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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 225**

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

**PART IV**

**SPECIFIED RISK MATERIAL**

*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>(1)</sup>;
- (iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997<sup>(2)</sup>;
- (iv) premises which are approved under the Meat Products (Hygiene) Regulations (Northern Ireland) 1997<sup>(3)</sup>; and
- (v) premises which are approved under the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997<sup>(4)</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,

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.

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(1) 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

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

(3) 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

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

(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.