
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 225

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

PART II

TSE MONITORING

TSE monitoring

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

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

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether –
 - (i) any TSE exists or has existed on the premises or any other premises; or
 - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of any TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
- (f) mark or tag for identification purposes any TSE susceptible animal, or the carcase of such an animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of such an animal;
- (i) seize any TSE susceptible animal or the carcase of such an animal;
- (j) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (k) slaughter any TSE susceptible animal;
- (l) examine any record, in whatever form the record may be held, and take copies of the record;

- (m) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of, or who is otherwise concerned with the operation of, the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where any record is kept by means of a computer, may require that record to be produced in a form in which it may be taken away; or
- (n) ascertain whether there is or has been any contravention of, or failure to comply with, this Part or any evidence of any such contravention or failure.

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

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

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

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

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

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to –
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

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

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

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