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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 225**

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

**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 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; or
  - (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, 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.