
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 225

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

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 carcasses 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 carcase 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(1).

(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(2) 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.

(1) 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
(2) 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(3)) in such a way that the colouring is clearly visible –

(3) 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(4);
- (iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(5);
- (iv) premises which are approved under the Meat Products (Hygiene) Regulations (Northern Ireland) 1997(6); and
- (v) premises which are approved under the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997(7),

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,

(4) 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

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

(6) 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

(7) 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⁽⁸⁾;
 - (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.

(8) 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 carcass 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.