with a view to sale for use as a fertiliser on any land other than agricultural land; or
- (b) use as a fertiliser on any such land,

any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal unless the mammalian meat and bone meal concerned was manufactured in accordance with paragraph (5).

(4) Nothing in paragraph (3) shall prevent –

- (a) the sale for use on any land other than agricultural land;
- (b) the possession with a view to such sale; or
- (c) the use on any such land,

of any fertiliser consisting solely of mammalian meat and bone meal or derived from or containing mammalian meat and bone meal if that mammalian meat and bone meal was manufactured before 6th July 1998, the date of coming into operation of the Fertilisers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1998(14), and the contract for its purchase by the manufacturer of that fertiliser was made before that date.

(5) A person shall not manufacture mammalian meat and bone meal for use as or in any fertiliser except by a rendering process in which –

- (a) the particle size of the raw material prior to processing is reduced so that no particle exceeds the maximum dimension of 50 mm; and

- (b) the material is heated to a core temperature of more than 133°C for at least 20 minutes at a pressure of at least 3 bar.
- (6) In this regulation –
  - (a) mammalian meat and bone meal does not include any mammalian meat and bone meal derived solely from blood; and
  - (b) the references to the mammalian meat and bone meal being “manufactured” are references to the rendering process by which the mammalian meat and bone meal concerned was derived.

#### *Processed animal protein*

### **Feeding of processed animal protein to farmed animals**

**14.**—(1) Subject to paragraph (2), a person shall not feed any processed animal protein to a farmed animal.

- (2) The prohibition in paragraph (1) shall not apply to –
  - (a) the feeding to farmed animals other than ruminants of fishmeal –
    - (i) produced in Northern Ireland in premises approved under regulation 16, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2;
    - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;
    - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or
    - (iv) produced in a third country and which –
      - before being sold or supplied in Northern Ireland, has been analysed in accordance with Commission Directive [98/88/EC](#)(**15**);
      - is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 2; and
      - is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;
  - (b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#)(**16**) concerning additives in feedingstuffs;
  - (c) the feeding to farmed animals other than ruminants of dicalcium phosphate –
    - (i) produced in Northern Ireland in premises approved and used as specified in regulation 17(1) and (3);

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(15) O.J. No. L318, 27.11.1988, p. 45

(16) O.J. No. L270, 14.12.1970, p. 1 as last amended by Directive [1999/70/EC](#) (O.J. No. L80, 25.3.1999, p. 20)

- (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
- (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval;
- (d) the feeding to farmed animals other than ruminants of hydrolysed protein –
  - (i) produced in Northern Ireland in premises approved and used as specified in regulation 17(2) and (3);
  - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
  - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval; or
- (e) the feeding to farmed animals of milk and milk products.

#### **Sale or supply of processed animal protein intended for the feeding of farmed animals**

**15.**—(1) Subject to paragraph (2), a person shall not sell or supply any processed animal protein intended for the feeding of any farmed animal.

- (2) The prohibitions in paragraph (1) shall not apply to the sale or supply of –
  - (a) fishmeal referred to in regulation 14(2)(a) for feeding to farmed animals other than ruminants;
  - (b) gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#) concerning additives in feedingstuffs;
  - (c) dicalcium phosphate referred to in regulation 14(2)(c) for feeding to farmed animals other than ruminants;
  - (d) hydrolysed protein referred to in regulation 14(2)(d) for feeding to farmed animals other than ruminants; or
  - (e) milk and milk products.

#### **Production of fishmeal for feeding to farmed animals other than ruminants**

**16.**—(1) A person shall not use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless –

- (a) the premises are approved for this purpose by the Department under this regulation; and
- (b) fishmeal produced at the premises –
  - (i) is transported from the premises only in accordance with the conditions specified in paragraphs 1 and 2 of Schedule 2; and
  - (ii) is not intermediately stored otherwise than in accordance with the conditions specified in paragraph 3 of Schedule 2.

(2) On an application made to it under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the Department shall approve the premises for this purpose if, following an inspection of the premises by an inspector, it is satisfied that –

- (a) the premises will be dedicated only to fishmeal production;

- (b) the premises are ABPO approved; and
  - (c) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval and ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2.
- (3) The person carrying on any business at premises approved under this regulation shall ensure that –
- (a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of this regulation subject to which the approval is granted;
  - (b) any person employed by him, and any person invited to the premises, complies with those provisions; and
  - (c) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

**Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants**

17.—(1) A person shall not use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless –

- (a) the premises –
  - (i) are approved for this purpose by the Department under this regulation; and
  - (ii) are used for this purpose in accordance with the conditions specified in Schedule 3; and
- (b) transport of dicalcium phosphate to the premises is in accordance with the conditions specified in paragraph 4 of Schedule 3.

(2) A person shall not use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless –

- (a) the premises –
  - (i) are approved for this purpose by the Department under this regulation; and
  - (ii) are used for this purpose in accordance with the conditions specified in Schedule 4; and
- (b) transport of the hydrolysed protein to the premises is in accordance with the conditions specified in paragraph 3 of Schedule 4.

(3) On an application made to it for the approval of premises for the production of dicalcium phosphate or hydrolysed protein for the feeding to farmed animals other than ruminants, the Department shall approve the premises for the production concerned if, following an inspection of the premises by an inspector, it is satisfied that –

- (a) the premises are ABPO approved;
- (b) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval;
- (c) in respect of an application for approval of the premises for production of dicalcium phosphate for the feeding to farmed animals other than ruminants, the occupier of the premises will be able to comply with the conditions specified in Schedule 3; and

- (d) in respect of an application for approval of the premises for production of hydrolysed protein for the feeding to farmed animals other than ruminants, the occupier of the premises will be able to comply with the conditions specified in Schedule 4.
- (4) The occupier of premises approved under this regulation shall ensure that –
  - (a) in respect of the production of dicalcium phosphate at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 3 subject to which the approval is granted;
  - (b) in respect of the production of hydrolysed protein at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 4 subject to which the approval is granted;
  - (c) any person employed by him, and any person invited to the premises, complies with those provisions; and
  - (d) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

#### **Transport and storage of processed animal protein**

**18.**—(1) A person shall not transport from or to any premises, or store in bulk at any premises, any processed animal protein the sale or supply of which is prohibited by regulation 15, unless he and the premises are registered by the Department for the purpose and the premises are not used for the preparation of feedingstuffs for ruminant animals.

(2) The Department shall register premises under this regulation where the occupier declares the premises are capable of being used in accordance with the Commission Decision.

(3) Where a vehicle used for the transport of any dicalcium phosphate or hydrolysed protein for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other product, the person using the vehicle for the transport of such dicalcium phosphate or hydrolysed protein shall ensure the vehicle is thoroughly cleaned before and after the transport of such dicalcium phosphate or hydrolysed protein.

#### *Approval of premises*

#### **Application for approval and approval of premises**

**19.**—(1) An application for approval of premises under regulation 16 or 17 shall be made in writing to the Department by or on behalf of the person carrying on or proposing to carry on the business at the premises to which the application relates.

(2) The Department shall notify the applicant in writing of its decision on an application made to it in accordance with this regulation; and, if it refuses to approve the premises in respect of which an application is made, it shall notify the applicant in writing of its reasons for the refusal.

- (3) An approval of premises under regulation 16 or 17 shall specify–
  - (a) the name and address of the person to whom the approval is granted and the address of the approved premises;
  - (b) the use of the premises for the description of production for which the approval is granted; and
  - (c) the conditions subject to which the approval is granted.



(4) If the Department refuses to approve the premises or grants an approval subject to any condition it shall give to the applicant a statement of –

- (a) the reasons for the refusal or the condition; and
- (b) the right of the applicant under this Part to appeal against the refusal or the condition and the period within which and the person to whom an appeal may be made.

### **Suspension and withdrawal of approval**

**20.**—(1) The Department may suspend or withdraw an approval of any premises approved under this Part if it appears to it that –

- (a) the premises are being used otherwise than in accordance with the approval or these Regulations;
  - (b) any condition specified in a Schedule to these Regulations which relate to the approval of the premises has not been complied with;
  - (c) the premises are not ABPO approved;
  - (d) inspection of the premises for the purposes of these Regulations is being hampered or denied;
  - (e) a notice has been served on the occupier in relation to the use of the premises under this Part and –
    - (i) the Department is not satisfied that the action required in accordance with the notice has been taken by the occupier within the time specified; and
    - (ii) there is a risk that the premises will be used otherwise than in accordance with the approval, any condition specified in the approval will not be complied with or inspection of the premises for the purposes of these Regulations will be hampered or denied;
  - (f) the person using the premises for the use for which they are approved no longer wishes to carry on that use of the premises; or
  - (g) the premises are not being used for the use for which they are approved.
- (2) Before suspending or withdrawing an approval the Department shall–
- (a) give notice of the intended suspension or withdrawal to the occupier of the premises (or, in the case of a suspension or withdrawal under paragraph (1)(g), to the person known to the Department as the last person to use the premises for the use for which they are approved and to any other person who appears to it to be in current occupation of the premises); and
  - (b) have regard to any representations made to it by that person in relation to the intended suspension or withdrawal.
- (3) A notice of suspension or withdrawal of an approval shall include the following information–
- (a) a summary of the decision of the Department to suspend or withdraw the approval and a description of the use of the premises for which the approval is suspended or withdrawn;
  - (b) the reason for the suspension or withdrawal;
  - (c) the date on which the suspension or withdrawal takes effect, which –
    - (i) in respect of a suspension, may be the same date as the date on which the notice is issued; and
    - (ii) in respect of a withdrawal, must be at least 21 days after the date on which the notice is given;
  - (d) in respect of a suspension, the matters which must be rectified for the suspension to be lifted;

- (e) a statement of the right of the person to whom the notice is given to appeal under this Part against the suspension or withdrawal and the period within which and the person to whom an appeal may be made; and
  - (f) in respect of a withdrawal, any conditions for the protection of public or animal health to which any continued use of the premises, for the use approved, after the withdrawal takes effect is subject pending an appeal.
- (4) Where a suspension of an approval of premises under this regulation has taken effect the premises shall be treated as if they were not approved for the use for which the approval is suspended.
- (5) The Department shall lift a suspension of an approval where –
- (a) it is satisfied that –
    - (i) the reason for the suspension no longer applies; and
    - (ii) the person who would use the premises for the use for which it is approved will use the premises in accordance with the conditions of the approval and these regulations; or
  - (b) the determination of an appeal under this Part against the suspension is that the approval should not have been suspended.
- (6) Where the Department lifts a suspension it shall give notice of this to the person to whom the notice of suspension was given.
- (7) Premises may continue to be used by the occupier for a use for which an approval is withdrawn during the period of 21 days after notification of withdrawal is given to the occupier.
- (8) After the expiry of the 21 day period the premises may not be used for the use for which the approval is withdrawn unless, before the period expired, an appeal was made in accordance with regulation 21 and the appeal has not been finally disposed of or abandoned.
- (9) Where the Department has given notice of its decision to withdraw the approval of premises the occupier of the premises shall not use the premises for the use for which the approval is withdrawn except in accordance with any conditions for the protection of public or animal health specified in the notice of withdrawal.

## Appeals

**21.**—(1) Where in respect of any premises the Department has given notice of a decision under this Part –

- (a) to refuse to approve any premises;
- (b) to grant an approval of any premises subject to conditions;
- (c) to suspend the approval of any premises; or
- (d) to withdraw the approval of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against that decision to the person specified in the notice.

(2) An appeal under this regulation shall be made by written statement given to the person specified in the notice together with a brief explanation of the grounds of the appeal and such other information and documents as the notice may specify.

(3) Where on an appeal under this regulation the person hearing the appeal determines that –

- (a) the grant of an approval should not have been refused;
- (b) unreasonable conditions have been attached to the grant of an approval; or
- (c) an approval should not have been suspended or withdrawn,

the Department shall give effect to that determination.

## *Feedingstuffs*

### **Manufacture of feedingstuffs containing processed animal protein**

**22.**—(1) Subject to paragraph (2), a person shall not manufacture any feedingstuff, including petfood, which is intended for animals other than farmed animals, and which contains processed animal protein, in premises in which feedingstuffs are prepared for farmed animals.

(2) If any feedingstuff is produced with no processed animal protein other than fishmeal, dicalcium phosphate or hydrolysed protein, it may be manufactured in premises in which feedingstuffs are prepared for farmed animals other than ruminants.

### **Production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants**

**23.**—(1) Subject to paragraph (3), a person shall not use any premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants unless –

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered by the Department for the purpose of paragraph 6 of Annex I to the Commission Decision.

(2) The Department shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants in accordance with paragraph 6 of Annex I to the Commission Decision.

(3) The prohibition in paragraph (1) shall not apply to the use of premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants and for the preparation of feedingstuffs for ruminant animals if –

- (a) the fishmeal satisfies the requirements of regulation 14(2)(a);
- (b) the transport to or from the premises, or the storage at the premises, of feedingstuffs material intended for ruminant animals is completely separate from feedingstuffs material prohibited for feeding to ruminant animals;
- (c) the storage, manufacturing and packaging facilities at the premises, and the transport to or from the premises, of compound feedingstuffs intended for ruminant animals are completely separate from feedingstuffs material prohibited for feeding to ruminant animals; and
- (d) the person using the premises for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing fishmeal for feeding to other animal species carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 is not present in those feedingstuffs.

(4) A person shall not produce any feedingstuff containing fishmeal for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “Contains fishmeal – must not be fed to ruminant animals”.

(5) A person shall not use any vehicle for the transport to or from any premises of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants at the same time as it is used for the transport of any feedingstuffs for ruminant animals.

(6) Where a vehicle used for the transport of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants is subsequently used for the transport of other products, the person using the vehicle for the transport of such bulk feedingstuffs shall ensure it is thoroughly cleaned before and after the transport of those bulk feedingstuffs.

### **Production of feedingstuffs containing dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants**

24.—(1) Subject to paragraph (4), a person shall not use any premises for the production of feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless –

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered by the Department for the purpose of paragraph 3 of Annex II to the Commission Decision.

(2) Subject to paragraph (4), a person shall not use any premises for the production of feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants unless –

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered by the Department for the purpose of paragraph 2 of Annex III to the Commission Decision.

(3) The Department shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of –

- (a) feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants in accordance with paragraph 3 of Annex II to the Commission Decision; or
- (b) feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants in accordance with paragraph 2 of Annex III to the Commission Decision.

(4) The prohibitions in paragraphs (1) and (2) shall not apply to premises used for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for other animal species, if –

- (a) in respect of dicalcium phosphate, it satisfies the requirements of regulation 14(2)(c);
- (b) in respect of hydrolysed protein, it satisfies the requirements of regulation 14(2)(d);
- (c) the transport to or from the premises, or the storage at the premises, of feedingstuffs material destined for ruminant animals is completely separate from feedingstuffs material prohibited for feeding to ruminant animals;
- (d) the storage, manufacturing and packaging facilities at the premises, and the transport to or from the premises, of compound feedingstuffs destined for ruminant animals are completely separate from feedingstuffs material prohibited for feeding to ruminant animals; and
- (e) the occupier of the premises carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 are not present in those feedingstuffs.

(5) A person shall not produce any feedingstuff containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “Contains dicalcium phosphate from defatted bones – must not be fed to ruminant animals”.

(6) A person shall not produce any feedingstuff containing hydrolysed protein for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “Contains hydrolysed protein – must not be fed to ruminant animals”.

(7) A person shall not use any vehicle for the transport to or from any premises of bulk feedingstuffs containing dicalcium phosphate from defatted bones or hydrolysed protein for feeding to farmed animals other than ruminants, at the same time as the vehicle is used for the transport of any feedingstuffs for ruminant animals.

(8) Where a vehicle used for the transport of bulk feedingstuffs containing dicalcium phosphate from defatted bones or hydrolysed protein for feeding to farmed animals other than ruminants, is subsequently used for the transport of other products, the person using the vehicle for the transport of the bulk feedingstuffs shall ensure the vehicle is thoroughly cleaned before and after the transport of those bulk feedingstuffs.

### **Use and storage of feedingstuffs containing fishmeal, dicalcium phosphate or hydrolysed protein**

**25.**—(1) Subject to paragraph (2), a person shall not use or store any feedingstuffs, other than petfood referred to in Chapter 4 of Annex I to Council Directive 92/118/EEC(17), containing any –

- (a) fishmeal;
- (b) dicalcium phosphate derived from defatted bones; or
- (c) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(2) Paragraph (1) shall not apply to the use or storage of any feedingstuffs containing any fishmeal, dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm sufficient to prevent the feedingstuffs being fed to those ruminant animals.

### *Administration and enforcement*

### **Records relating to mammalian meat and bone meal and processed animal protein**

**26.**—(1) Any person who consigns mammalian meat and bone meal or processed animal protein shall keep for two years from the date of consignment (or, in the case of mammalian meat and bone meal or processed animal protein produced outside Northern Ireland, for two years from the date on which it was brought into Northern Ireland) a record indicating –

- (a) the date and nature of the material consigned;
- (b) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is 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 or processed animal protein shall keep for two years from the date of receipt of the consignment a record indicating –

- (a) the date on which it was received and the nature of the material received;
- (b) its weight on receipt and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;
- (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 or processed animal protein shall keep for two years from the date of any use, disposal or further consignment of the material a record indicating –

- (a) in the case of any use, the nature of the material used and 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 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 or processed animal protein 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 produced 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 and the nature of the material consigned;
- (b) the date on which it was collected from that person;
- (c) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;
- (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported and, if the vehicle includes a trailer, the number of the trailer;
- (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 or processed animal protein is transported shall have a document recording the information required by paragraph (4) 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 paragraphs (1)(e), (2)(e) and (4)(d) shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) Where a vehicle is used for the transport of bulk feedingstuffs for feeding to farmed animals other than ruminants containing –

- (a) fishmeal;
- (b) dicalcium phosphate from defatted bones; or
- (c) hydrolysed protein,

the person using the vehicle for the transport of such bulk feedingstuffs shall keep, for two years from the date of such transport, a record of each cleaning of the vehicle required by regulation 23(6) or 24(8).

### **Cleansing and disinfection**

27.—(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.

(2) Subject to paragraphs (3) and (4), 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) It shall be a defence for any person charged with an offence under paragraph (2) to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence under paragraph (2) by virtue of any arrangement made by him to prove that he took all reasonable steps to ensure that the premises, equipment or vehicle used for storage or transport of mammalian meat and bone meal or MBM product were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An inspector may serve on the occupier of any premises or on the operator of any vehicle or equipment on or in which there is, or has 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 a manner and within such period as may be specified in the notice, all or any part of the premises, vehicle or any equipment or any other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) If any person on whom a notice is served under paragraph (5) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person on whom the notice was served.

### **Powers of inspectors**

**28.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of the provisions of this Part.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) to –

- (a) ascertain whether any –
  - (i) TSE susceptible animal; or
  - (ii) any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff or fertiliser,is being or has been kept on the premises;
- (b) ascertain whether –
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine –
  - (i) any mammalian meat and bone meal, MBM product, processed animal protein;
  - (ii) any feedingstuff or fertiliser;

- (iii) any production, storage, transport or other operation carried out under this Part and anything used for the marking and identification of any mammalian meat and bone meal or processed animal protein, feedingstuff or fertiliser; or
  - (iv) the carcase of a TSE susceptible animal;
  - (e) make such tests and take such samples from any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser, TSE susceptible animal or the carcase of such an animal, as he considers necessary;
  - (f) mark or tag for identification purposes any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser, TSE susceptible animal or the carcase of such an animal;
  - (g) serve a notice to restrict or prohibit the movement of any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser, TSE susceptible animal or the carcase of such an animal;
  - (h) serve a notice under regulation 29(2) or (3) or carry out or cause to be carried out the requirements of such a notice under regulation 29(4);
  - (i) issue a licence in connection with the movement of any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser, TSE susceptible animal or the carcase of such an animal;
  - (j) seize any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser, TSE susceptible animal or the carcase of such an animal;
  - (k) serve any notice in connection with the seizure;
  - (l) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;
  - (m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
  - (n) examine any record, in whatever form the record may be held, and take copies of the record;
  - (o) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the record to be produced in a form in which it may be taken away; or
  - (p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied under paragraph (2)(f).
- (4) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a private dwelling) for any purpose as is mentioned in paragraph (2) and that either –
- (a) admission to the premises has been refused, or a refusal is expected, 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 is temporarily absent,
- he may issue a warrant authorising an inspector to enter the premises, if need be by reasonable force.



(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser or any animal or carcase, which is or has been on the premises, shall –

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part; and
- (b) if required by an inspector, give such information as he possesses as to –
  - (i) any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser or any animal or carcase, which is or has been on the premises;
  - (ii) any animal or carcase with which any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser or any animal or carcase, which is or has been on the premises, may have come into contact; and
  - (iii) the location, transport and movement of any mammalian meat and bone meal, MBM product, processed animal protein, feedingstuff, fertiliser or any animal or carcase, which is or has been in his possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him –

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

(8) Any notice under this regulation shall be complied with at the expense of the person on whom the notice is served.

(9) If a notice under this regulation is not complied with an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.

### **Disposal and recall of mammalian meat and bone meal and MBM products**

**29.**—(1) Paragraph (2) applies where an inspector finds –

- (a) any mammalian meat and bone meal or any MBM product possessed or transported in contravention of regulation 12(3) or (4); or
- (b) any processed animal protein sold or supplied in contravention of regulation 15(1).

(2) Where this paragraph applies an inspector may serve a notice on the person in possession of the mammalian meat and bone meal, MBM product or processed animal protein requiring that person to dispose of it and any other mammalian meat and bone meal, MBM product or processed animal protein with which it has come into contact, in such manner and within such period as may be specified in the notice.

(3) An inspector may serve on any person who has sold or supplied –

- (a) any feedingstuff the sale or supply of which is prohibited by regulation 11(1) or 12(1) or which he reasonably suspects of being so prohibited; or
- (b) any processed animal protein the sale or supply of which is prohibited by regulation 15(1) or which he reasonably suspects of being prohibited,

a notice requiring that person to collect at his own expense that feedingstuff or processed animal protein from the person to whom he supplied or sold it or from such other person to whom it may

subsequently have been supplied or sold and to transport it to such place and within such time as may be specified in the notice.

(4) If any person on whom a notice is served under paragraph (2) or (3) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person on whom the notice was served.

## PART IV SPECIFIED RISK MATERIAL

### *Introduction*

#### **Interpretation of expressions used in this Part**

**30.**—(1) For the purposes of this Part material shall be treated as a cosmetic, pharmaceutical or medical product whether it is used or intended for use as such by itself or as an ingredient or additive in something which is so used or intended for such use.

(2) In this Part the expression “mechanical means” does not include the use of hand held powered knives which do not use powered pressure or suction.

(3) In this Part the word “whole” where it refers to a carcass in each of the phrases “intended for export whole” and “exporting it whole” means the carcass has not been longitudinally split through the middle of its vertebral column.

(4) The provisions of this Part shall apply to specified risk material from scheme animals, save that the provisions appearing in column 1 of Schedule 5 shall apply only to the extent, and subject to the modifications, specified in column 2 of that Schedule.

#### **Extended meaning of sale etc.**

**31.**—(1) For the purposes of this Part the supply in the course of a business, otherwise than on sale, of –

- (a) food;
- (b) feedingstuffs;
- (c) cosmetic, pharmaceutical or medical products; or
- (d) specified risk material,

shall be deemed to be a sale of the food, feedingstuff, product or material and references to purchasers and purchasing shall be construed accordingly.

(2) This Part shall apply –

- (a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment, including any social gathering, amusement, exhibition, performance, game, sport or trial of skill, to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and

- (c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in sub-paragraph (a) or (b), as if the food were, or had been, exposed for sale by the occupier of the premises.

### **Presumptions that food is intended for human consumption**

**32.**—(1) For the purposes of this Part any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption.

(2) The following, namely –

- (a) any food commonly used for human consumption which is found on premises used for the preparation, storage or sale of that food; and
- (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,

shall be presumed, until the contrary is proved, to be intended for sale or for manufacturing food for sale for human consumption.

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

### *Carcases and specified risk material*

### **Removal of specified risk material from carcases in slaughterhouses**

**33.**—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere and brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that –

- (a) all specified risk material is removed from the rest of the carcass as soon as is reasonably practicable after the animal was slaughtered and before the carcass is presented for inspection pursuant to regulation 35; or
- (b) in the case of a bovine animal imported into Northern Ireland from outside the United Kingdom and slaughtered in Northern Ireland, all specified risk material, except vertebral column, is removed at the slaughterhouse as soon as reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35, and the rest of the carcass is consigned to a licensed slaughterhouse or licensed cutting premises.

(2) When a sheep or goat is slaughtered in a slaughterhouse, or slaughtered elsewhere and brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that –

- (a) subject to regulation 37, all specified risk material is removed from the rest of the carcass at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35; or
- (b) in the case of a sheep or goat with one or more permanent incisor teeth erupted, all specified risk material, except spinal cord, is removed at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35, and the rest of the carcass is consigned to a licensed slaughterhouse or licensed cutting premises.

(3) Subject to the following provisions of this regulation and to regulation 36, the occupier of the slaughterhouse shall ensure that the specified risk material which has been removed is stained blue immediately after removal from the carcase.

(4) Without prejudice to the storage requirements of regulation 53, the occupier of the slaughterhouse shall ensure that, while in the slaughterhouse, the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of TSE which is required to be disposed of as if it were specified risk material) and that it is disposed of in accordance with these Regulations.

(5) An occupier of a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(6) Material which is not specified risk material may be separated from intestines which have been removed from the carcase before the intestines are stained.

(7) In the case of specified risk material which is intended to be examined by or on behalf of an inspector or an official veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(8) In the case of scheme animals, the occupier of the slaughterhouse shall ensure that, once the specified risk material has been removed, the remainder of the carcase (excluding the hide), is immediately stained blue or yellow.

(9) Nothing in paragraph (2) shall require the removal of a spinal cord, being specified risk material, from the carcase of a sheep which has been slaughtered in a slaughterhouse if –

- (a) the carcase is intended for export whole direct to listed premises;
- (b) the occupier of the slaughterhouse concerned provides a written declaration to an official veterinary surgeon –
  - (i) indicating that he believes that the carcase is intended for export whole direct to listed premises; and
  - (ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and
- (c) the carcase has been marked in accordance with regulation 16A of the Specified Risk Material Regulations (Northern Ireland) 1997(18).

(10) Nothing in paragraph (1) shall require –

- (a) the removal of the vertebral column from the carcase of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in regulation 3(3)(a) or (b) of the Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(19) if the carcase is consigned to licensed cutting premises; or
- (b) the removal of vertebral column from the carcase of a bovine animal imported into Northern Ireland from outside the United Kingdom and slaughtered in Northern Ireland if the carcase is consigned to licensed cutting premises.

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(18) S.R. 1997 No. 552 as amended by S.R. 1999 Nos. 157 and 431, S.R. 2000 Nos. 78 and 295 and S.R. 2001 Nos. 48, 196 and 376

(19) S.R. 1996 No. 404 as amended by S.R. 1996 No. 506, S.R. 2000 No. 78 and S.R. 2001 No. 155

### **Removal of specified risk material from carcasses elsewhere**

**34.**—(1) Subject to the following provisions of this regulation, when specified risk material is removed from the carcass of a ruminant animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified risk material is removed shall ensure that it is removed as soon as is reasonably practicable after the death of the animal and that it is stained blue immediately.

(2) The occupier of those premises shall ensure that, while on the premises, the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of TSE which is required to be disposed of as if it were specified risk material) and that it is disposed of in accordance with these Regulations.

(3) In the case of specified risk material which is intended to be examined by or on behalf of an official veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(4) An occupier of premises, other than a slaughterhouse, in possession of any material derived from a carcass of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(5) The provisions of this regulation shall not apply in the case of a post-mortem examination carried out by a veterinary surgeon at a farm, provided that he makes arrangements for the disposal of the whole of the carcass by burial there.

### **Inspection and marking of carcasses in a slaughterhouse**

**35.**—(1) The occupier of any slaughterhouse shall permit an inspector or official veterinary surgeon, or a person acting under the responsibility of either of them, to –

- (a) inspect the carcass of any ruminant animal slaughtered there, so that he can check whether the requirements of this Part have been complied with; and
- (b) mark each carcass which has been so checked and found to comply with the requirements of this Part.

(2) The occupier of any slaughterhouse shall give to any inspector or official veterinary surgeon, or a person acting under the authority of either of them, such reasonable assistance as he may require.

(3) The occupier of a slaughterhouse or cutting premises shall permit an inspector or official veterinary surgeon, or a person acting under the authority of either of them, to inspect the carcass of any sheep or goat consigned there so that he can check whether the specified risk material has been removed from the carcass in accordance with this Part, and the occupier shall give to any such person such reasonable assistance as he shall require.

### **Removal of vertebral column of bovine animals in cutting premises**

**36.**—(1) Where a carcass of a bovine animal containing vertebral column which is specified risk material –

- (a) is consigned as referred to in regulation 33(10) to licensed cutting premises; or
- (b) is imported and transported in accordance with the Community TSE Regulation or the Community Transitional Measures to licensed cutting premises,

the occupier of that cutting premises shall ensure that the vertebral column is removed from the rest of the carcass at the premises as soon as is practicable after the arrival of the carcass.

(2) The occupier of any licensed cutting premises shall permit an inspector or official veterinary surgeon, or a person acting under the authority of either of them, to inspect the meat of any bovine animal consigned there so that it can be checked whether the specified risk material has been removed

from the carcass in accordance with these Regulations; and the occupier shall give to any such person such reasonable assistance as he shall require.

(3) The occupier of any licensed cutting premises at which vertebral column is removed in accordance with this regulation shall ensure that it is –

- (a) stained in accordance with regulation 33(3); and
- (b) disposed of as specified risk material in accordance with these Regulations.

(4) If the vertebral column, which is specified risk material, is removed at any premises other than a slaughterhouse or cutting premises for the purposes of veterinary or scientific examination, on completion of that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part.

(5) In this regulation, “carcass” means any whole carcass, half carcass or quarter carcass.

### **Removal of SRM spinal cord of sheep and goats**

**37.**—(1) Where a carcass of a sheep or goat, or bone-in carcass meat from a sheep or goat, is consigned to a slaughterhouse or cutting premises licensed for the purposes of this Part, the occupier of that slaughterhouse or cutting premises shall ensure that the spinal cord, which is specified risk material, is removed from the rest of the carcass or meat.

(2) If the spinal cord, which is specified risk material, is removed in a slaughterhouse or at cutting premises licensed for the purpose of this Part, the occupier shall ensure that it is stained in accordance with regulation 33(3), and disposed of as specified risk material in accordance with this Part.

(3) If the spinal cord, which is specified risk material, is removed at any premises, other than a licensed slaughterhouse or licensed cutting premises, for the purposes of veterinary or scientific examination, on completion of that examination the spinal cord shall be stained blue and disposed of as specified risk material in accordance with this Part.

### **Young lamb stamp**

**38.**—(1) Where a sheep or goat is slaughtered in a slaughterhouse, and at the time of slaughter there were no permanent incisor teeth erupted or it was aged not more than 12 months, the carcass of the animal shall be marked with the young lamb stamp.

(2) The young lamb stamp shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high the words “VS” and “YL”, and shall be applied by an official veterinary surgeon, or an authorised officer or a meat inspector acting under the responsibility of an official veterinary surgeon, and no other person shall apply the young lamb stamp or possess the equipment for applying the stamp.

(3) A person shall not use any stamp so resembling the young lamb stamp, or in such a way, as to be likely to suggest that any carcass is other than a carcass of a sheep or goat in which there were no permanent incisor teeth erupted or was aged not more than 12 months.

### **Staining of specified risk material**

**39.**—(1) In this Part “stained blue” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(20)) in such a way that the colouring is clearly visible –

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(20) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire, BD1 2JB

- (a) in the case of specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and majority of the head,

except that, if the tongue is to be removed, this shall be done immediately after slaughter and the head shall be stained immediately after the removal of the tongue.

(2) In this Part “stained yellow” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Tartrazine (E102, Colour Index No. 19140) in such a way that the colouring is clearly visible over the whole surface of the material.

- (3) The requirement in regulations 33 and 34 to stain specified risk material shall not apply –
- (a) if the specified risk material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or
  - (b) to specified risk material which is intended to be used at premises licensed under regulation 57.

(4) Where specified risk material has been stained in accordance with regulation 33 or 34, the occupier of any premises at which such material is stored or handled and, in the case of a place licensed under this Part, the operator of that place, shall take appropriate measures to ensure that colouring remains visible –

- (a) in the case of stained specified risk material, other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and the majority of the head,

until the stained specified risk material is incinerated or rendered.

(5) Where specified risk material is required to be stained in accordance with regulation 33 or 34 but has not been so stained, the occupier of any premises at which such material is stored or handled and, in the case of a place licensed under this Part, the operator of that place shall, as soon as practicable after he becomes aware that the specified risk material has not been so stained, inform the Department and detain the specified risk material until it has been inspected or collected by the Department or the Department has informed him that it may be disposed of in accordance with the requirements of this Part.

### **Consignment of specified risk material after removal from carcasses**

**40.** Once specified risk material has been removed from the carcass and treated in accordance with this Part, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4), or, in the case of specified solid waste, recovered from the drainage system draining any place where specified risk material is handled, the person responsible for its removal or recovery shall, without unreasonable delay, send it directly to –

- (a) an approved collection centre;
- (b) an approved rendering plant;
- (c) an approved incinerator;
- (d) premises licensed under regulation 57; or
- (e) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes.

### **Presence of an official veterinary surgeon**

**41.**—(1) An official veterinary surgeon, or an authorised officer or a meat inspector acting under the responsibility of an official veterinary surgeon, shall be present at any slaughterhouse where –

- (a) any carcase of a sheep or goat that is not marked with a young lamb stamp and contains specified risk material is being loaded for delivery to licensed cutting premises, and he shall supervise the loading;
- (b) a carcase of any bovine animal containing vertebral column which is specified risk material is being loaded for delivery to licensed cutting premises, and he shall supervise the loading.

(2) An official veterinary surgeon, or an authorised officer or a meat inspector acting under the responsibility of an official veterinary surgeon, shall be present at any licensed cutting premises where –

- (a) any carcase of a sheep or goat that is not marked with a young lamb stamp and contains specified risk material is being unloaded, and he shall supervise the unloading;
- (b) a carcase of any bovine animal containing vertebral column which is specified risk material is being unloaded, and he shall supervise the unloading.

(3) Immediately after the loading referred to in paragraph (1) the delivery vehicle shall be sealed by an official veterinary surgeon, or an authorised officer or an inspector acting under the responsibility of an official veterinary surgeon, and no other person may seal such a vehicle.

(4) On arrival at licensed cutting premises a sealed vehicle shall be unsealed by an official veterinary surgeon, or an authorised officer or an inspector acting under the responsibility of an official veterinary surgeon, and no other person may unseal such a vehicle.

(5) Where the presence of an official veterinary surgeon, an authorised officer or a meat inspector acting under the responsibility of an official veterinary surgeon is required in accordance with paragraph (1) or (2), the occupier of the slaughterhouse or cutting premises shall, not less than 72 hours before the intended loading or unloading of a carcase, give notice to the official veterinary surgeon, except where the official veterinary surgeon has agreed with the occupier that notice of a shorter duration will be accepted, in which case the notice shall be of the agreed duration.

### *Prohibitions: slaughter and carcasses*

#### **Pithing**

**42.**—(1) Any person who contravenes or fails to comply with point 4 of Part A of Annex XI to the Community TSE Regulation shall be guilty of an offence.

(2) A person shall not use any meat which is derived from a bovine, ovine or caprine animal that has been pithed in the preparation of any food for sale for human consumption or any feedingstuff.

#### **Prohibition on sale of non-compliant carcasses for human consumption**

**43.** A person shall not sell the carcase of any bovine animal, sheep or goat for human consumption unless it has been inspected as required by this Part and on such inspection found to comply with the requirements of these Regulations.

#### **Prohibition on the removal of brain and eyes**

**44.**—(1) Subject to paragraph (2), a person shall not remove the brain or eyes –

- (a) from the carcase of a bovine animal which was slaughtered or has died at an age greater than six months; or



- (b) from a carcase of a sheep or goat which at the time it was slaughtered or died had one or more permanent incisor teeth erupted through the gum or was aged more than 12 months.

(2) The prohibitions in paragraph (1) shall not apply to brain or eyes removed from such carcasses in premises used for the purposes of veterinary or scientific examination or research, providing the part of the premises in which the examination or research is carried out is kept free from food, feedingstuffs and any cosmetic, pharmaceutical or medical product and their starting materials or intermediate products.

### **Prohibition on the removal of spinal cord**

**45.**—(1) A person shall not remove the spinal cord or any part of it from the vertebral column of a sheep or goat in which there was at least one permanent incisor tooth erupted or which was aged over 12 months at the date of slaughter, except –

- (a) in a slaughterhouse or at cutting premises licensed by the Department for the purpose by—
  - (i) longitudinally splitting the whole vertebral column; or
  - (ii) removing a longitudinal section of the whole vertebral column containing the spinal cord; or
- (b) in premises for the purposes of veterinary or scientific examination.

(2) A person shall not remove the spinal cord or any part of it from the vertebral column of a bovine animal aged six months or more, or longitudinally split the vertebral column of such an animal, except –

- (a) in a slaughterhouse; or
- (b) in premises for the purposes of veterinary or scientific examination.

### **Transport of carcasses containing specified risk material**

**46.**—(1) A person shall not transport from a slaughterhouse a carcase of a sheep or goat suitable for human consumption that is not marked with a young lamb stamp or the carcase of a bovine animal imported into Northern Ireland from outside the United Kingdom and slaughtered in Northern Ireland, except –

- (a) to licensed cutting premises that lie within the same curtilage as the slaughterhouse;
- (b) a carcase which has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 and moved in a vehicle sealed in accordance with regulation 41(3);
- (c) when all specified risk material has been removed from the carcase; or
- (d) in the case of a sheep carcase, one which –
  - (i) contains its spinal cord, that cord being specified risk material;
  - (ii) is intended for export whole direct to listed premises; and
  - (iii) is moved in a sealed vehicle.

(2) A person shall not transport a carcase in accordance with paragraph (1) unless the carcase is accompanied by a document indicating –

- (a) the name, address and licence number of the slaughterhouse from which the carcase is being transported;
- (b) where the carcase is being transported to licensed cutting premises, the name, address and licence number of those premises; and
- (c) in the case of a sheep carcase transported under sub-paragraph (d) of paragraph (1), the name and address of the listed premises to which it is intended the carcase will be exported.

### **Possession of carcasses containing specified risk material**

**47.—**(1) A person shall not have in his possession elsewhere than in a licensed slaughterhouse, in a sealed vehicle or at licensed cutting premises –

- (a) a carcase of a sheep or goat intended for sale for human consumption containing spinal cord, unless it is stamped with a young lamb stamp; or
- (b) a carcase of a bovine animal intended for sale for human consumption containing vertebral column which is specified risk material.

(2) A person shall not transport a sheep or goat carcase –

- (a) intended for export whole direct to listed premises; and
- (b) containing its spinal cord, that cord being specified risk material,

unless he has in his possession, in addition to the document required by regulation 46(2), a copy of the declaration required by regulation 33(9)(b) and the carcase has been marked with the export mark required by regulation 16A of the Specified Risk Material Regulations (Northern Ireland) 1997.

(3) Where an authorised officer certifies that any sheep, goat or bovine carcase has been possessed in contravention of paragraph (1) or a sheep or goat carcase is transported in contravention of paragraph (2) that carcase shall be treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements.

### *Prohibitions on sale and use of specified risk material*

#### **Prohibition on sale of specified risk material for human consumption**

**48.—**(1) A person shall not sell or supply any specified risk material, or any food containing specified risk material, for human consumption.

(2) A person shall not use any specified risk material in the preparation of food for sale for human consumption.

(3) A person shall not sell or supply any specified risk material for use in the preparation of any food for sale for human consumption.

(4) For the purposes of this regulation “specified risk material” includes anything derived from it.

#### **Prohibition on feeding specified risk material to animals**

**49.—**(1) Subject to paragraph (2), a person shall not –

- (a) sell or supply any specified risk material for use in the preparation of any feedingstuff; or
- (b) use any specified risk material in the preparation of any feedingstuff.

(2) Paragraph (1) shall not apply to –

- (a) the sale or supply of any specified risk material; or
- (b) the use of any specified risk material,

in the preparation of any feedingstuff for feeding to any animal for research purposes in a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(3) Subject to paragraph (4), a person shall not sell or supply any specified risk material, or any feedingstuff which he knows or has reason to suspect contains any specified risk material, for feeding to any animal.

(4) Paragraph (3) shall not apply to the sale or supply of any feedingstuff to a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(5) Subject to paragraph (6), a person shall not feed to any animal or poultry –

- (a) any specified risk material;
- (b) any feedingstuff which he knows or has reason to suspect contains any specified risk material; or
- (c) a whole carcase or any part of a ruminant animal from which specified risk material has not been removed in accordance with these Regulations.

(6) Paragraph (5)(a) and (b) shall not apply to the feeding to any animal or poultry of any specified risk material or feedingstuff for research purposes in a research establishment licensed under these Regulations and in accordance with any conditions subject to which the licence is issued.

(7) For the purposes of this regulation –

- (a) “specified risk material” includes anything derived from it;
- (b) a feedingstuff shall be treated as containing specified risk material if it contains anything derived from it; and
- (c) “animal” does not include a human being.

(8) It shall be a defence for any person charged with an offence under this regulation to prove that he did not know or have any reason to believe that the material or the feedingstuff in relation to which he is charged comprised or contained, specified risk material.

### **Specified risk material for use in cosmetic, pharmaceutical and medical products**

**50.**—(1) A person shall not sell any UK specified risk material for use in the preparation or manufacture of any cosmetic, pharmaceutical or medical product.

(2) A person shall not use any UK specified risk material in the preparation or manufacture of any ingredient to be sold for use in the preparation or manufacture of a cosmetic, pharmaceutical or medical product.

(3) The prohibitions in paragraphs (1) and (2) shall apply to anything derived from UK specified risk material as if it were UK specified risk material.

(4) It shall be a defence for any person charged with an offence under paragraph (1) or (2) to prove that he did not know or have any reason to believe that the material was, or was derived from, UK specified risk material.

### **Mechanically recovered meat**

**51.**—(1) Any person who contravenes or fails to comply with point 3 of Part A of Annex XI to the Community TSE Regulation in the production of mechanically recovered meat shall be guilty of an offence.

(2) A person shall not use any mechanically recovered meat which has been derived from any bone of a bovine, ovine or caprine animal in the preparation of any food for sale for human consumption or any feedingstuff.

*Prohibitions on collection, transport, rendering, incineration etc. and storage of specified risk material*

**Use of premises for collection, transport, rendering, incineration etc. of specified risk material**

**52.** A person shall not use any premises for any purpose in connection with –

- (a) the collection of specified risk material;
- (b) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material,

unless the premises are approved for the purpose under this Part by the Licensing Authority.

**Storage of specified risk material**

**53.**—(1) Subject to paragraph (2), a person shall not store specified risk material in the same room in any premises as any food, feedingstuff or any cosmetic, pharmaceutical or medical product.

(2) The requirement in paragraph (1) shall not apply where an inspector has approved the storage of specified risk material in the same room as any food, feedingstuff or any cosmetic, pharmaceutical or medical product, on being satisfied that the arrangements for storage will ensure the adequate separation of the specified risk material from the food, feedingstuff or cosmetic, pharmaceutical or medical product.

(3) A person shall not store specified risk material otherwise than in an impervious container which –

- (a) contains nothing but specified risk material;
- (b) is labelled as containing specified risk material;
- (c) is not left uncovered when containing specified risk material; and
- (d) after use for such storage is thoroughly washed and disinfected before being used for any other purpose.

**Transport of specified risk material**

**54.**—(1) A person shall not transport specified risk material unless –

- (a) the specified risk material is in a container marked with the words “specified risk material”; and
- (b) he provides a written statement to the person to whom it is sent detailing the premises from which the specified risk material was collected for delivery.

(2) A person shall not transport specified risk material unless –

- (a) it is transported in a container which –
  - (i) is not being used at the same time to transport any material other than specified risk material; and
  - (ii) is impervious; and
- (b) it is kept covered at all times while in the container except when necessary for loading into the container or examination by an inspector.

(3) Any person transporting specified risk material shall ensure that the container in which the specified risk material is transported is thoroughly washed and disinfected before being used for any other purpose.

### **Procedure for bringing in specified risk material from Great Britain, the Isle of Man or any of the Channel Islands**

**55.**—(1) A person shall not bring specified risk material into Northern Ireland from Great Britain, the Isle of Man or any of the Channel Islands unless –

- (a) it is stained in accordance with legislation having effect in, as the case may be, Great Britain, the Isle of Man or any of the Channel Islands and corresponding to the provisions of this Part relating to staining;
- (b) it is exempt from the requirement to stain under that legislation by virtue of provisions corresponding to regulation 39(3); or
- (c) it is transported in a sealed vehicle in accordance with the provisions of legislation having effect in, as the case may be, Great Britain, the Isle of Man or any of the Channel Islands corresponding to the provisions of regulation 46.

(2) Any person bringing specified risk material into Northern Ireland from Great Britain, the Isle of Man or any of the Channel Islands shall immediately transport it to one of the destinations specified in regulation 40.

#### *Approval or licensing*

### **Approval or licensing of premises**

**56.**—(1) The Licensing Authority may –

- (a) approve any occupier of premises to use the premises for any use in connection with –
  - (i) the collection or transport of specified risk material; or
  - (ii) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material; and
- (b) license any occupier of a slaughterhouse or cutting premises to use the slaughterhouse or cutting premises for any use in connection with –
  - (i) the removal referred to in regulation 36(1) of vertebral column or regulation 37 of spinal cord; or
  - (ii) the removal referred to in regulation 45(1)(a) of the spinal cord, or any part of the spinal cord, from the vertebral column of a sheep or goat;

subject to such conditions as the Licensing Authority believes are necessary to ensure the occupier of the slaughterhouse or cutting premises is able to comply with the requirements of Part A of Annex XI to the Community TSE Regulation and these Regulations which apply to the use concerned.

(2) On an application made by an occupier of any premises to the Licensing Authority for an approval or licence under this regulation, the Licensing Authority shall grant the occupier an approval or licence if it is satisfied that –

- (a) the occupier has in place facilities, procedures and methods of operation sufficient for him to be able to comply with such of the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the use of the premises to which the application relates;
- (b) in respect of an application for approval to use premises in connection with rendering of specified risk material, the premises have the facilities specified in Part I of Schedule 6 sufficient to enable the occupier of the premises to render the specified risk material into protein and tallow at the premises by one of the methods specified in Part II of that Schedule; and

- (c) there is no significant risk that inspection by or on behalf of the Licensing Authority of the use of the premises will be hampered or denied.

(3) In considering applications for an approval or licence for the purposes of this regulation the Licensing Authority may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this Part.

(4) In this Part –

(a) in relation to –

- (i) premises which are licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;
- (ii) premises which are licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995<sup>(21)</sup>;
- (iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997<sup>(22)</sup>;
- (iv) premises which are approved under the Meat Products (Hygiene) Regulations (Northern Ireland) 1997<sup>(23)</sup>; and
- (v) premises which are approved under the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997<sup>(24)</sup>,

the “Licensing Authority” is the Agency or the Department;

- (b) in relation to any other premises, “the Licensing Authority” is the Department;
- (c) “approved collection centre” means premises used in connection with the collection or transport of specified risk material for which its occupier is approved by the Licensing Authority under this Part to use for a purpose which would otherwise be prohibited by this Part;
- (d) “approved incinerator” and “approved boiler” means an incinerator or, as the case may be, a boiler, the operator of which is approved by the Licensing Authority under this Part to use for a purpose which would otherwise be prohibited by this Part;
- (e) “approved rendering plant” means a rendering plant, the operator of which is approved by the Licensing Authority under this Part to use for a purpose which would otherwise be prohibited by this Part; and
- (f) “licensed slaughterhouse” and “licensed cutting premises” means a slaughterhouse or, as the case may be, cutting premises, the occupier of which is licensed by the Licensing Authority under this Part to use for a purpose which would otherwise be prohibited by this Part.

### **Licensing of premises for the use of specified risk material in production or research**

57.—(1) The Department may license the occupier of any premises to use the premises for –

- (a) the use of specified risk material in relation to the production referred to in Article 2 of the Community TSE Regulation; or
- (b) the use of specified risk material or other source of TSE infectivity in relation to keeping live animals used in or intended for research,

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(21) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496, S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2002 No. 217

(22) S.R. 1997 No. 496 as amended by S.R. 2000 No. 78

(23) S.R. 1997 No. 494 as amended by S.R. 1999 No. 193, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2000 No. 287

(24) S.R. 1997 No. 495 as amended by S.R. 2000 No. 191 and S.R. 2000 No. 287

subject to such conditions as it believes are necessary to ensure the occupier is able to comply with the separation and production requirements of that Article which apply to the production or the keeping concerned.

(2) On an application made to it under this regulation for a licence the Department shall grant the licence if it is satisfied that –

- (a) the occupier of the premises has in place facilities and procedures to enable the tracing throughout the production or keeping to which the application relates of all specified risk material delivered to the premises sufficient to be able to show that –
  - (i) all specified risk material delivered to the premises is used for the purpose for which it was delivered or is disposed of in accordance with such conditions as it may specify in the licence; or
  - (ii) no product produced at the premises is used as, or in connection with or in the production of, any food or feedingstuff or any cosmetic, pharmaceutical or medical product; and
- (b) the use of the specified risk material in the production or keeping concerned does not give rise to risk –
  - (i) to human health; or
  - (ii) with the exception of the health of the animals for whose keeping the licence is required, to animal health.

(3) The occupier of premises licensed under this regulation shall –

- (a) ensure that the use of the premises for the licensed purpose is in accordance with –
  - (i) the conditions of the licence; and
  - (ii) the provisions of this Part and Schedule 6 relating to that use; and
- (b) ensure that any person employed by him and any person invited onto the premises, complies with these conditions.

(4) The occupier of any premises licensed under this regulation shall permit an inspector, or a person acting under the responsibility of an inspector, to –

- (a) inspect any carcase, part of a carcase, blood or specified risk material on the premises to enable the inspector to ascertain whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with; and
- (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to ascertain whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with,

and shall give to an inspector, or any person acting under the authority of the inspector, such reasonable assistance as he may require.

(5) A person shall not carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with any conditions specified in the licence and with the provisions of this Part and Schedule 6 relating to that operation.

### **Application for approval or licence**

**58.**—(1) An application for an approval or licence under this Part shall be made in writing to the Licensing Authority by or on behalf of the person carrying on or proposing to carry on the business at the premises to which the application relates.

(2) The Licensing Authority shall notify the applicant in writing of the Authority's decision on an application made to it in accordance with this regulation.

- (3) An approval or licence under this Part shall specify –
- (a) the name and address of the person to whom the approval or licence is granted and the address of the approved or licensed premises;
  - (b) the use of the premises for which the approval or licence is granted; and
  - (c) the conditions subject to which the approval or licence is granted.
- (4) If the Licensing Authority refuses to approve or license the premises or grants an approval or licence subject to any condition it shall give to the applicant a statement of –
- (a) the reasons for the refusal or the condition; and
  - (b) his right under this Part to appeal against the refusal or the condition and the period within which and the person to whom an appeal may be made.

### **Requirements of use of approved or licensed premises**

- 59.**—(1) An occupier approved or licensed to use premises under this Part shall –
- (a) ensure that the use of the premises for the approved or licensed use is in accordance with the requirements of these Regulations and the conditions of the approval or licence;
  - (b) ensure that any person employed by him and any person invited onto the premises complies with these requirements and conditions.
- (2) An occupier approved or licensed to use premises under this Part shall permit an inspector or a person acting under the authority of an inspector, to –
- (a) inspect any carcase, part of a carcase, blood or specified risk material on the premises to enable the inspector to ascertain whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with; and
  - (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to ascertain whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with,
- and shall give to an inspector, or any person acting under the authority of the inspector, such reasonable assistance as he may require.
- (3) A person shall not carry out any operation in relation to specified risk material at premises approved or licensed under this regulation except in accordance with the requirements of these Regulations and any conditions specified in the approval or licence.

### **Suspension of approval or licence**

- 60.**—(1) The Licensing Authority may suspend an approval or licence under this Part if it appears to the Authority that –
- (a) the premises are being used otherwise than in accordance with –
    - (i) the approval or licence; or
    - (ii) this Part or Schedule 6;
  - (b) any condition specified in the approval or licence has not been complied with;
  - (c) inspection of the premises for the purposes of these Regulations is being hampered or denied; or
  - (d) a notice has been served on the occupier in relation to the use of the premises under this Part and the Licensing Authority is not satisfied that the action required in accordance with the notice has been taken by the occupier within the time required.



- (2) Before suspending an approval or licence the Licensing Authority shall –
  - (a) give notice of the intended suspension to the occupier of the premises; and
  - (b) have regard to any representations made to the Licensing Authority by that person in relation to the intended suspension.
- (3) A notice of suspension of an approval or licence shall include the following information–
  - (a) a summary of the decision of the Licensing Authority to suspend the approval or licence and a description of the use of the premises for which the approval or licence is suspended;
  - (b) the reason for the suspension;
  - (c) the date on which the suspension takes effect (which may be the same date as the date on which the notice is issued);
  - (d) the matters which must be rectified for the suspension to be lifted; and
  - (e) a statement of the right of the person to whom the notice of suspension is given to appeal under this Part against the suspension and the period within which and the person to whom an appeal may be made.
- (4) Where a suspension of an approval or licence of premises under this regulation has taken effect the premises shall be treated as if they were not approved or licensed for the use for which the approval or licence is suspended.
- (5) The Licensing Authority shall lift a suspension of an approval or licence where –
  - (a) it is satisfied that –
    - (i) the reason for the suspension no longer applies; and
    - (ii) the person who would use the premises for the use for which they are approved or licensed will use the premises in accordance with the approval or licence and the conditions of the approval or licence and this Part and Schedule 6; or
  - (b) the determination of an appeal under this Part against the suspension is that the approval or licence should not have been suspended.
- (6) Where the Licensing Authority lifts a suspension it shall give notice of this to the person to whom it gave notice of the suspension.

### **Revocation of approval or licence**

- 61.**—(1) The Licensing Authority may revoke an approval or licence of any premises approved or licensed under this Part if it appears to it that –
- (a) the premises are being used otherwise than in accordance with –
    - (i) the approval or licence; or
    - (ii) this Part or Schedule 6;
  - (b) any condition specified in the approval or licence has not been complied with;
  - (c) inspection of the premises for the purposes of these Regulations is being hampered or denied;
  - (d) a notice has been served on the occupier in relation to the use of the premises under this Part and the Licensing Authority is not satisfied that the action required in accordance with the notice has been taken by the occupier within the time required;
  - (e) the person using the premises for the use for which they are approved or licensed no longer wishes to carry on that use of the premises; or
  - (f) the premises are not being used for the use for which they are approved or licensed.
- (2) Before revoking an approval or licence the Licensing Authority shall –

- (a) give notice of the intended revocation to the occupier of the premises (or, in the case of a revocation under paragraph (1)(f), to the person known to the Licensing Authority as the last person to use the premises for the use for which they are approved or licensed and to any other person who appears to the Licensing Authority to be in current occupation of the premises); and
  - (b) have regard to any representations made to the Licensing Authority by that person in relation to the intended revocation.
- (3) A notice of revocation of an approval or licence shall include the following information—
- (a) a summary of the decision of the Licensing Authority to revoke the approval or licence and a description of the use of the premises for which the approval or licence is revoked;
  - (b) the reason for the revocation;
  - (c) the date on which the revocation takes effect, which must not be before the period of 21 days after the date on which the notice is given;
  - (d) a statement of the right of the person to whom the notice of revocation is given to appeal against the revocation; and
  - (e) a statement –
    - (i) that, pending an appeal, for the protection of public or animal health, the continued use of the premises, for the use for which the approval or licence is revoked, is prohibited; or
    - (ii) of any conditions for the protection of public or animal health to which the continued use of the premises for an approved or licensed use is subject pending an appeal.
- (4) Subject to paragraph (7), where a statement under paragraph 3(e)(ii) is included in a notice of revocation of an approval or licence, premises may continue to be used by the occupier for a use for which an approval or licence is revoked during the period of 21 days after the notification to the occupier of the revocation.
- (5) After the expiry of this period the premises may not be used for the use for which the approval or licence is revoked unless, before the period expired, an appeal was made in accordance with regulation 62 and the appeal has not been finally disposed of or abandoned.
- (6) Where the Licensing Authority has given notice of a decision to revoke the approval or licence in respect of any premises and the notice of revocation included a statement under paragraph (3)(e)(i), the occupier of the premises shall not use the premises for the use for which the approval or licence is revoked.
- (7) Where the Licensing Authority has given notice of a decision to revoke the approval or licence in respect of any premises and the notice of revocation included a statement under paragraph (3)(e)(ii), the occupier of the premises shall not use the premises for the use for which the approval or licence is revoked except in accordance with the conditions specified in the statement.

### **Appeals against suspension and revocation of approval or licence**

**62.**—(1) Where in respect of any premises the Licensing Authority has given notice of a decision under this Part –

- (a) to refuse to approve or license any premises; or
- (b) to grant an approval or licence in respect of any premises subject to conditions;
- (c) to suspend the approval or licence in respect of any premises; or
- (d) to revoke the approval or licence in respect of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person specified in the notice.

(2) An appeal under this regulation shall be made by written statement given to the person specified in the notice accompanied by a brief explanation of the grounds of the appeal and such other information and documents as may be so specified.

- (3) Where, on an appeal under this regulation, the person hearing the appeal determines that –
- (a) the grant of an approval or licence should not have been refused; or
  - (b) unreasonable conditions have been attached to the grant of an approval or licence; or
  - (c) an approval or licence should not have been suspended or revoked,

the Licensing Authority shall give effect to that determination.

### *Collection centres and incinerators*

#### **Collection centres**

**63.**—(1) Any person delivering specified risk material to an approved collection centre shall state in writing to the operator of that collection centre the place from which that specified risk material was collected for delivery to that collection centre.

(2) A person shall not take delivery of specified risk material at a collection centre, or operate a collection centre for specified risk material, unless it has been approved under this Part and has sufficient facilities for storing and handling specified risk material in a manner which keeps it separate from other animal material.

- (3) The operator of an approved collection centre shall ensure that –
- (a) without prejudice to the storage requirements of regulation 53, all specified risk material in the collection centre is kept separate from all other animal material; and
  - (b) any equipment used in relation to the collection or storage of specified risk material or that comes into contact with such material is thoroughly washed and disinfected before he uses the equipment or allows it to be used in relation to the collection or storage of any other material.

(4) A person shall not consign specified risk material from an approved collection centre except to an approved incinerator or an approved rendering plant.

#### **Incinerators**

**64.**—(1) Any person delivering specified risk material to an approved incinerator shall state in writing to the operator of that incinerator the place from which that specified risk material was collected for delivery to that incinerator.

- (2) A person shall not operate an incinerator for the incineration of specified risk material unless –
- (a) the incinerator has been approved under this Part as having suitable facilities to incinerate specified risk material in accordance with paragraphs (3) and (4);
  - (b) he disposes of the ash by burial at a landfill site for which there exists a current disposal licence granted under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978<sup>(25)</sup>;
  - (c) the incinerator is equipped with a refractory lining.

(3) The operator of an approved incinerator shall incinerate all specified risk material delivered to him to the standard specified in the approval and in such a manner that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the approval.

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(25) S.I. 1978/1049 (N.I. 19)

(4) A person shall not remove specified risk material from an approved incinerator unless it has been completely incinerated.

(5) A person shall not operate a boiler for incinerating tallow unless the boiler has been approved by the Department as having suitable facilities to incinerate the material.

### *Rendering plants*

#### **Delivery of specified risk material to rendering plants**

**65.**—(1) Any person delivering specified risk material to an approved rendering plant shall state in writing to the operator of that rendering plant the place from which that specified risk material was collected for delivery to that rendering plant.

(2) A person shall not take delivery of specified risk material at a rendering plant, or operate a rendering plant for specified risk material, unless at the time of the delivery the plant is approved under this Part as having the facilities specified in Part I of Schedule 6 sufficient to enable it to render the specified risk material by one of the methods specified in Part II of that Schedule.

(3) The operator of an approved rendering plant shall ensure that all containers, receptacles and vehicles which have been used for the transport of specified risk material are cleaned, washed and disinfected before they leave the premises.

#### **Storage etc. of specified risk material at rendering plants**

**66.**—(1) Subject to paragraph (2), and without prejudice to the storage requirements of regulation 53, the operator of an approved rendering plant shall ensure that all specified risk material in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(2) The operator of an approved rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided –

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for two years of the exact quantity of the specified risk material and the other material together with which the specified risk material is kept, handled, stored and rendered.

(3) For the purposes of this Part, references to specified risk material shall include references to any –

- (a) specified risk material kept, handled, stored or rendered together with other material; and
- (b) any other material together with which the specified risk material is kept, handled, stored or rendered.

#### **Rendering of specified risk material**

**67.**—(1) The operator of an approved rendering plant shall ensure that specified risk material is processed without undue delay and in any event within seven days of delivery using one of the methods described in Part II of Schedule 6.

(2) A person shall not move from the unclean section of an approved rendering plant, as so specified by the occupier in accordance with paragraph 3 of Part I of Schedule 6, into the clean section as so specified without first changing his working clothes and footwear and disinfecting the latter.

(3) The operator of an approved rendering plant shall ensure (except as provided by paragraph (4)) that any equipment used for processing specified risk material is used only for that purpose.

(4) Subject to paragraph (5), the Department may, on application by the operator of an approved rendering plant, consent to the use for other purposes of equipment previously used for processing specified risk material.

(5) A consent given under paragraph (4) shall not be effective until the Department has indicated in writing that it is satisfied that the equipment concerned has been cleaned in accordance with any conditions specified in that consent.

(6) A person shall not take equipment or utensils from the unclean section into the clean section of an approved rendering plant unless they are first washed and disinfected.

(7) The operator of an approved rendering plant shall ensure that systematic measures are taken to control birds, rodents, insects and other vermin on the premises.

(8) The operator of an approved rendering plant shall ensure that the premises and any equipment on the premises are kept in a good state of repair and that measuring equipment is regularly calibrated.

### **Rendered material**

**68.**—(1) After any specified risk material has been rendered at an approved rendering plant the operator of the plant shall ensure that –

- (a) all protein is placed in a container labelled “specified risk material” and disposed of –
  - (i) by burial at a landfill site for which there exists a current disposal licence granted under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978;
  - (ii) as specified in the approval; or
  - (iii) by sending to an approved incinerator.
- (b) all tallow is placed in a container labelled “specified risk material” and disposed of –
  - (i) by burial at a landfill site for which there exists a current disposal licence granted under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978;
  - (ii) as specified in the approval; or
  - (iii) by incineration at an approved incinerator, or an approved boiler.

(2) An operator of an approved rendering plant shall ensure that no rendered material produced from any specified risk material –

- (a) is consigned from the plant for disposal by burial; or
- (b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 6.

(3) Protein rendered from animal material, other than specified risk material from scheme animals, shall be disposed of by incineration at an approved incinerator.

(4) Tallow rendered from animal material, other than specified risk material from scheme animals, shall be disposed of by incineration at an approved incinerator or approved boiler.

### *Administration and enforcement*

#### **Records**

**69.**—(1) Any person who consigns any specified risk material for transport from any premises shall make, on consignment, a record of each consignment showing –

- (a) the date on which the specified risk material was consigned from the premises;
- (b) the quantity, weight and description of the material;
- (c) the destination to which it was consigned; and
- (d) the name and address of the haulier transporting it.

(2) Any person who transfers any specified risk material from any part of any premises approved for the removal, collection, disposal or destruction of any specified risk material to another part of the premises shall make, on transfer, a record of each transfer showing the date on which the specified risk material was transferred and the quantity and description of the material transferred.

(3) A person who collects any specified risk material from any premises for the purpose of transporting it shall make, on collection, a record showing –

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material was collected;
- (c) the quantity, weight and description of the material; and
- (d) the destination to which it is to be taken,

and shall ensure that this record accompanies the specified risk material during transport.

(4) A person who receives any specified risk material collected or transferred from any premises shall make on receipt a record showing –

- (a) the address of the premises from which the material was collected or transferred;
- (b) the date on which the material is received;
- (c) the quantity, weight and description of the material; and
- (d) name and address of the person who transported it.

(5) In addition to any records he is required to make under paragraph (1) and (4), an occupier of rendering premises shall make a record of any specified risk material he renders at the premises showing –

- (a) the quantity and weight rendered and the date of rendering;
- (b) the particle size to which the material was reduced before rendering;
- (c) the temperature of the material achieved during rendering;
- (d) in a batch system, the period during which the material was rendered;
- (e) if appropriate, the pressure to which the by-products are subjected during rendering;
- (f) if appropriate, the feed rate of the material;
- (g) if appropriate, the fat re-cycling rate;
- (h) the quantity, weight and description of rendered material produced;
- (i) in the case of all rendered material –
  - (i) the method of disposal;
  - (ii) the quantity and weight disposed of;
  - (iii) the date of disposal;
  - (iv) the name of the person transporting it for disposal; and

(v) the address of the disposal premises.

(6) Any record required to be made under this regulation shall be kept by or on behalf of the person required to make it for a period of two years from the date on which the record is made.

### **Cleansing and disinfection**

**70.**—(1) If an inspector suspects that any vehicle, container or premises constitute a disease risk he may serve a notice on the person in charge of the vehicle or container, or on the occupier of the premises, requiring that person to cleanse and disinfect, at his own expense and in such manner and within such period as may be specified in the notice, –

- (a) all or any part of the vehicle, container or premises; or
- (b) any such equipment or any other thing used in connection with any such vehicle, container or premises.

(2) The notice may –

- (a) specify the method of disposal of any specified risk material remaining in the vehicle, container or premises; and
- (b) prohibit the movement of specified risk material into the vehicle or container or on to the premises until such time as the required cleansing and disinfection has been satisfactorily completed.

(3) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person on whom the notice was served.

### **Powers of inspectors**

**71.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of this Part.

(2) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) to –

- (a) ascertain whether any –
  - (i) TSE susceptible animal; or
  - (ii) any specified risk material,  
is being or has been kept on the premises;
- (b) ascertain whether –
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine –
  - (i) specified risk material; or
  - (ii) the carcase of any TSE susceptible animal;

- (e) take such samples from, and make such tests in relation to, any –
  - (i) TSE susceptible animal;
  - (ii) carcase of such an animal;
  - (iii) specified risk material or any other material appearing to him to be derived from an animal;
  - (iv) food, feedingstuff or fertiliser;
  - (v) cosmetic, pharmaceutical or medical product,  
as he considers necessary;
- (f) mark or tag for identification purposes any specified risk material or TSE susceptible animal, or the carcase of such an animal;
- (g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any such animal or in possession of any specified risk material, a notice –
  - (i) to restrict or prohibit the movement of the TSE susceptible animal, carcase or specified risk material; or
  - (ii) in respect of any such carcase or specified risk material, to require the person to dispose of the carcase or specified risk material in the manner and period specified in the notice;
- (h) issue a licence in connection with the movement of any specified risk material, TSE susceptible animal or the carcase of such an animal;
- (i) seize any specified risk material, TSE susceptible animal or the carcase of such an animal;
- (j) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (k) serve any notice –
  - (i) in connection with the seizure of any specified risk material, TSE susceptible animal or the carcase of such an animal; or
  - (ii) under regulation 72(1) or (2);
- (l) inspect –
  - (i) any part of the premises; or
  - (ii) any equipment at the premises;
- (m) inspect any facility, operation or procedure at the premises, including –
  - (i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or
  - (ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;
- (n) give any direction under regulation 73;
- (o) examine any record, in whatever form the record may be held, and take copies of the record;
- (p) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or



- (q) ascertain whether there is or has been any contravention of, or failure to comply with, this Part or Schedule 6 or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied under paragraph (2)(f).
- (4) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a private dwelling) for any purpose as is mentioned in paragraph (2) and either –
- (a) admission to the premises has been refused, or a refusal is expected, 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 is absent,
- he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.
- (5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any specified risk material, or any animal or carcase, which is or has been on the premises, shall –
- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part; and
  - (b) if required by an inspector, give such information as he possesses as to –
    - (i) any specified risk material or any animal or carcase which is or has been on the premises;
    - (ii) any animal or carcase with which any specified risk material, or any animal or carcase, which is or has been on the premises may have come into contact; and
    - (iii) the location, transport and movement of any specified risk material, or any animal or carcase, which is or has been in his possession or charge.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him –
- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.
- (7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Recall, seizure and destruction of feedingstuffs**

72.—(1) An inspector may serve a notice on any person in whose possession is found any feedingstuff containing specified risk material, except a feedingstuff prepared for use at premises approved for that use under regulation 56, requiring that person to dispose of the feedingstuff and any other feedingstuff or material with which it has come into contact, in such manner and within such period as may be specified in the notice.

(2) An inspector may serve a notice on any person who has sold or supplied any feedingstuff containing specified risk material requiring that person to collect that feedingstuff at his own expense 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 may be specified in the notice.

(3) If any person on whom a notice is served under paragraph (1) or (2) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice.

(4) The amount of any expenses reasonably incurred by or on behalf of an inspector acting pursuant to paragraph (3) shall be recoverable from the person on whom the notice was served.

### **Directions**

**73.**—(1) If the Department or the Agency is satisfied that specified risk material cannot be disposed of under the provisions of these Regulations, whether for reasons of mechanical breakdown of equipment or otherwise, it may give written direction to the owner or person in control of the specified risk material for its disposal in a safe manner.

(2) In the event of any person not complying with that direction, the Department or the Agency may make arrangements for the disposal of the specified risk material.

(3) The expenses of the Department or the Agency under paragraph (2) shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Compliance with notices**

**74.**—(1) Any notice served under this Part shall be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under this Part is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the notice.

### **Slaughterhouse staff training**

**75.** The occupier of any slaughterhouse where specified risk material is removed from carcasses pursuant to this Part shall arrange or establish in consultation with an official veterinary surgeon a staff training programme to train staff to comply with those requirements of these Regulations which they perform at the slaughterhouse.

### **Offences and penalties**

**76.**—(1) An occupier of any premises used for the purposes of a business in course of which any commercial operation with respect to food or food sources is carried out shall take all practicable steps to secure compliance by any of his employees with the provisions of these Regulations which apply to those operations in relation to those premises.

(2) If any person contravenes or fails to comply with –

- (a) paragraph (1);
- (b) a direction of the Department or the Agency under regulation 73;
- (c) a notice served under this Part; or
- (d) any other prohibition or requirement imposed by or under this Part,

he shall be guilty of an offence.

(3) A person guilty of an offence under regulation 42(1), regulation 51(1) or this regulation shall be liable –

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (4) A prosecution for an offence under this Part shall not be begun after the expiry of –
- (a) three years from the commission of the offence; or
  - (b) one year from its discovery by the prosecutor,
- whichever is the earlier.

(5) In this regulation “commercial operation” and “food source” have the same meanings as in the Food Safety (Northern Ireland) Order 1991.

### **Inspection and seizure of suspected food**

77.—(1) The following provisions of the Food Safety (Northern Ireland) Order 1991 shall apply for the purposes of this Part as they apply for the purposes of Articles 7, 13 or 14 of that Order and, unless the context otherwise requires, any reference in them to the Order shall be construed as a reference to this Part of these Regulations –

- (a) Article 8 (inspection and seizure of suspected food);
- (b) Article 30(8) (evidence of certificate of analysis or examination).

(2) On an inspection for the purposes of this Part of any food intended for human consumption an inspector may certify that the food fails to comply with a provision of this Part.

(3) Where any food is certified as mentioned in paragraph (2) it may be treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements.

## **PART V**

### **CONTROL AND ERADICATION OF TSEs: CHAPTER IV OF THE COMMUNITY TSE REGULATION**

#### **Notifications for the purposes of Chapter IV of the Community TSE Regulation**

78.—(1) A person who has in his possession or under his charge an animal suspected of being affected by a TSE and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal, shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer or a member of the Police Service of Northern Ireland.

(2) A person who has in his possession or under his charge on any premises an animal suspected of being affected by a TSE shall detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of an animal or a sample from the carcase of an animal, reasonably suspects the presence of a TSE, shall –

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Officer;
- (b) retain the sample examined and the remainder of the carcase until its disposal has been authorised by a veterinary inspector; and
- (c) if required to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

(4) Paragraph (3) shall not apply to any TSE which has been introduced deliberately into an animal, a carcase or a sample –

- (a) in any laboratory; or
- (b) on any premises, whether or not a laboratory, licensed by the Department under regulation 57.

#### **Measures for the purposes of Chapter IV of the Community TSE Regulation**

**79.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) to –

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether –
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of such an animal;
- (e) make such tests and take such samples from any TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
- (f) mark or tag for identification purposes any TSE susceptible animal or the carcase of such an animal or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of such an animal;
- (i) seize any TSE susceptible animal, the carcase or any part of the carcase of such an animal, or any blood and serve any notice in connection with the seizure;
- (j) give any direction under regulation 83;
- (k) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (l) slaughter any TSE susceptible animal;
- (m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (n) examine any record, in whatever form the record may be held, and take copies of the record;
- (o) have access to and check the operation of any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably

require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or

- (p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied to a TSE susceptible animal or the carcase of such an animal under paragraph (2)(f) and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a private dwelling) for any purpose mentioned in paragraph (2) and that either –

- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier of the premises; or
- (b) an application for admission, or the giving of such a notice, would defeat the object of entering the premises, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,

he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, his employees and any person on the premises 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 to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation; and
- (b) if required by an inspector, 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.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him –

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Movement prohibitions and restrictions of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**80.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal, whether or not the animal is suspected of being affected by a TSE, from or to any premises.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force an inspector may renew it subject to such requirements or conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal suspected of being affected by a TSE from premises on the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such conditions as he considers necessary.

(6) Where an animal is being moved under the authority of a licence issued under this Part, the person in charge of the animal being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of the Police Service of Northern Ireland, produce the licence and allow a copy or extract to be taken, and shall, on such demand, furnish his name and address.

#### **Slaughter of TSE susceptible animals at slaughterhouses for the purposes of Chapter IV of the Community TSE Regulation**

**81.**—(1) This regulation and regulation 82 apply where the Department is satisfied it is necessary to slaughter any TSE susceptible animal for the purposes of Chapter IV of the Community TSE Regulation.

(2) Where the Department is satisfied that it is necessary for these purposes to slaughter a TSE susceptible animal at premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 an inspector shall so inform the occupier of the premises concerned and direct the occupier to slaughter the animal in such manner and within such period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to –

- (a) the slaughter of the animal; and
- (b) any related operation, including –
  - (i) the handling of the animal before and at slaughter, the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of that animal before and at slaughter, the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must –

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to –

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal to be slaughtered under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse, any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

#### **Slaughter of TSE susceptible animals at other premises for the purposes of Chapter IV of the Community TSE Regulation**

**82.**—(1) Where the Department is satisfied that it is necessary for the purposes of Chapter IV of the Community TSE Regulation to slaughter a TSE susceptible animal at premises other than premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 a veterinary inspector shall serve a notice on the owner or person in charge of the animal –

- (a) informing him of the intention to slaughter the animal; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Department.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Department shall either –

- (a) withdraw the notice of intended slaughter; or
- (b) serve a notice on the owner or person in charge of the animal to confirm the intended slaughter of the animal.

(3) After service of the notice confirming the intended slaughter of the animal the Department shall slaughter the animal as soon as possible.

#### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**83.**—(1) This regulation applies where the Department is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary –

- (a) to require an occupier of premises to retain on the premises under the direction of the Department a carcase of a TSE susceptible animal, any part of such a carcase or any blood derived from any such carcase or part of a carcase; or
- (b) to seize from any premises the carcase of a TSE susceptible animal, any part of such a carcase or any blood derived from any such carcase or part of a carcase.

(2) For any such purpose an inspector may –

- (a) direct the occupier of the premises to retain on the premises a carcase of a TSE susceptible animal, any part of such a carcase or any blood derived from any such carcase or part of a carcase; or

(b) seize or dispose of –

- (i) any carcase of a TSE susceptible animal from any premises, or any part of such a carcase, whether or not it is a carcase or part of a carcase which the occupier has been required to retain under the direction of an inspector; and
- (ii) any blood derived from a carcase of a TSE susceptible animal or any part of such a carcase, whether or not the carcase or part of the carcase from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcase, part of a carcase or blood derived from any carcase or part of a carcase may include directions in relation to the treatment, storage and disposal of the carcase, part of the carcase or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given, if so stipulated by the Department.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

(6) Where a direction is in force under this regulation the requirements or conditions of which allow movement of any carcase of a TSE susceptible animal from premises on the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such conditions as he considers necessary.

(7) Where a carcase is being moved under the authority of a licence issued under this Part the person in charge of the carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of the Police Service of Northern Ireland, produce the licence and allow a copy or extract to be taken, and shall, on such demand, furnish his name and address.

#### **Compensation for slaughtered TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**84.**—(1) Where a TSE susceptible animal is slaughtered under regulation 81 or 82 the Department shall pay compensation to the owner of the animal in accordance with the provisions of Part III of Schedule 1.

(2) The Department shall pay compensation in accordance with the provisions of Part IV of Schedule 1 to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 83.

#### **Prohibition of sale, supply and use of milk from affected or suspected animals**

**85.**—(1) Subject to paragraph (2), a person shall not knowingly –

- (a) sell or supply for human consumption or for feeding to a farmed animal or poultry;
- (b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or
- (c) feed to an animal or poultry,

any milk which he knows or has reason to suspect has been produced by a bovine animal suspected of being affected by bovine spongiform encephalopathy, a bovine animal in which the presence of bovine spongiform encephalopathy has been officially confirmed or any bovine animal referred to in Article 13 of, and point 1(a) of Annex VII to, the Community TSE Regulation as being at risk of being affected by bovine spongiform encephalopathy.

(2) The prohibitions in paragraph (1) shall not apply –



- (a) to the feeding to its own calf of any milk produced by a cow; or
- (b) to the feeding to an animal or poultry of –
  - (i) any milk for research purposes in a research establishment under the authority of a licence granted by the Department and in accordance with any conditions subject to which the licence is granted; or
  - (ii) to the sale or supply of any milk to such a research establishment for those purposes.

(3) A person shall not remove any milk, which he knows or has reason to suspect has come from a bovine animal suspected of being affected by bovine spongiform encephalopathy, 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.

### **Cleansing and disinfection**

**86.**—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, a TSE susceptible animal or the carcass of such an animal, 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, –

- (a) all or any part of the premises; or
- (b) any equipment or any other thing used in connection with any such animal or carcass.

(2) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person on whom the notice was served.

## **PART VI**

### **ARTICLE 15(2) OF AND CHAPTER B OF ANNEX VIII TO THE COMMUNITY TSE REGULATION**

#### **Notification of progeny of certain TSE suspect and confirmed animals**

- 87.**—(1) A person who has in his possession or under his charge any –
- (a) first generation progeny of –
    - (i) a female bovine animal infected with a TSE;
    - (ii) a BSE-confirmed ovine or caprine animal; or
  - (b) any embryos or ova derived from a female bovine animal infected with a TSE, or a BSE-confirmed ovine or caprine animal; or
  - (c) any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal,

and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such progeny, semen, embryos or ova, shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer.

(2) A person who has in his possession or under his charge on any premises any animal he reasonably suspects is an animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal or any semen derived

from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal shall detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of any animal, or any semen, embryos or ova derived from an animal, reasonably suspects it is an animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal or semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, shall –

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Officer;
- (b) retain the sample examined and the remainder of the carcase or semen, embryos or ova until its disposal has been authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

### **Measures to administer and enforce Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation**

**88.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) to –

- (a) ascertain whether any animal which is the first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal is being or has been kept on the premises;
- (b) collect, pen, inspect and examine any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (c) inspect and examine, and make such tests and take such samples as he considers necessary from, any –
  - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
  - (iv) carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (d) mark or tag for identification purposes, or administer or otherwise attach an electronic identification device to, any –

- (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (ii) animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (iii) carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
- (iv) carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (e) serve a notice to restrict or prohibit the movement, or issue a licence in connection with the movement of –
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (f) seize or dispose of –
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (g) serve any notice in connection with the slaughter or slaughter –
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (h) give a direction under regulation 92;
- (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (j) examine any record, in whatever form the record may be held, and take copies of the record;

- (k) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or
  - (l) ascertain whether there is or has been any contravention of, or failure to comply with, this Part or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied to any animal or carcase under paragraph (2)(d) and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.
- (4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a private dwelling) for any purpose mentioned in paragraph (2) and that either –
- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier of the premises; or
  - (b) an application for admission, or the giving of such a notice, would defeat the object of entering the premises, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,
- he may issue a warrant authorising an inspector to enter the premises for that purpose if necessary using reasonable force.
- (5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises 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 to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation; and
  - (b) if required by an inspector, 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; or
    - (iii) any embryos or ova derived from any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; and
    - (iv) the location and movement of any animal or carcase, or any embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal which is or has been in his possession or charge.
- (6) An inspector entering any premises by virtue of this regulation or of a warrant issued under it may take with him –
- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Movement prohibitions and restrictions**

**89.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation it is necessary to prohibit or restrict the movement from or to any premises of any –

- (a) TSE susceptible animal;
- (b) any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal, carcase, semen, embryos or ova from or to any premises described in the notice for such period, and subject to such requirements and conditions, as he considers necessary for that purpose and specified in the notice.

(3) During the period in which the notice is in force an inspector may renew it subject to such conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be further renewed in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the conditions of which permit movement of any animal, carcase, semen, embryos or ova from premises under the authority of a licence issued by an inspector, an inspector may issue such a licence subject to such conditions as he considers necessary.

(6) Where an animal, carcase, semen, embryos or ova is being or are moved under the authority of a licence issued under this Part the person in charge of the animal, carcase, semen, embryos or ova being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or a member of the Police Service of Northern Ireland, produce the licence and allow a copy or extract to be taken, and shall, on such demand, furnish his name and address.

### **Slaughter at slaughterhouses**

**90.**—(1) This regulation and regulation 91 apply where, for the purposes of the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, Community TSE Regulation, the Department is satisfied it is necessary to slaughter –

- (a) any TSE susceptible animal; or
- (b) any animal of first generation progeny of –
  - (i) a female bovine animal infected with a TSE; or
  - (ii) a BSE-confirmed ovine or caprine animal.

(2) Where the Department is satisfied that for these purposes it is necessary to slaughter an animal of a description referred to in paragraph (1) at premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 an inspector shall so inform the occupier of

the premises concerned and direct the occupier to slaughter the animal in such manner and within such period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the hygiene, specified risk material and animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to –

- (a) the slaughter of the animal; and
- (b) any related operation, including –
  - (i) the handling of the animal before and at slaughter, the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of that animal before and at slaughter, the handling, storage, treatment and disposal of the carcase of that animal, any part of the carcase or any blood derived from the carcase or any part of the carcase.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must –

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and within such period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to –

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Slaughter at other premises**

**91.—(1)** Where the Department is satisfied that it is necessary to slaughter an animal of a description referred to in regulation 90(1) at premises other than premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 an inspector shall serve a notice on the owner or person in charge of the animal –

- (a) informing him of the intention to slaughter the animal; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Department.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Department shall either –

- (a) withdraw the notice of intended slaughter; or

(b) serve a notice on the owner or person in charge of the animal confirming the intended slaughter of the animal.

(3) After service of the notice confirming the intended slaughter of the animal the Department shall slaughter the animal as soon as possible having regard to the requirements of Article 15(2) of, and Chapter B of Annex VIII to, Community TSE Regulation.

#### **Retention, seizure and disposal of carcasses etc.**

**92.**—(1) This regulation applies where for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to the Community TSE Regulation, the Department is satisfied it is necessary –

(a) to require an occupier of premises to retain on the premises under the direction of the Department –

- (i) any TSE susceptible animal;
- (ii) any animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
- (v) any part of such a carcass or any blood derived from any such carcass or part of the carcass; or

(b) to seize from any premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood.

(2) For any such purpose an inspector may –

- (a) direct the occupier of the premises to retain on the premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood; or
- (b) seize or dispose of any such animal, semen, embryos, ova, carcass, part of a carcass or blood, whether or not it is an animal, semen, embryo, ova, carcass, part of a carcass or blood which the occupier has been required to retain under the direction of an inspector.

(3) Directions from an inspector to an occupier under this regulation may include directions in relation to the treatment, storage and disposal of the animal, semen, embryo, ova, carcass, part of a carcass or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

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

**93.**—(1) Where an animal is slaughtered under regulation 90 or 91 the Department shall pay compensation to the owner of the animal in accordance with the provisions of Part V of Schedule 1.

(2) The Department shall pay compensation in accordance with the provisions of Part VI of Schedule 1 to the owner of any animal, semen, embryo, ova, carcase, part of a carcase or blood seized or disposed of under regulation 92.

### **Offspring slaughter**

**94.**—(1) The Department may in any case cause to be slaughtered offspring animals.

(2) Where an animal is slaughtered under paragraph (1), the Department shall pay compensation to the owner of the animal in accordance with the provisions of Part VII of Schedule 1.

### **Cleansing and disinfection**

**95.**—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has been within the previous 56 days, any –

- (a) bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (b) animal of first generation progeny of a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, or any embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal or any semen derived from a bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) any carcase of a bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal,

a notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice, all or any part of the premises or any equipment or any other thing used in connection with any such animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person on whom the notice was served.

## **PART VII**

### **SAMPLING AND LABORATORY METHODS**

#### **Sampling and laboratory methods**

**96.** A person shall not use any premises for the sampling and laboratory testing for the presence of a TSE unless the premises are approved for these purposes in accordance with the methods and protocols laid down in Chapter C of Annex X to the Community TSE Regulation.



## PART VIII

### COMMUNITY CONTROLS, OFFENCES, PENALTIES AND ENFORCEMENT

#### **Community controls: powers of inspectors**

97.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a private dwelling) for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation.

(2) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a private dwelling) for any purpose as is mentioned in paragraph (1) and that either –

- (a) admission to the premises has been refused, or a refusal is expected, 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 is absent,

he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(3) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, his employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, any animal or carcase which is or has been on the premises, or any specified risk material which is or has been on the premises, shall –

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to –
  - (i) any mammalian meat and bone meal or processed animal protein, any animal, carcase, or any specified risk material, which is or has been on the premises;
  - (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, any animal, carcase, or any specified risk material, which is or has been on the premises may have come into contact; and
  - (iii) the location, transport and movement of any mammalian meat and bone meal, processed animal protein, any animal or carcase, or any specified risk material, which is or has been in his possession or charge.

(4) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him –

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.

(5) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

## **Obstruction**

**98.**—(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**

**99.**—(1) If a person contravenes or fails to comply with any prohibition or requirement imposed by or under these Regulations and the contravention or failure is not made an offence by any other provision of these Regulations, he shall be guilty of an offence.

(2) A person guilty of an offence under this regulation shall be liable –

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) A prosecution for an offence under this regulation shall not be begun after the expiry of –

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

## **Offences due to fault of another person and defence of due diligence**

**100.**—(1) Where the commission by any person of an offence under any of the provisions of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence and may be charged with and convicted of the offence by virtue of this paragraph of this regulation whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under any of the provisions of these Regulations, it shall, subject to paragraph (3), be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(3) If in any case the defence provided by paragraph (2) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless –

- (a) at least seven clear days before the hearing; and
- (b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(4) In paragraph (3) any reference to appearing before a court shall be construed as including a reference to being brought before a court.

## **Enforcement**

**101.** These Regulations shall be enforced by the Department or the Agency.

## **PART IX MISCELLANEOUS**

### **General provisions relative to slaughter and compensation**

**102.**—(1) Where an animal or bird has been slaughtered under these Regulations at the direction of the Department the carcass shall belong to the Department and may be buried, sold or otherwise disposed of by or at the direction of the Department, as the condition of the animal, bird or carcass and other circumstances may permit.

(2) If, in any case, the sum received by the Department on sale of a carcass under this regulation exceeds the amount paid in compensation to the owner of the animal or bird slaughtered, the Department shall pay that excess to the owner, after deducting reasonable expenses.

(3) Article 18(6) of the Diseases of Animals (Northern Ireland) Order 1981 shall apply in relation to an animal or bird slaughtered under these Regulations as it applies to any animal or bird slaughtered under that Order and any reference in that Article to that Order shall accordingly be construed as a reference to these Regulations.

## **PART X SUPPLEMENTARY PROVISIONS**

### **Amendments**

**103.**—(1) The Specified Risk Material Order (Northern Ireland) 1997 is amended in accordance with the provisions of Part I of Schedule 7.

(2) The Specified Risk Material Regulations (Northern Ireland) 1997 are amended in accordance with the provisions of Part II of Schedule 7.

### **Revocations and savings**

**104.**—(1) Subject to the savings and transitional provisions of this regulation, the provisions of the Regulations and Orders specified in the first column of Part I of Schedule 8 shall be repealed or revoked to the extent specified in the second column of that Schedule.

(2) Part II of Schedule 8 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Order (Northern Ireland) 1997.

(3) Part III of Schedule 8 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Regulations (Northern Ireland) 1997.

(4) Part IV of Schedule 8 has effect for the purpose of making savings in respect of things done under the Sheep and Goats (Spongiform Encephalopathy) Order (Northern Ireland) 1998<sup>(26)</sup> and the Sheep and Goats (Spongiform Encephalopathy) Regulations (Northern Ireland) 1998<sup>(27)</sup>.

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<sup>(26)</sup> S.R. 1998 No. 366

<sup>(27)</sup> S.R. 1998 No. 367

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Part V of Schedule 8 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1999**(28)**.

(6) Part VI of Schedule 8 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy (Feedingstuffs and Surveillance) Regulations (Northern Ireland) 1999**(29)**.

(7) Part VII of Schedule 8 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy Monitoring Regulations (Northern Ireland) 2001**(30)**.

(8) Part VIII of Schedule 8 has effect for the purpose of making savings in respect of things done under the Processed Animal Protein Regulations (Northern Ireland) 2001**(31)**.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 24th June 2002.

L.S.

*R. S. Johnston*  
A Senior Officer of the  
Department of Agriculture and Rural  
Development

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**(28)** [S.R. 1999 No. 322](#)

**(29)** [S.R. 1999 No. 323](#) as amended by [S.R. 2001 No. 405](#)

**(30)** [S.R. 2001 No. 292](#)

**(31)** [S.R. 2001 No. 405](#)