
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 225

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

PART V

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

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

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

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

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

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

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

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

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

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

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

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether –

- (i) any TSE exists or has existed on the premises or any other premises; or
 - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
 - (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
 - (d) inspect and examine the carcase of such an animal;
 - (e) make such tests and take such samples from any TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
 - (f) mark or tag for identification purposes any TSE susceptible animal or the carcase of such an animal or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
 - (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
 - (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of such an animal;
 - (i) seize any TSE susceptible animal, the carcase or any part of the carcase of such an animal, or any blood and serve any notice in connection with the seizure;
 - (j) give any direction under regulation 83;
 - (k) serve any notice in connection with the slaughter of any TSE susceptible animal;
 - (l) slaughter any TSE susceptible animal;
 - (m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
 - (n) examine any record, in whatever form the record may be held, and take copies of the record;
 - (o) have access to and check the operation of any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or
 - (p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark or tag applied to a TSE susceptible animal or the carcase of such an animal under paragraph (2)(f) and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.
- (4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a private dwelling) for any purpose mentioned in paragraph (2) and that either –
- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier of the premises; or
 - (b) an application for admission, or the giving of such a notice, would defeat the object of entering the premises, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,

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

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

- (a) provide such reasonable facilities to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to –
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For any such purpose an inspector may –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A person shall not remove any milk, which he knows or has reason to suspect has come from a bovine animal suspected of being affected by bovine spongiform encephalopathy, from the premises on which that animal was milked except under the authority of and in accordance with the conditions of a licence granted by the Department.

Cleansing and disinfection

86.—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, a TSE susceptible animal or the carcase of such an animal, a notice requiring him to cleanse and disinfect, at his own expense and in such manner and within such period as may be specified in the notice, —

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

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