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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 202**

**ANIMAL HEALTH**

**The Transmissible Spongiform Encephalopathies  
Regulations (Northern Ireland) 2006**

*Made* - - - - - *2nd May 2006*

*Coming into operation* *3rd May 2006*

The Department of Agriculture and Rural Development, under the powers conferred by section 2(2) of the European Communities Act 1972(1) makes the following Regulations in exercise of the powers conferred on it by that section.

It is designated(2) for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

It has carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3).

**PART I**

**GENERAL PROVISIONS**

**Citation and commencement**

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006 and come into operation on 3rd May 2006.

**Interpretation**

2.—(1) In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

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(1) 1972 c. 68

(2) S.I.1999/2027

(3) O.J. No. L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 (O.J. No. L 245, 29.9.2003, p. 4)

“cattle passport” has the meaning as in the Cattle Passport Regulations (Northern Ireland) 1999(4);

“Community TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(5), as amended by, and as read with the instruments set out in Schedule 1;

“the Department” means the Department of Agriculture and Rural Development;

“inspector” means an inspector appointed under regulation 12, and includes a veterinary inspector;

“market value” means—

- (a) in the case of a bovine animal, either—
  - (i) the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not required to be killed under Schedule 3; or
  - (ii) the price which would have applied had the animal been slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom(6).
- (b) in the case of a sheep or goat the price which might reasonably have been obtained for it at the time of valuation by a buyer in the open market if the animal was not from a flock or herd affected by a TSE.

“official document” shall be construed in accordance with regulation 6(1);

“restriction” includes any prohibition under these Regulations;

“premises” includes any holding for the purposes of the Community TSE Regulations;

“slaughterhouse” and (except in Schedule 6, paragraph 10(2)(c)) “cutting plant” mean premises —

- (c) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(7); or
- (d) operating as such under Article 4(5) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(8) pending such approval;

“TSE” means transmissible spongiform encephalopathy; and

“veterinary inspector” means a person appointed by the Department as a veterinary inspector.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

(3) The Interpretation Act (Northern Ireland) 1954(9) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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(4) S.R.1999 No. 324 as amended by S.R. 2001 No. 292 and S.R. 2004 No. 420

(5) O.J. No. L 147, 31.5.2001, p. 1

(6) O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

(7) O.J. No. L 165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L191, 28.5.2004, p.1)

(8) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

(9) 1954 c. 33 (N.I.)

### **Appointment of competent authority**

3. The Department is the competent authority for the purposes of the Community TSE Regulation except as otherwise specified in these Regulations.

### **Exception for research**

4.—(1) The provisions of Schedules 2 to 6 do not apply in relation to an animal, a carcase or a sample kept for the purposes of research in premises approved for that purpose under this regulation by the Department.

(2) If a bovine animal, sheep or goat kept in research premises approved under this regulation or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption<sup>(10)</sup>, and failure to do so is an offence.

## **PART II**

### **INTRODUCTION OF SCHEDULES**

#### **The Schedules**

5. The following Schedules have effect—

- (a) Schedule 2 (TSE monitoring);
- (b) Schedule 3 (control and eradication of TSE in bovine animals);
- (c) Schedule 4 (control and eradication of TSE in sheep and goats);
- (d) Schedule 5 (feedingstuffs);
- (e) Schedule 6 (specified risk material, mechanically recovered meat and slaughtering techniques); and
- (f) Schedule 7 (restrictions on dispatch to member States and to third countries).

## **PART III**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Approvals, authorisations, licences and registrations**

6.—(1) The Department shall grant an approval, authorisation, licence or registration under these Regulations (“an official document”) if it is satisfied that the provisions of the Community TSE Regulation and these Regulations will be complied with.

(2) An official document must be in writing, and must specify—

- (a) the address of the premises to which it relates;
- (b) the name of the occupier; and
- (c) the purpose for which it is granted.

(3) An official document may be made subject to such conditions as are necessary to—

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<sup>(10)</sup> O.J. No. L273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) No. 208/2006, O.J. No. L36, 8.2.2006, p. 25

- (a) ensure that the provisions of the Community TSE Regulation and these Regulations will be complied with; or
  - (b) protect public or animal health.
- (4) If the Department refuses to grant an official document, or grants one subject to conditions, it must—
- (a) give its reasons in writing; and
  - (b) explain the right of the applicant to make written representations to a person appointed by the Department.
- (5) The appeals procedure in regulation 10 then applies.

### **Occupier's duty**

7. The occupier of any premises approved, authorised, licensed or registered under these Regulations commits an offence if he does not ensure that—
- (a) the premises are maintained and operated in accordance with—
    - (i) any condition of the approval, authorisation, licence or registration; and
    - (ii) the requirements of the Community TSE Regulation and these Regulations; and
  - (b) any person employed by him, and any person permitted to enter the premises, complies with those conditions and requirements.

### **Suspension and amendment**

- 8.—(1) The Department may suspend or amend an official document if—
- (a) any condition under which it was granted is not fulfilled; or
  - (b) it is satisfied that the provisions of the Community TSE Regulation or of these Regulations are not being complied with.
- (2) A suspension or amendment under this regulation shall have immediate effect if the Department considers it necessary for the protection of public or animal health, otherwise it shall not have effect for at least 21 days.
- (3) A suspension or amendment of an official document under this regulation shall be notified to the holder thereof and shall—
- (a) be in writing;
  - (b) state its effective date;
  - (c) give the reasons for issue; and
  - (d) explain the right of the person who has been notified to make written representations to a person appointed by the Department.
- (4) The appeals procedure in regulation 10 then applies.
- (5) If a suspension or amendment under this regulation does not have immediate effect and representations are made under regulation 10, it shall not have effect until the final determination of the appeal is given by the Department unless it considers that it is necessary for the protection of public or animal health for the amendment or suspension to have effect before then.

### **Revocations of approvals, etc.**

- 9.—(1) The Department may revoke an official document if it is satisfied that the premises to which it relates will not be operated in accordance with the Community TSE Regulation or these Regulations and if—

- (a) the document is currently suspended and the period for appeal under regulation 10 has expired or the Department has upheld the suspension following such appeal;
- (b) the Department has previously suspended it and there is further non-compliance with the Community TSE Regulation or these Regulations; or
- (c) the Department is satisfied that the occupier no longer uses the premises for the purpose for which the document was granted.

(2) If the Department revokes an official document under paragraph (1)(b) or (1)(c) the appeals procedure in regulation 10 applies but the revocation remains in force during that appeals procedure.

### **Appeals procedure**

**10.**—(1) A person may, within 21 days of notification of a decision to which this regulation applies, make written representations concerning the decision to a person appointed for the purpose by the Department.

(2) The appointed person shall report in writing to the Department which shall make a final determination in relation to the decision to which the report relates.

(3) That final determination may affirm, vary or revoke the decision to which the report relates.

(4) The Department shall give to the appellant written notification of its final determination and the reasons for it.

### **Valuations**

**11.**—(1) This regulation applies when a valuation is necessary under these Regulations.

(2) The value of anything for the purposes of these Regulations shall be initially assessed by the Department and notified, in writing, to the owner. Value shall be determined by agreement between the owner and the Department and that agreement shall be final and binding on both the owner and the Department.

(3) If the owner and the Department fail to agree the value, the owner shall select a valuer (“the nominated valuer”) from a list of approved valuers provided by the Department and notify the Department of the name and address of the nominated valuer within 2 working days of receipt of the list.

(4) The owner shall, within 5 working days of notification to the Department under paragraph (3), arrange for the nominated valuer to determine the value of the thing in question and shall be liable for any fees or other expenses incurred by the valuer in carrying out the valuation.

(5) The nominated valuer shall carry out the valuation within 5 working days of appointment and give to the owner and the Department a statement in writing of that valuation.

(6) The valuation is binding on both the owner and the Department.

(7) Where the owner or the nominated valuer fails to comply with paragraph (3), (4) or (5) as the case may be, the Department shall determine the value of the thing in question.

### **Appointment of inspectors**

**12.** The Department shall appoint inspectors for the purposes of the enforcement of these Regulations except as otherwise provided in Schedule 6.

### **Powers of entry**

**13.**—(1) An inspector shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours, to enter any premises (including any

domestic premises if they are being used for any purpose in connection with the Community TSE Regulation and these Regulations) for the purpose of ensuring that the Community TSE Regulation and these Regulations are being complied with.

(2) An inspector may take with him—

- (a) such other persons as he considers necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

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

(4) In this regulation “premises” includes any vehicle, container or structure (moveable or otherwise).

### **Powers of inspectors**

14.—(1) An inspector may—

- (a) seize any—
  - (i) animal;
  - (ii) body of an animal and any parts of the body (including the blood and the hide) and any semen, embryo or ovum; or
  - (iii) animal protein or feedingstuffs that may contain animal protein, and dispose of them as necessary;
- (b) carry out any inquiries, investigations, examinations and tests;
- (c) collect, pen and inspect any 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 any body of an animal and any parts of the body (including the blood and the hide) and any semen, embryo or ovum;
- (e) inspect any part of the premises, any equipment, facility, operation or procedure;
- (f) take any samples;
- (g) have access to, inspect and copy any records (in whatever form they are held) in order to determine if these Regulations are being complied with, including records kept under the Community TSE Regulation and these Regulations, or remove such records to enable them to be copied;
- (h) have access to, inspect and check the operation of, any computer and any associated apparatus or material that is or has been in use in connection with any record; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require (including providing him with any necessary passwords) and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
- (i) mark or tag anything (including an animal) whether electronically or otherwise, for identification purposes; and
- (j) lock or seal any container or store.

(2) Any person who defaces, obliterates or removes any mark, tag, seal or lock applied under paragraph (1) is guilty of an offence.

(3) An inspector is not personally liable for anything he does—

- (a) in the execution or purported execution of these Regulations; and

(b) within the scope of his employment,  
if he acted in the honest belief that his duty under these Regulations required or entitled him to do it; but this does not affect any liability of his employer.

### **Notices**

**15.**—(1) If it is necessary for any reason connected with the enforcement of the Community TSE Regulation or these Regulations an inspector may serve a notice on—

- (a) the owner or keeper of any animal;
- (b) the person in possession of the body or any part of the body of an animal (including the blood and the hide) or any semen, embryo or ovum; or
- (c) the person in possession of any animal protein or feedingstuffs that may contain animal protein.

(2) The notice must be in writing and give the reasons for it being served.

(3) The notice may—

- (a) prohibit the movement of any animal onto or from the premises specified in the notice;
- (b) specify those parts of premises to which an animal may or may not be allowed access;
- (c) require the killing or slaughter of any animal;
- (d) prohibit or require the movement onto or from premises, specified in the notice, of the body or any part of the body (including the blood and the hide) of any animal, any animal protein or feedingstuffs that may contain animal protein and any semen, embryo or ovum;
- (e) require the disposal of the body or any part of the body (including the blood and the hide) of any animal, whether or not it is one that was required to be detained, and any semen, embryo or ovum as may be specified in the notice;
- (f) require the disposal of any animal protein or feedingstuffs that may contain animal protein or specify how they are to be used; or
- (g) require the recall of any animal protein or feedingstuffs that may contain animal protein.

(4) If an inspector suspects that any premises, vehicle or container to which the Community TSE Regulation or these Regulations apply constitutes a risk to animal or public health, he may serve a notice on the occupier or person in charge of the premises, vehicle or container requiring that person to cleanse and disinfect all or any part of the premises, vehicle or container and any associated equipment.

(5) A notice may specify how it must be complied with and the time limit for compliance.

(6) A notice must be complied with at the expense of the person on whom it is served, and if it is not complied with an inspector may arrange to have it complied with at that person's expense.

(7) A notice served may be amended, suspended, revoked or withdrawn by a further notice.

(8) Failure to comply with a notice is an offence.

### **Notices restricting movement**

**16.**—(1) If a notice restricting any movement is served, an inspector may subsequently permit that movement under the authority of a licence granted by him.

(2) A person moving anything under the authority of a licence must carry the licence with him during the movement and produce it on demand to an inspector or an officer of the Police Service for Northern Ireland and failure to do so is an offence.

### **Obstruction**

17. A person is guilty of an offence if he—
- (a) intentionally obstructs an inspector acting under these Regulations;
  - (b) without reasonable cause, fails to give to an inspector acting under these Regulations any assistance or information or to provide any facilities that the inspector may reasonably require him to give or provide for the performance of his functions under these Regulations;
  - (c) gives false or misleading information to an inspector acting under these Regulations; or
  - (d) fails to produce a record when required to do so by an inspector acting under these Regulations.

### **Penalties**

18. A person guilty of an offence under these Regulations is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

### **Enforcement**

- 19.—(1) The Food Standards Agency enforces Schedule 6 in slaughterhouses and cutting plants.  
(2) District Councils enforce Schedule 6 in butcher shops.  
(3) Otherwise these Regulations are enforced by the Department.

### **Revocations**

20. The provisions in Schedule 8 are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

*Liam Mc Kibben*  
A senior officer of the  
Department of Agriculture and Rural  
Development

SCHEDULE 1

Regulation 2

INSTRUMENTS RELEVANT TO COMMUNITY TSE REGULATION

The Community TSE Regulation has been amended by, and must be read with—

- (a) Commission Regulation (EC) No. 1248/2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies(11);
- (b) Commission Regulation (EC) No. 1326/2001 laying down transitional measures to permit the changeover to Regulation (EC) No. 999/2001 of the European Parliament and of the Council for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation(12);
- (c) Commission Regulation (EC) No. 270/2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof(13);
- (d) Commission Regulation (EC) No. 1494/2002 amending Annexes III, VII and XI to Regulation (EC) 999/2001 of the European Parliament and of the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk material and rules for the importation of live animals and products of animal origin(14);
- (e) Commission Regulation (EC) No. 260/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the eradication of transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos(15);
- (f) Commission Regulation (EC) No. 650/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the import of live ovine and caprine animals(16);
- (g) Commission Regulation (EC) No. 1053/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests(17);
- (h) Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(18);
- (i) Regulation (EC) No. 1128/2003 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 as regards the extension of the period for transitional measures(19);

(11) O.J. No. L 173, 27.6.2001, p. 12  
(12) O.J. No. L 177, 30.6.2001, p. 60  
(13) O.J. No. L 45, 15.2.2002, p. 4  
(14) O.J. No. L 225, 22.8.2002, p. 3  
(15) O.J. No. L 37, 13.2.2003, p. 7  
(16) O.J. No. L 95, 11.4.2003, p. 15  
(17) O.J. No. L 152, 20.6.2003, p. 8  
(18) O.J. No. L 236, 23.9.2003, p. 33  
(19) O.J. No. L 160, 28.6.2003, p. 1

- (j) Commission Regulation (EC) No. 1139/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring programmes and specified risk material(20);
- (k) Commission Regulation (EC) No. 1234/2003 amending Annexes I, IV and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council and Regulation (EC) No. 1326/2001 as regards transmissible spongiform encephalopathies and animal feeding(21);
- (l) Commission Regulation (EC) No. 1809/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rules for importation of live bovine animals and products of bovine, ovine and caprine origin from Costa Rica and New Caledonia(22);
- (m) Commission Regulation (EC) No. 1915/2003 amending Annexes VII, VIII and IX to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the trade and import of ovine and caprine animals and the measures following the confirmation of transmissible spongiform encephalopathies in bovine, ovine and caprine animals(23);
- (n) Commission Regulation (EC) No. 2245/2003 amending Annex III to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine and caprine animals(24);
- (o) Commission Regulation (EC) No. 876/2004 amending Annex VIII to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards trade in ovine and caprine animals for breeding(25);
- (p) Commission Regulation (EC) No. 1471/2004 amending Annex XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the import of cervid products from Canada and the United States(26);
- (q) Commission Regulation (EC) No. 1492/2004 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in bovine, ovine and caprine animals, the trade and importation of semen and embryos of ovine and caprine animals and specified risk material(27);
- (r) Commission Regulation (EC) No. 1993/2004 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards Portugal(28);
- (s) Commission Regulation (EC) No. 36/2005 amending Annexes III and X to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemiological surveillance for transmissible spongiform encephalopathies in bovine, ovine and caprine animals(29);
- (t) Commission Regulation (EC) No. 214/2005 amending Annex III to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in caprine animals(30);

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(20) O.J. No. L 160, 28.6.2003, p. 22

(21) O.J. No. L 173, 11.7.2003, p. 6

(22) O.J. No. L 265, 16.10.2003, p. 10

(23) O.J. No. L 283, 31.10.2003, p. 29

(24) O.J. No. L 333, 20.12.2003, p. 28

(25) O.J. No. L 162, 30.4.2004, p. 52

(26) O.J. No. L 271, 19.8.2004, p. 24

(27) (O.J. No. L 274, 24.8.2004, p. 3

(28) (O.J. No. L 344, 20.11.2004, p. 12

(29) O.J. No. L 10, 13.1.2005, p. 9

(30) O.J. No. L 37, 10.2.2005, p. 9

- (u) Commission Regulation (EC) No. 260/2005 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests(31);
- (v) Regulation (EC) No. 932/2005 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures(32);
- (w) Commission Decision 2005/598/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001(33);
- (x) Commission Regulation (EC) No. 1292/2005 amending Annex IV to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards animal nutrition(34); and
- (y) Commission Regulation (EC) No. 1974/2005 amending Annexes X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards national reference laboratories and specified risk material(35);
- (z) Commission Regulation (EC) No. 253/2006 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests and measures for the eradication of TSEs in ovine and caprine animals(36);
- (aa) Commission Regulation (EC) No. 339/2006 amending Annex XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the rules for importation of live bovine animals and products of bovine, ovine and caprine origin(37);
- (bb) Commission Regulation (EC) No.657/2006 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the United Kingdom and repealing Council Decision 98/256/EC and Decisions 98/351/EC and 1999/514/EC(38).

## SCHEDULE 2

Regulations 4(1) and 5

### TSE MONITORING

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(32) O.J. No. L 163, 23.6.2005, p. 1

(33) O.J. No. L 204, 5.8.2005, p. 22

(34) O.J. No. L 205, 6.8.2005, p. 3

(35) O.J. No. L 317, 3.12.2005, p. 4

(36) O.J. No. L 44, 15.2.2006, p. 9

(37) O.J. No. L 55, 25.2.2006, p.5

(38) O.J. No. L 116, 29.4.2006, p 9

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## PART I

### MONITORING FOR TSE

#### **Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation**

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has in his possession or under his charge the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III of the Community TSE Regulation, or the body of a sheep or goat required for testing in accordance with point 3 of Part II of Chapter A of Annex III of the Community TSE Regulation, must—

- (a) within 24 hours from the time when the animal dies or was killed or the body comes into his possession or charge notify the Department or any other person appointed by it to receive the notification on its behalf; and
- (b) detain it until it has been collected by or on behalf of the Department,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to sheep or goats slaughtered for human consumption or killed in accordance with Schedule 4.

#### **Consignment and slaughter of an over-age bovine animal**

2. If a bovine animal was born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1st August 1996, it is an offence—

- (a) to consign it to a slaughterhouse for human consumption (whether the animal is alive or dead); or
- (b) to slaughter it for human consumption in a slaughterhouse.

### **Brain stem sampling of bovine animals**

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III of the Community TSE Regulation is slaughtered must—

- (a) take a sample of brain stem in accordance with point 1 of Chapter C of Annex X of the Community TSE Regulation; and
- (b) arrange for it to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Department shall notify the occupier of a slaughterhouse if an animal comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III of the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III of the Community TSE Regulation, the Department may serve a notice on the occupier of a slaughterhouse requiring him to sample any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

(4) The Department shall approve laboratories to test samples taken under this paragraph if it is satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of Annex X of the Community TSE Regulation;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse.

(5) In this Schedule “approved testing laboratory” means a laboratory approved by the Department under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority to carry out the test.

### **Slaughter of bovine animals over 30 months of age**

4.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal over 30 months of age unless the Department has approved the Required Method of Operation (“RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP must, as a minimum—

- (a) describe the procedures that will be followed to comply with this Part; and
- (b) describe all the systems and procedures specified in Part II.

(3) The Department shall approve the RMOP if it is satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with and the occupier must demonstrate this by means of an assessment of two days duration in which animals are slaughtered (using bovine animals under 30 months of age unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(39)</sup>).

(4) If a bovine animal over 30 months of age is slaughtered for human consumption, other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

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<sup>(39)</sup> O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

## **Retention of products and disposal**

5.—(1) In relation to a bovine animal from which a sample is taken under paragraph 3, the occupier of a slaughterhouse, hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III of the Community TSE Regulation and pending receipt of the test result, either—

- (a) retain the carcase and all parts of the body (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with sub-paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of Part I of Chapter A of Annex III of the Community TSE Regulation, if a positive result is received for a sampled animal, the occupier must immediately dispose of—

- (a) the carcase and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation, the carcase and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of Part I of Chapter A of Annex III of the Community TSE Regulation.

(3) If a sample in respect of a bovine animal has not been sent to an approved testing laboratory for testing in accordance with paragraph 3 or if a no-test result is received in respect of a sample from a bovine animal required to be tested under this Schedule, the occupier must immediately dispose of—

- (a) the carcase and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of Part I of Chapter A of Annex III of the Community TSE Regulation.

(4) The Department may grant, in writing, a derogation under point 6(6) of Part I of Chapter A of Annex III of the Community TSE Regulation if it is satisfied that there is a system in place that prevents contamination between carcasses.

(5) In relation to a sheep or goat from which a sample is taken, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III of the Community TSE Regulation, retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with point 7(4) of Part II of Chapter A of Annex III of the Community TSE Regulation.

(6) Any person who fails to comply with sub-paragraphs (1) to (3) or (5) is guilty of an offence.

(7) For the purposes of this paragraph a “no-test result” in relation to a sample means that an approved testing laboratory has certified it cannot be tested for any reason.

## **Compensation**

6.—(1) If an animal slaughtered for human consumption tests positive, the Department shall pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and,

- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.
- (2) In the case of an animal for which a no-test result (as described in paragraph 5(3)) is received the Department shall inform the owner in writing whether it intends to pay compensation for—
  - (a) the carcase and all parts of the body (including the blood and the hide) of that animal; and
  - (b) if they are destroyed because of that no-test result, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding it on the slaughter line and the two animals immediately following it,giving the reasons, and the appeals procedure in regulation 10 applies.
- (3) The compensation is the value of the carcase, established in accordance with the procedure in regulation 11, with any nominated valuer's fee paid by the occupier of the slaughterhouse, hide market or tannery.
- (4) Compensation is not payable in any other case.

## PART II

### CONTENTS OF AN RMOP

#### **Animal identification and separation**

- 1.—(1) The RMOP must describe the system that—
  - (a) enables bovine animals born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1st August 1996 to be identified and ensures that they are not slaughtered for human consumption;
  - (b) enables bovine animals over 30 months of age but born on or after 1st August 1996 to be identified and ensures that they are sampled in accordance with this Schedule; and
  - (c) enables bovine animals specified in point 2(1) of Part I of Chapter A of Annex III to be identified and ensures that they are sampled in accordance with this Schedule.
- (2) It must also describe the system that ensures that animals over 30 months of age are—
  - (a) batched together before slaughter separately from those 30 months of age or under; and
  - (b) slaughtered in batches separately from those 30 months of age or under.

#### **Brain stem sampling**

- 2.—(1) The RMOP must show that there are—
  - (a) sufficient staff trained and competent in the taking, labelling, packaging and dispatch of brain stem samples;
  - (b) hygienic facilities for sampling; and
  - (c) sampling procedures that do not jeopardise the hygienic production of meat intended for human consumption.
- (2) It must describe how health and safety guidelines designed to minimise the risk of exposure of staff to BSE during brain stem sampling and packaging will be complied with.

### **Correlation of sample to carcase and all other parts of the body**

3. The RMOP must describe the system linking the brain stem sample of each bovine animal over 30 months of age to the carcase of that animal and all parts of the body of that animal (including the blood and the hide).

### **Retention of carcasses**

4.—(1) The RMOP must describe the system that ensures that all carcasses retained in accordance with paragraph 5(1) of Part I of this Schedule are retained in slaughter order either in a sealed or locked chiller or on a sealed or locked rail in an unsealed chiller pending the receipt of the test result.

(2) It must describe how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcasses for the purposes of this Schedule.

### **Retention of parts of the body**

5. The RMOP must describe the system that ensures that all parts of the body (including the blood and the hide) are retained in accordance with paragraph 5(1) of Part I of this Schedule.

### **Disposal before receipt of the result**

6. The RMOP must describe the disposal route for all carcasses and all parts of the body (including the blood and the hide) retained pending receipt of a test result but disposed of before the test result is received.

### **Other measures following sampling**

7. The RMOP must describe the systems in place that ensure that—

- (a) brain stem samples are packaged in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)<sup>(40)</sup> and delivered in a testable condition to a laboratory approved by the Department;
- (b) test results are received, either by fax or by other electronic means; and
- (c) following a positive or a no-test result (as described in paragraph 5(3) of Part I of this Schedule), everything required to be disposed of in accordance with point 6(4) or 6(5) of Part I of Chapter A of Annex III of the Community TSE Regulation or under this Schedule is identified and disposed of accordingly.

### **Removal of vertebral column**

8. The RMOP must describe the system that, in the case of a bovine animal for which a negative test result has been received, ensures that —

- (a) those parts of the vertebral column that are specified risk material are not removed in the slaughterhouse; and
- (b) the meat containing that specified risk material is consigned to a cutting plant authorised under paragraph 13 of Schedule 6 to remove it.

## SCHEDULE 3

Regulations 4(1) and 5

### CONTROL AND ERADICATION OF TSE IN BOVINE ANIMALS

## CONTENTS

1. Control and eradication of TSE - notification
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Identification and restriction of offspring and cohorts
5. Action following confirmation of BSE
6. Action where BSE is not confirmed
7. Death while under restriction
8. Placing on the market of bovine progeny
9. Compensation
10. Compensation for a suspect animal
11. Compensation for a cohort animal
12. Compensation for an Offspring animal
13. Compensation for Buffalo and Bison
14. Assessment of Market Value
15. Definitions
  - Signature
  - Explanatory Note

#### **Control and eradication of TSE - notification**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in his possession or under his charge any bovine animal suspected of being affected by a TSE shall immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines any such animal shall, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Department, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

#### **Restriction of a notified animal**

2. If notification of a suspect bovine animal is given to the Department under paragraph 1 an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained, pending determination by a veterinary inspector of whether or not it is suspected of being affected with BSE.

### **Slaughter of a suspect animal**

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a bovine animal is affected with BSE (“a suspected animal”), he must either —

- (a) kill it immediately on the premises on which it is kept; or
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed,

and shall remove any cattle passport relating to it.

(2) He must prohibit the movement of other bovine animals from the premises in question in accordance with the second and fourth paragraphs of Article 12(1) of the Community TSE Regulation and Article 2(1)(a) of Commission Decision [2005/598/EC\(41\)](#).

(3) In accordance with Article 12(3) of the Community TSE Regulation, if an animal is killed on any premises as provided for by this paragraph, it is an offence to remove the body from the premises except in accordance with a licence issued by an inspector.

(4) If an animal to which sub-paragraph (1) applies is not killed immediately, its keeper must dispose of its milk in such a way that it cannot be consumed by a human or an animal other than its own calf or an animal kept for research purposes and any contravention of this sub-paragraph is an offence.

(5) The keeper must maintain the animal at his expense until it is slaughtered or the notice is withdrawn.

### **Identification and restriction of offspring and cohorts**

4.—(1) In accordance with Articles 12(1) and 13(2) of the Community TSE Regulation, if—

- (a) an animal is a suspected animal;
- (b) the monitoring of bovine carcasses under Schedule 2 or under Annex III of the Community TSE Regulation confirms that an animal is suspected of being affected with BSE; or
- (c) the competent authority of another part of the United Kingdom or a member State notifies the Department that a bovine animal is suspected of being affected with BSE,

then sub-paragraph (2) applies.

(2) Where this paragraph applies, an inspector must identify—

- (a) in the case of a female animal, all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) in every case, all animals born in the same cohort on or after 1st August 1996.

(3) An inspector must serve notices prohibiting movement of those animals identified in accordance with sub-paragraph (2) from the premises on which they are kept or where he suspects they are kept and remove any cattle passports.

(4) If he cannot immediately identify the animals in sub-paragraph (2) an inspector must serve a notice prohibiting the movement of all bovine animals from the premises pending identification.

(5) Movements of animals restricted by notice under sub-paragraph (3) are only permitted in accordance with regulation 16.

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(41) O.J. No. L204, 5.8.2005, p. 22

### **Action following confirmation of BSE**

5.—(1) In accordance with Article 13(1)(c), and point 2 of Annex VII of the Community TSE Regulation, if it is confirmed that the suspected animals to which paragraph 4(1) applies were affected with BSE an inspector must—

- (a) if the animal is female, kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) in all cases, kill all the bovine animals in its cohort born on or after 1st August 1996 except where—
  - (i) he is satisfied that the animal did not have access to the same feed as the affected animal; or
  - (ii) the animal is a bull that is kept at and will not be removed from a semen collection centre.

(2) It is an offence to remove an animal to which sub-paragraph (1)(b)(ii) applies from the semen collection centre except to be killed and when it is killed the owner commits an offence unless he ensures that the carcase is completely destroyed.

(3) If an animal required to be killed under sub-paragraph (1) is not killed on the premises on which it was kept, an inspector must issue a licence authorising the owner to consign it to other premises for killing as specified in the licence and must ensure that any cattle passport relating to it is stamped “Not for human consumption”.

(4) When an animal is killed under this paragraph, it is an offence to remove the carcase from the premises on which it was killed except in accordance with a movement licence issued by an inspector.

### **Action where BSE is not confirmed**

6. Where restrictions are imposed on an animal under paragraph 3 and the results of all tests carried out in relation to that animal to determine whether it is affected with BSE are negative an inspector must remove all the restrictions imposed because of the suspected animal and return any cattle passport which was removed by him.

### **Death while under restriction**

7. If an animal dies or is killed for any reason while it is under restriction under this Schedule, the owner must immediately notify the Department and retain the body on the premises in question until he is directed, in writing, by an inspector to move or dispose of it and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

### **Placing on the market of bovine progeny**

8. Any person who places on the market any bovine animal in contravention of Article 15(2) and Chapter B of Annex VIII of the Community TSE Regulation is guilty of an offence.

### **Compensation**

9. The Department shall pay compensation—
- (a) when an animal is killed under this Schedule;
  - (b) where an animal to be killed under this Schedule has been valued for the purposes of compensation but dies, or is killed for other reasons, after valuation; or
  - (c) where an animal subject to a restriction under this Schedule has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would

otherwise have been fit for human consumption in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(42)</sup> in which case compensation is the value of the body (including the blood and the hide).

### Compensation for a suspect animal

10.—(1) If an animal is killed because it was suspected of being affected with BSE and BSE is confirmed, the compensation is either—

- (a) the market value of the animal; or
  - (b) the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,
- whichever is the lesser.

(2) If an animal is killed because it was suspected of being affected with BSE and BSE is not confirmed, the compensation is either—

- (a) the market value of the animal; or
- (b) 125% of the indicative market price in respect of the month of the year in which the market value of the animal was determined rounded down to the nearest £1,

whichever is the lesser.

(3) The indicative market price in respect of each month of the year shall be calculated in accordance with the following formula—

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

where—

A is either 1 or the number of cattle aged less than 7 years when their market value was determined which were killed in Northern Ireland as BSE suspects during the month of the year (“the calculation month”) occurring two such months before the month for which the indicative market price is being calculated, whichever is the greater;

B is the average price during the calculation month for commercial grade cows and in-calf heifers both of which are intended for use in the production of milk, such price to be calculated by dividing the total of the sales price paid for such animals in the returns for a 4 week period ending on the last Saturday of the calculation month by the total number of such animals shown in those returns to have been sold;

C is either 1 or the number of cattle aged 7 years or more when their market value was determined which were killed in Northern Ireland as BSE suspects during the calculation month, whichever is the greater; and

D is the price paid during the calculation month for an animal slaughtered in accordance with Commission Regulation (EC) 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(43)</sup>,

the final figure being rounded down to the nearest £1.

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<sup>(42)</sup> O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22).

<sup>(43)</sup> O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

(4) Where, in respect of any calculation month, returns in respect of all the markets listed in paragraph 16 have not been furnished to the Department by the 15<sup>th</sup> day of the following month of the year—

- (a) if returns have been so furnished in respect of 2 or more of those markets, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be calculated in accordance with sub-paragraph (3) from the information shown in those returns;
- (b) in any other case, the average price for commercial grade cows and in-calf heifers in respect of that calculation month shall be the same as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraph (3).

### **Compensation for a cohort animal**

11.—(1) If an animal (“a cohort animal”) is slaughtered because it is a cohort of an animal in which BSE has been confirmed, the compensation is—

- (a) in the case of a female animal, the market value or 90% of the replacement value of the animal, whichever is the greater; and
- (b) in the case of a male animal, the market value of that animal.

(2) Where 10% or more of the animals in a herd are slaughtered as cohort animals, the compensation payable under sub-paragraph (1) shall be increased by an amount equal to—

- (a) the appropriate percentage of the appropriate sum; or
- (b) 25% of that sum,

whichever is the lesser.

(3) The appropriate sum in the case of any animal is the amount of compensation payable under sub-paragraph (1) or £1000, whichever is the lesser.

(4) Where 10% or more of the animals are slaughtered—

- (a) in a closed herd, the appropriate percentage is  $(10 + E \times 1.5)\%$ ; or
- (b) in any other herd, the appropriate percentage is  $(10 + E)\%$ ,

where E equals half of the percentage by which the number of animals slaughtered exceeds 10% of the number of animals in the herd.

### **Compensation for an offspring animal**

12. If an animal is killed because it is the offspring of an animal in which BSE has been confirmed, the compensation is the market value of the animal.

### **Compensation for Buffalo and Bison**

13. For Buffalo or Bison compensation is the market value of the animal.

### **Assessment of market value**

14. Market value shall be assessed in accordance with the procedure in Regulation 11.

### **Definitions**

15. The following definitions apply in relation to compensation payable for bovine animals killed under this Schedule—

“closed herd” means a herd into which no female bovine animal has been introduced from any other herd in the ten years prior to the restriction being placed;

“herd” means—

(a) all female bovine animals, which are in milk or in calf; and

(b) all male bovine animals, which are or have been used for breeding purposes,

which are kept on the same premises, and are managed as a separate production unit at the time a notice confirming the Department’s intention to slaughter the animal is given to the keeper or other person in charge of the animal;

“replacement value” in relation to a female bovine animal means the value, at the time of valuation, of a bovine animal in its first lactation of the same breed and quality as the slaughtered bovine animal at the time of its valuation;

“return” means a document furnished to the Department by a person operating a market at a place listed in paragraph 16 which shows for a week ending on a Saturday the number of commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk, sold at that market and the total sale price for such animals in that week at that market.

“suspected animal” means a bovine animal which is suspected of being affected with BSE.

16. A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by a person operating a market in animals at any of the following places, that is to say—

Ballymena

Markethill

Omagh

Saintfield.

#### SCHEDULE 4

Regulations 4(1) and 5

### CONTROL AND ERADICATION OF TSE IN SHEEP AND GOATS

## CONTENTS

1. Notification of TSE
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Movement restrictions
5. Action where TSE is not confirmed
6. Confirmation of TSE in sheep
7. Confirmation of TSE in goats
8. Confirmation of BSE in sheep or goats
9. Time for appeals
10. Killing and destruction following confirmation
11. Infected animals from other premises
12. Common grazing
13. Multiple flocks on any premises

14. Subsequent occupiers
  15. Introduction of animals onto any premises
  16. Use of ovine germinal products
  17. Movement of animals from any premises
  18. Time of movement restrictions
  19. Death while under restriction
  20. Placing on the market of progeny of BSE affected sheep and goats
  21. Notification while any premises are under restriction
  22. Derogations
  23. Compensation for a sheep or goat slaughtered as a suspect animal
  24. Compensation for animals killed or products destroyed following confirmation of TSE
  25. Valuations
- Signature  
Explanatory Note

### **Notification of TSE**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in his possession or under his charge a sheep or goat suspected of being affected with a TSE shall immediately notify the Department and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal shall, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any sheep or goat, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Department, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

### **Restriction of a notified animal**

2.—(1) If notification is given to the Department under paragraph 1 in relation to a sheep or goat, an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained, pending determination by an inspector of whether or not it is suspected of being affected with BSE.

(2) Movements of animals restricted under this paragraph are only permitted in accordance with regulation 16.

### **Slaughter of a suspect animal**

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a sheep or goat is affected with a TSE, he must either—

- (a) kill it immediately on the premises on which it was kept; or
- (b) serve a notice prohibiting the animal from being moved from the premises until it has been killed; or
- (c) serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) In accordance with Article 12(3) of the Community TSE Regulation, if the animal is killed on any premises in accordance with this paragraph, it is an offence to remove the body from the premises except in accordance with a written direction from an inspector.

### **Movement restrictions**

4.—(1) For the purposes of point 3 of Annex VII and Article 12(1) of the Community TSE Regulation, following suspicion of a TSE in a sheep or goat (“ a suspected animal”) (whether in a live animal or through the monitoring under Annex III of the Community TSE Regulation), an inspector—

- (a) must serve a notice prohibiting the movement of any other animal onto or from the premises on which the suspected sheep or goat is kept if he considers that the animal would be exposed to a TSE on those premises; or
- (b) if the suspected animal came from other premises, and he considers that it may have been exposed to a TSE on those other premises, may serve such a notice either in relation to those premises and on the premises where the suspect animal is kept, or only the premises where the exposure may have taken place; and
- (c) must serve a notice prohibiting movement onto or from any premises where an animal specified in point 1(b) of Annex VII of the Community TSE Regulation is kept or where he suspects such an animal is kept.

(2) Movements of animals restricted under this Schedule are only permitted in accordance with regulation 16.

### **Action where TSE is not confirmed**

5. If it is confirmed in any case to which this Schedule applies, that a suspected animal was not affected with a TSE, the inspector must remove all restrictions imposed because of the suspected animal.

### **Confirmation of TSE in sheep**

6.—(1) If it is confirmed that a suspected sheep, or a body of a sheep monitored under Annex III of the Community TSE Regulation, is affected with a TSE, the Department, after—

- (a) carrying out the inquiry specified in Article 13(1)(b) and in point 1(b) of Annex VII of the Community TSE Regulation; and
- (b) sampling the animals to establish their genotype (if this is necessary),

shall decide which of the options set out in points 2(b)(i) and (ii) of Annex VII of the Community TSE Regulation it intends to exercise.

(2) It shall then serve a notice on the occupier of the premises in question informing him of which of the options in those paragraphs it intends to exercise.

(3) The notice shall specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of the animals (if any) to be slaughtered for human consumption;
- (c) the identity of the animals (if any) that may be retained;
- (d) the identity of any ovum or embryo to be destroyed;
- (e) the time limit for complying with the notice; and
- (f) the right to apply for a derogation in accordance with paragraph 22(3).

(4) The appeals procedure in regulation 10 applies in relation to any decision under this paragraph.

### **Confirmation of TSE in goats**

7.—(1) If it is confirmed that a suspected goat, or a body of a goat monitored under Annex III of the Community TSE Regulation, is affected with TSE, the Department, after carrying out the inquiry specified in Article 13(1)(b) and in point 1(b) of Annex VII of that Regulation, shall serve a notice on the occupier of the premises in question informing him that it intends to kill and destroy all the goats on the premises and destroy all embryos and ova from those animals in accordance with Article 13(1)(c) and point 2(b)(i) of Annex VII of that Regulation.

(2) The appeals procedure in regulation 10 applies in relation to any decision under this paragraph.

### **Confirmation of BSE in sheep or goats**

8.—(1) If BSE is confirmed in a sheep or goat on any premises, the Department, after carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Annex VII of the Community TSE Regulation, shall serve a notice on the occupier of the premises informing him of its intention to kill and destroy the animals, destroy any embryos and ova in accordance with Article 13(1)(c), and point 2(c) of Annex VII of that Regulation.

(2) The appeals procedure in regulation 10 applies in relation to any decision under this paragraph.

### **Time for appeals**

9. The Department shall not kill any sheep or goat, or destroy any ovum or embryo, under this Schedule until—

- (a) it has received written notification from the person on whom the notice is served to indicate that person has no intention to proceed with an appeal; or
- (b) after the 21 day period for appeal under regulation 10 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

### **Killing and destruction following confirmation**

10.—(1) An inspector shall ensure that any animal specified for killing in the notice in paragraphs 6(2), 7(1) or 8(1) is killed and that all the ova and embryos specified for destruction in the notice are destroyed.

(2) If an animal to which sub-paragraph (1) relates is not killed on the premises on which it is kept, an inspector shall direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed in accordance with this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

### **Infected animals from other premises**

11. For the purposes of point 2(b)(iii) of Annex VII of the Community TSE Regulation, if the infected animal was introduced from any other premises onto the premises where the infection was confirmed, the Department may act in accordance with this Schedule in relation to those other premises in addition to, or instead of, the premises on which infection was confirmed.

### **Common grazing**

12. In the case of an infected animal on common grazing, the Department may limit a notice under paragraphs 6(2), 7(1) or 8(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII of the Community TSE Regulation.

### **Multiple flocks on any premises**

13. Where more than one flock is kept on any premises, the Department may limit a notice under paragraphs 6(2), 7(1) or 8(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII of the Community TSE Regulation.

### **Subsequent occupiers**

14. If there is a change in occupation of any premises, the previous occupier shall ensure that the subsequent occupier is made aware of the existence and contents of any notice served under this Schedule in relation to those premises, and failure to do so shall be an offence.

### **Introduction of an animal onto any premises**

15. Any person who introduces an animal onto any premises in contravention of point 4 of Annex VII of the Community TSE Regulation is guilty of an offence.

### **Use of ovine germinal products**

16. Any person who uses ovine germinal products in contravention of point 5 of Annex VII of the Community TSE Regulation is guilty of an offence.

### **Movement of an animal from any premises**

17. Any person who moves an animal from any premises in contravention of point 7 of Annex VII of the Community TSE Regulation is guilty of an offence.

### **Time of movement restrictions**

18. For the purposes of point 8 of Annex VII of the Community TSE Regulation the relevant dates shall be established by the Department giving written notification of those dates to the occupier of the premises in question.

### **Death while under restriction**

19. If any animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII of the Community TSE Regulation, the owner must immediately notify the Department, and retain the body on the premises where it was kept until he is directed in writing to move or dispose of it by the Department, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

### **Placing on the market of progeny of a BSE affected sheep or goat**

20. Any person who places on the market any BSE affected sheep or goat in contravention of Article 15(2) and Chapter B of Annex VIII of the Community TSE Regulation is guilty of an offence.

### **Notification while any premises are under restriction**

21.—(1) For the purposes of point 8(d) of Annex VII of the Community TSE Regulation, for the period that any premises are under restriction in accordance with point 8 of that Annex, if the owner intends to consign a sheep aged 18 months or more for slaughter for human consumption, he must notify the Department at least four weeks before consignment.

(2) He must not consign a sheep aged 18 months or more for killing or slaughter for human consumption except under a written direction from the Department, and must do so in accordance with that direction.

(3) Failure to comply with this paragraph is an offence.

### **Derogations**

22.—(1) The Department shall not exercise the option permitted under point 7(c) of Annex VII of the Community TSE Regulation.

(2) The Department may exercise the option permitted under point 6 of that Annex.

(3) The occupier of any premises may apply to the Department asking it to exercise one or both of the options permitted under point 9 of that Annex.

(4) An application under this paragraph shall be in writing and shall set out in full the reasons for the application.

(5) The Department shall give the applicant its decision in writing, which shall state that it—

- (a) consents to the application;
- (b) consents in part to the application; or
- (c) refuses the application.

(6) Unless the Department consents to the application in full, the appeals procedure in regulation 10 applies in relation to any decision under sub-paragraph (5).

### **Compensation for a sheep or goat slaughtered as a suspect animal**

23.—(1) The Department shall pay compensation in accordance with this paragraph for a sheep or goat killed as a suspected animal.

(2) Where it is confirmed that it was affected with a TSE, the compensation is—

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that it was affected with a TSE, the compensation is the higher of—

- (a) the amount that would have been payable under sub-paragraph (2) if it had been confirmed the animal was affected with a TSE; and
- (b) such sum as appears to the Department, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

### **Compensation for animals killed or products destroyed following confirmation of TSE**

24.—(1) The Department shall pay compensation to the owner of animals killed and destroyed and products destroyed under this Schedule following confirmation of a TSE in accordance with the following provisions of this paragraph—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### Compensation

<i>Animal or product</i>	<i>Compensation (£)</i>	<i>Compensation (£)</i>
	<i>A</i>	<i>B</i>
Pure bred sheep or goats	Market value of animal	Market value of animal
Ordinary male adult sheep or goats <sup>(c)</sup>	90	90
Ordinary female adult sheep <sup>(a)</sup> or goat <sup>(c)</sup>	90	65
Ordinary sheep in lamb and ordinary goat in kid <sup>(c)</sup>	140	115
Ordinary lamb (under 12 months old) <sup>(b)</sup> or ordinary kid (under 12 months old) <sup>(c)</sup>	50	50
Embryo	150	150
Ovum	5	5

(a) where the Department has granted a derogation under point 9 of Annex VII of the Community TSE Regulation the compensation for a female sheep is £30 if it is killed after the first year of the derogation period.

(b) where the Department has granted a derogation in accordance with that point in respect of any ram in a flock, the compensation for any lamb in that flock killed after the first year of the period of derogation is £25.

(c) “ordinary” in relation to an animal means that it is not pure bred

(2) The rate in Column A is payable in all cases until 13th May 2006.

(3) On or after 13th May 2006—

(a) the rate in Column A is payable if—

(i) the owner notifies an animal under sub-paragraph (1) before 13th May 2006, and the presence of a TSE is confirmed (whether before or after that date); and

(ii) the animal for which compensation is being paid was in the flock or herd before 13th May 2006; and

(b) the rate in Column B is payable in all other cases.

### Valuations

25.—(1) If the owner of an animal considers the compensation in the preceding paragraph to be unreasonable he may notify the Department and where he does so the compensation shall be the market value of the animal determined in accordance with the procedure in regulation 11.

(2) If in relation to any animal the Department considers the compensation in the preceding paragraph to be excessive in all the circumstances it may notify the owner and where it does so the compensation shall be the market value of the animal determined in accordance with the procedure in regulation 11, but in this case it must pay any fee arising for nominating and employing the valuer.

(1)  
(1)  
(1)  
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(1)

(3) The nominated valuer shall value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was not from a flock or herd affected by TSE.

## SCHEDULE 5

Regulations 4(1) and 5

### FEEDINGSTUFFS

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- Signature  
Explanatory Note

## PART I

### RESTRICTIONS ON FEEDING PROTEINS TO ANIMALS

#### **Prohibition on feeding animal protein to ruminants**

1.—(1) For the purposes of Article 7(1) and point (b) of Part I of Annex IV of the Community TSE Regulation it is an offence to—

- (a) feed to any ruminant animal;
- (b) supply for feeding to any ruminant animal; or
- (c) permit any ruminant animal to have access to,

any animal protein (or anything containing animal protein) other than the proteins specified in point A(a) of Part II of Annex IV of the Community TSE Regulation.

(2) It is an offence to bring onto any premises where ruminant animals are kept anything prohibited by this paragraph, or to possess it on such premises unless—

- (a) it is food intended for human consumption or falls within paragraph 3; or
- (b) the premises are registered under paragraph 1(6), 3(5) or 5(9) of Part II; or
- (c) it is authorised by an inspector; and
- (d) suitable measures are in place to ensure that ruminant animals do not have access to it.

#### **Prohibition on feeding animal protein to non-ruminants**

2.—(1) For the purposes of Article 7(2), and point (a) of Part I of Annex IV of the Community TSE Regulation, it is an offence to—

- (a) feed to any pig, poultry, horse or any farmed non-ruminant animal;
- (b) supply for feeding to any such animal; or
- (c) allow any such animal to have access to,

anything in relation to which this paragraph applies.

(2) Subject to sub-paragraph (3), the prohibition in sub-paragraph (1) applies in relation to—

- (a) processed animal protein;
- (b) gelatine of ruminant origin;
- (c) blood products;
- (d) hydrolysed protein;
- (e) dicalcium phosphate and tricalcium phosphate of animal origin; and
- (f) petfood containing animal protein.

(3) The prohibition in sub-paragraph (1) does not apply in relation to—

- (a) the protein specified in point A(a) of Part II of Annex IV of the Community TSE Regulation;
- (b) fishmeal (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point B of that Part;
- (c) dicalcium phosphate and tricalcium phosphate (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point C of that Part;
- (d) blood products derived from non-ruminants (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point D of that Part;

- (e) in the case of feeding to fish, blood meal derived from non-ruminants (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point D of that Part; and
  - (f) tuber and root crops (and feedingstuffs containing such products) in which bone spicules have been detected if authorised by the Department following a risk assessment in accordance with point A(d) of that Part.
- (4) In this paragraph “protein” includes any feedingstuffs containing animal protein.
- (5) It is an offence to bring onto any premises where any animals specified in sub-paragraph (1) are kept anything prohibited by this paragraph or to possess it on such premises unless—
- (a) it is food intended for human consumption or falls within paragraph 3; or
  - (b) it is authorised by an inspector; and
  - (c) suitable measures are in place to ensure that animals specified in sub-paragraph (1) do not have access to it.

### **Exceptions**

- 3.—(1) Paragraphs 1(2) and 2(5) do not apply in relation to anything incorporated into—
- (a) petfood for feeding to pets (including working dogs) on those premises;
  - (b) organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption<sup>(44)</sup>, the Animal By-Products Regulations (Northern Ireland) 2003<sup>(45)</sup> and paragraph 11 of Part II,
- provided that the conditions in sub-paragraph (2) are complied with.
- (2) These conditions are—
- (a) it is not fed to any farmed animals;
  - (b) it is not stored or handled in parts of the premises to which—
    - (i) farmed animals have access; or
    - (ii) feedingstuffs for farmed animals are stored or handled;
  - (c) it does not come into contact with—
    - (i) feedingstuffs permitted to be fed to farmed animals; or
    - (ii) handling equipment used in connection with any such feedingstuffs;
  - (d) farmed animals on the premises in question never have access to petfood; and
  - (e) such animals do not have access to organic fertiliser or soil improver until it has been applied to the land and the no grazing period specified in Regulation 11(1) of the Animal By-Products Regulations (Northern Ireland) 2003 has expired.

### **Movement prohibitions and restrictions of animals**

- 4.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to—
- (a) specified risk material;
  - (b) any material which the inspector has reasonable grounds to believe carries the risk of TSE infectivity; or

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<sup>(44)</sup> O.J. No. L 273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) No 208/2006 (O.J. No. L36, 8.2.2006, p. 25  
<sup>(45)</sup> S.R. 2003 No. 495

(c) animal protein for which he cannot establish the origin or the TSE infectivity risk, he may serve a notice on the owner or person in charge of the animal prohibiting the movement of the animal from the premises described in the notice.

(2) Any movement restricted under this paragraph is only permitted in accordance with regulation 16.

### **Slaughter of an animal**

5.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 4, he may, in accordance with this paragraph, serve a notice on the owner or person in charge of the animal.

(2) The notice may either—

- (a) require the owner or person in charge of the animal to have it killed and disposed of as specified in the notice; or
- (b) require the owner or person in charge of the animal to keep it on such premises and in such manner as specified in the notice, in which case the inspector must ensure that any cattle passport is stamped with the words “Not for human consumption”.

### **Compensation**

6.—(1) Where an animal is killed under paragraph 5, the Department may pay compensation if it considers it appropriate in all the circumstances and shall give its decision, in writing, on whether or not to pay compensation.

(2) The compensation is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11.

(3) The appeals procedure in regulation 10 applies in relation to any decision under subparagraph (1).

### **Slaughter or sale for human consumption**

7. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal for which a notice served under paragraph 5 is in place.

## **PART II**

### **PRODUCTION OF PROTEIN AND FEEDINGSTUFFS**

#### **Fishmeal for feeding to non-ruminant farmed animals**

1.—(1) Any person producing fishmeal intended for feeding to non-ruminant farmed animals must do so in accordance with point B(a) of Part II of Annex IV of the Community TSE Regulation.

(2) Any person producing feedingstuffs containing fishmeal intended for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point B(c) of that Part, in premises authorised by the Department for the purposes of that point;
- (b) in accordance with point B(c)(i) of that Part, for home compounders registered by the Department for the purposes of that point; or
- (c) in accordance with point B(c)(ii) of that Part, in premises authorised by the Department for the purposes of that point.

(3) Any person packaging such feedingstuffs must label them in accordance with point B(d) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.

(4) Any person transporting such feedingstuffs in bulk must do so in accordance with the first sentence of point B(e) of that Part.

(5) Any person using a vehicle, previously used to transport such feedingstuffs, to transport feedingstuffs for ruminants must comply with the second sentence of point B(e) of that Part.

(6) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point B(f) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

### **Offences relating to fishmeal and feedingstuffs containing fishmeal**

2.—(1) Failure to comply with paragraph 1 is an offence.

(2) It is an offence for a home compounder registered under paragraph 1(2)(b) to—

- (a) keep ruminant animals;
- (b) consign feedingstuffs containing fishmeal (whether complete or partly complete) produced by him from his premises; or
- (c) use feedingstuffs containing fishmeal with a crude protein content of 50% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point B(c)(ii) of Part II of Annex IV of the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are kept in separate facilities in accordance with the first indent of that point;
- (b) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

### **Feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals**

3.—(1) Any person producing feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point C(a) of Part II of Annex IV of the Community TSE Regulation, in an establishment authorised by the Department for the purposes of that point;
- (b) in accordance with point C(a)(i) of that Part, for home compounders registered by the Department for the purposes of that point; or
- (c) in accordance with point C(a)(ii) of that Part in an establishment authorised by the Department for the purposes of that point.

(2) Any person packaging such feedingstuffs must label them in accordance with point C(b) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.

(3) Any person transporting such feedingstuffs in bulk must do so in accordance with point C(c) of that Part.

(4) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants must comply with the second sentence of point C(c) of that Part.

(5) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point C(d) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

#### **Offences relating to feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals**

- 4.—(1) Failure to comply with paragraph 3 is an offence.
- (2) It is an offence for a home compounder registered under paragraph 3(1)(b) of this Part to—
- (a) keep ruminants;
  - (b) consign feedingstuffs containing dicalcium phosphate or tricalcium phosphate (whether complete or partly complete) from his premises; or
  - (c) use feedingstuffs containing dicalcium phosphate or tricalcium phosphate with a phosphorus content of 10% or more in the production of complete feedingstuffs.
- (3) It is an offence for any person producing feedingstuffs in accordance with point C(a)(ii) of Part II of Annex IV of the Community TSE Regulation to—
- (a) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the first indent of that point;
  - (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
  - (c) fail to make and keep a record in accordance with the third indent.

#### **Blood products and blood meal**

- 5.—(1) Any person who produces—
- (a) blood products, or feedingstuffs containing blood products, intended for feeding to non-ruminant farmed animals; or
  - (b) blood meal, or feedingstuffs containing blood meal, intended for feeding to fish,
- must ensure that the blood comes from a slaughterhouse that is registered with the Department for the purposes of point D(a) of Part II of Annex IV of the Community TSE Regulation and meets the conditions set out in sub-paragraph (2).
- (2) Those conditions are that the slaughterhouse—
- (a) is not used to slaughter ruminants; or
  - (b) has in place a control system in accordance with the second paragraph of point D(a) of that Part to ensure that ruminant blood is kept separate from non-ruminant blood and has been authorised for the purpose by the Department.
- (3) The occupier of the slaughterhouse must consign the blood in accordance with point D(a) of Part II of Annex IV of the Community TSE Regulation and any transporter must transport it in accordance with that point.
- (4) Any person producing blood products or blood meal must do so in accordance with either the first or the second paragraph of point D(b) of that Part.
- (5) Any person producing feedingstuffs containing blood products or blood meal must do so—
- (a) in accordance with point D(c) of that Part, in an establishment authorised by the Department for the purposes of that point;
  - (b) in accordance with point D(c)(i) of that Part, as a home compounder registered by the Department for the purposes of that point; or

- (c) in accordance with point D(c)(ii) of that Part, in an establishment authorised by the Department for the purposes of that point.
- (6) Any person packaging such feedingstuffs must label them in accordance with point D(d) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.
- (7) Any person transporting such feedingstuffs in bulk must do so in accordance with point D(e) of that Part.
- (8) Any person using a vehicle, previously used to transport such feedingstuffs, to transport feedingstuffs for ruminants must comply with the second sentence of point D(e) of that Part.
- (9) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point D(f) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

#### **Offences relating to feedingstuffs containing blood products or blood meal**

- 6.—(1) Failure to comply with paragraph 5 is an offence.
- (2) It is an offence for any person collecting blood in accordance with the second paragraph of point D(a) of Part II of Annex IV of the Community TSE Regulation to—
  - (a) slaughter animals otherwise than in accordance with the first indent of that paragraph;
  - (b) collect, store, transport or package blood otherwise than in accordance with the second indent of that paragraph; or
  - (c) fail to regularly sample and analyse blood in accordance with the third indent of that paragraph.
- (3) It is an offence for any person producing blood products or blood meal in accordance with the second paragraph of point D(b) of that Part to—
  - (a) fail to ensure that the blood is processed in accordance with the first indent of that paragraph;
  - (b) keep raw material and finished product otherwise than in accordance with the second indent of that paragraph; or
  - (c) fail to sample it in accordance with the third indent of that paragraph.
- (4) It is an offence for any person producing feedingstuffs in accordance with point D(c)(ii) of Part II of Annex IV of the Community TSE Regulation to—
  - (a) fail to ensure that feedingstuffs are manufactured in accordance with the first indent of that point;
  - (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
  - (c) fail to make and keep a record in accordance with the third indent.
- (5) It is an offence for a home compounder registered under paragraph 5(5)(b) to—
  - (a) keep ruminant animals where blood products are used;
  - (b) keep animals, other than fish, where blood meal is used;
  - (c) consign feedingstuffs containing blood products or blood meal (whether complete or partly complete) from his premises; or
  - (d) use feedingstuffs containing blood products or blood meal with a total protein content of 50% or more in the production of complete feedingstuffs.

### **Change in use of equipment**

7. It is an offence to use equipment, used to produce feedingstuffs for non-ruminant animals under paragraphs 1, 3 or 5, for the production of feedingstuffs for ruminant animals unless authorised in writing by an inspector.

### **Conditions applying to the storage and transport of bulk quantities of protein products and feedingstuffs containing such proteins**

8.—(1) It is an offence to store or transport—

- (a) bulk processed animal protein (other than fishmeal); or
- (b) bulk products, including feedingstuffs, organic fertilisers and soil improvers containing such proteins,

except in accordance with point C(a) of Part III of Annex IV of the Community TSE Regulation.

(2) It is an offence to store or transport bulk fishmeal, dicalcium phosphate, tricalcium phosphate, blood products of non-ruminant origin or blood meal of non-ruminant origin except in accordance with point C(b) and C(c) of Part III of Annex IV of the Community TSE Regulation.

(3) In addition to the requirements of sub-paragraphs (1) and (2), it is an offence to transport bulk processed animal protein or any of the materials specified in sub-paragraph (2) unless the transporter is registered with the Department for that purpose.

### **Conditions applying to the manufacture and transport of feedingstuffs, including petfood**

9.—(1) It is an offence to manufacture, store, transport or package feedingstuffs, including petfood, that contain blood products of ruminant origin or processed animal protein, other than fishmeal, except in accordance with point D of Part III of Annex IV of the Community TSE Regulation.

(2) It is an offence to manufacture or transport feedingstuffs, including petfood, containing dicalcium or tricalcium phosphate or blood products of non-ruminant origin except in accordance with point D of that Part.

### **Export of processed animal protein to third countries**

10.—(1) In accordance with point E(1) of Part III of Annex IV of the Community TSE Regulation it is an offence to export to third countries processed animal protein derived from ruminants and anything containing it.

(2) It is an offence to export processed animal protein derived from non-ruminants and anything containing it except in accordance with point E(2) of that Part.

### **Fertilisers**

11.—(1) It is an offence to sell or supply for use as a fertiliser on agricultural land or to possess with the intention of such sale or supply, any—

- (a) mammalian protein, other than ash, derived from animal by-products classified as Category 2 material in Regulation (EC) No. 1774/2002; or
- (b) ash derived from the incineration of animal by-products classified as Category 1 material in that Regulation.

(2) It is an offence to use anything prohibited in sub-paragraph (1) on agricultural land as a fertiliser.

(3) In this paragraph—

- (a) “agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture; and
- (b) “agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodland and horticulture (except the propagation of plants and the growing of plants within greenhouses, glass structures or plastic structures).

### **Record keeping for transport etc. of reject petfood**

12.—(1) Any person who supplies, transports or receives any petfood containing animal protein that is not intended for use as petfood shall record—

- (a) the name of the manufacturer;
- (b) the date of supply and receipt;
- (c) the premises of origin and destination;
- (d) the quantity of petfood; and
- (e) the nature of the animal protein contained in the petfood.

(2) He must keep those records for 2 years.

(3) The consignor must ensure that the petfood is labelled with the information referred to in subparagraph (1) or is accompanied by documentation that contains that information.

(4) Any person who fails to comply with this paragraph is guilty of an offence.

### **Cross-contamination of materials originating from premises where processed animal proteins (except fishmeal) are in use**

13. It is an offence to supply an ingredient of a feedingstuff if that ingredient is produced on premises where any processed animal protein (except fishmeal) is used in any manufacturing process unless the label or accompanying documentation indicates this.

## SCHEDULE 6

Regulations 2, 4(1), 5, 12 and 19

### SPECIFIED RISK MATERIAL, MECHANICALLY RECOVERED MEAT AND SLAUGHTERING TECHNIQUES

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- Signature  
Explanatory Note

### **Appointment of the Food Standards Agency as the competent authority**

1.—(1) The Food Standards Agency shall, except in butcher shops, carry out the obligations on the member State in point 12 of Part A of Annex XI of the Community TSE Regulation in relation to this Schedule and shall grant authorisations for the purposes of point 10(a) of that Part.

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant, an inspector is—

- (a) an official veterinarian who is qualified in accordance with Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(46)</sup> to act in such a capacity and is appointed by the Food Standards Agency;
- (b) an official auxiliary who is qualified in accordance with Regulation (EC) No. 854/2004 to act in such a capacity, is appointed by the Food Standards Agency and works under the authority and responsibility of an official veterinarian; or
- (c) any other person appointed for the purpose by the Food Standards Agency.

(3) The powers and duties of a person appointed as an inspector are limited to those specified in the appointment.

(4) Any person exercising the powers of an inspector under this Schedule has the protection specified in regulation 14(3).

### **District council obligations with regards to butcher shops**

2. A district council shall carry out the obligations on the member State in point 12 of Part A of Annex XI to the Community TSE Regulation in relation to this Schedule in so far as it relates to the removal in butcher shops of those parts of the vertebral column of bovine animals that are specified risk material and shall grant authorisations and effect registrations for the purposes of point 10(b) of that Part.

### **Training**

3. The occupier of any slaughterhouse, cutting plant or butcher shop where specified risk material is removed must—

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<sup>(46)</sup> O.J. No. L 139, 30.4.2004, p. 206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.83)

- (a) ensure that staff receive the training necessary to ensure that the occupier complies with his duties in this Schedule; and
  - (b) keep records of each person's training for as long as that person works there,
- and failure to do so is an offence.

### **Mechanically recovered meat**

4.—(1) Any person who contravenes point 3 of Part A of Annex XI of the Community TSE Regulation (use of bovine, ovine and caprine bones for the production of mechanically recovered meat) is guilty of an offence.

(2) Any person who uses any mechanically recovered meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph “mechanically recovered meat” means the product derived from residual meat on animal bones by mechanical means other than meat produced using hand held powered knives that do not use powered pressure or suction.

### **Pithing**

5. Any person who contravenes point 4 of Part A of Annex XI of the Community TSE Regulation (pithing) is guilty of an offence.

### **Tongue harvesting**

6. Any person who contravenes point 6 of Part A of Annex XI of the Community TSE Regulation (tongue harvesting) is guilty of an offence.

### **Head meat harvesting**

7. Any person who contravenes points 7 or 9 of Part A of Annex XI to the Community TSE Regulation (head meat harvesting) is guilty of an offence.

### **Removal of specified risk material**

8.—(1) Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 5, point 10(a) or point 10(b) of Part A of Annex XI of the Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

- (a) (i) any part of the vertebral column that is specified risk material from any bovine animal over 30 months of age at slaughter; or
- (ii) in circumstances where the meat containing the specified risk material has been brought into Northern Ireland from Great Britain or a member State, any part of the vertebral column that is specified risk material from any bovine animal of 30 months of age or less at slaughter,

unless the plant is authorised under paragraph 13(1)(a); or

- (b) the spinal cord from any sheep or goat over 12 months of age at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 13(1)(b).

(3) In the case of a butcher shop, it is an offence to remove any part of the vertebral column that is specified risk material from a bovine animal, if the shop is not authorised and registered for that

purpose under paragraph 14, or the meat containing the specified risk material has been brought into Northern Ireland from Great Britain or a member State.

### **Bovine animals in a slaughterhouse**

9.—(1) When a bovine animal is slaughtered in a slaughterhouse or slaughtered elsewhere and brought to a slaughterhouse, the occupier of the slaughterhouse must remove all specified risk material, other than those parts of the vertebral column that are specified risk material, as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) The occupier of the slaughterhouse must, as soon as is reasonably practicable, consign any meat containing those parts of the vertebral column that are specified risk material—

- (a) in the case of any animal that is over 30 months of age at slaughter, to a cutting plant authorised under paragraph 13(1)(a) or to Great Britain, or to a member State in accordance with the second paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation; or
- (b) in the case of any animal that is 30 months of age or less at slaughter, to a cutting plant, or to a butcher shop authorised and registered under paragraph 14 or to Great Britain, or to a member State in accordance with the second paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation.

(3) The occupier of the slaughterhouse must identify meat containing vertebral column that is not specified risk material in accordance with point 14(a) of Part A of Annex XI of the Community TSE Regulation and provide information in accordance with point 14(b) of that Part.

(4) A person shall not include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97<sup>(47)</sup> except in accordance with point 14(a) of Part A of Annex XI to the Community TSE Regulation.

(5) Contravention of this paragraph is an offence.

### **Sheep and goats in a slaughterhouse**

10.—(1) When a sheep or goat is slaughtered in a slaughterhouse or slaughtered elsewhere and brought to a slaughterhouse, the occupier of the slaughterhouse must remove all specified risk material, other than the spinal cord, as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier of the slaughterhouse must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the meat to a cutting plant authorised under paragraph 13(1)(b); or
- (c) in accordance with the first paragraph of point 13 of Part A of Annex XI of the Community TSE Regulation send the meat to a cutting plant in Great Britain or, where the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement, to a cutting plant in a member State.

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<sup>(47)</sup> O.J. No. L. 204, 11.8.2000, p.1, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (O.J. No. L 236, 23.9.2003, p.33)

- (3) In sub-paragraph (2)(c), “cutting plant” means premises—
- (a) approved or conditionally approved as such under Article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(48); or
  - (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(49) pending such approval.
- (4) Contravention of this paragraph is an offence.

### **Young lamb and goat stamps**

11.—(1) An inspector may stamp a sheep or goat carcase in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation, if any, relating to the animal does not indicate that it is over 12 months of age at slaughter.

(2) The stamp shall mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “VS”; and
- (b) in the case of a sheep, “YL”; or
- (c) in the case of a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp or to possess equipment for applying it.

(4) It is an offence to mark a sheep or goat with a stamp that is or resembles a young lamb stamp or a young goat stamp unless it is an animal permitted to be marked in accordance with sub-paragraph (1).

### **Removal of spinal cord from sheep and goats**

12. It is an offence, other than for the purposes of veterinary or scientific examination, to remove the spinal cord or any part of it from a sheep or goat over 12 months of age at slaughter or that had one or more permanent incisors erupted through the gum except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

### **Authorisation of cutting plants by the Food Standards Agency**

13.—(1) The Food Standards Agency shall authorise a cutting plant to remove—

- (a) those parts of the vertebral column that are specified risk material from bovine animals over 30 months of age at slaughter; or
- (b) spinal cord from sheep and goats over 12 months of age at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Part A of Annex XI to the Community TSE Regulation and this Schedule will be complied with.

(48) (O.J. No. L 165, 30.4.2004, p.1. The revised text of Regulation (EC) No.882/2004 is now set out in Corrigendum (O.J. No. L191, 28.5.2004, p.1)

(49) (O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

(2) Regulations 6, 8, 9 and 10 apply to any authorisation under this paragraph as it applies to an authorisation by the Department as if all references in those regulations to the Department were references to the district council concerned.

#### **Authorisation and registration of butcher shops by District Councils**

14.—(1) A district council shall authorise a butcher shop to remove those parts of the vertebral column that are specified risk material from bovine animals 30 months of age or less at slaughter and register the shop for that purpose, if the council is satisfied that the provisions of Part A of Annex XI to the Community TSE Regulation and this Schedule will be complied with.

(2) Regulations 6, 8, 9 and 10 apply to any authorisation under this paragraph as it applies to an authorisation by the Department as if all references in those regulations to the Department were references to the district council concerned.

#### **Removal of specified risk material at a cutting plant authorised under paragraph 13(1)**

15. The occupier of a cutting plant authorised under paragraph 13(1) commits an offence unless he removes from the carcase as soon as reasonably practicable after its arrival at the plant and in any event before the meat is dispatched from the plant—

- (a) all specified risk material to which the authorisation relates; and
- (b) where the carcase is derived from a bovine animal 30 months of age or less at slaughter, those parts of the vertebral column that are specified risk material.

#### **Removal of bovine vertebral column that is specified risk material at a cutting plant not authorised under paragraph 13(1)(a)**

16. In the case of carcasses derived from a bovine animal of 30 months of age or less at slaughter that has not been brought into Northern Ireland from Great Britain or a member State, the occupier of a cutting plant not authorised under paragraph 13(1)(a) commits an offence unless he removes from the carcase as soon as reasonably practicable, and in any event before the meat is dispatched from the premises those parts of the vertebral column that are specified risk material.

#### **Removal of bovine vertebral column that is specified risk material at a butcher shop authorised and registered under paragraph 14**

17. In the case of meat derived from a bovine animal of 30 months of age or less at slaughter that has not been brought into Northern Ireland from Great Britain or a member State, the occupier of a butcher shop authorised and registered under paragraph 14 commits an offence unless he removes from the meat those parts of the vertebral column that are specified risk material before the meat is removed from the premises.

#### **Meat from Great Britain or a member State**

18. For the purposes of point 13 of Part A of Annex XI of the Community TSE Regulation, where meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Northern Ireland from Great Britain or a member State, the importer must send it directly to a cutting plant authorised under paragraph 13(1)(a) and failure to do so is an offence.

#### **Staining and disposal of specified risk material**

19.—(1) The occupier of any premises where specified risk material is removed who contravenes point 11 of Part A of Annex XI of the Community TSE Regulation (staining and disposal of specified risk material) is guilty of an offence.

- (2) For the purposes of that point—
- (a) staining means treating the material (whether by immersion, spraying or other application) with—
- (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051<sup>(50)</sup>); or
- (ii) such other colouring agent as may be approved in writing by the Department or the Food Standards Agency; and
- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—
- (i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat; and
- (ii) in the case of all other specified risk material, over the whole surface of the material.
- (3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1.2(b) and (c) of the Community TSE Regulation.

### **Scheme animals**

20.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(51)</sup>, the remainder, excluding the hide, must immediately be stained in accordance with paragraph 19 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Failure to comply with this paragraph is an offence.

### **Security of specified risk material**

21.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) He must ensure that each time the container is emptied it is thoroughly washed, as soon as reasonably practicable, and disinfected before use for any other purpose.

(3) Failure to comply with this paragraph is an offence.

### **Prohibition on the supply of specified risk material for human consumption**

22. It is an offence to sell or supply—

- (a) any specified risk material or any food containing specified risk material for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

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<sup>(50)</sup> Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

<sup>(51)</sup> O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

## SCHEDULE 7

Regulation 5

## RESTRICTIONS ON DISPATCH TO MEMBER STATES AND TO THIRD COUNTRIES

**Restrictions on dispatch to member States and to third countries**

1. It is an offence for a person to dispatch, or offer to dispatch, to member States or to third countries—

- (a) bovine animals born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1st August 1996;
- (b) meat or products derived from bovine animals born or reared in the United Kingdom after 31st July 1996 and slaughtered before 15th June 2005; or
- (c) vertebral column from bovine animals born or reared in the United Kingdom after 31st July 1996 and slaughtered before 3rd May 2006 and products derived from such vertebral column.

**Exports to third countries**

2. In accordance with the last paragraph of point 13 of Part A of Annex XI of the Community TSE Regulation, it is an offence to export heads or fresh meat of bovine, ovine or caprine animals containing specified risk material to a third country.

## SCHEDULE 8

Regulation 5 and 20

## REVOCATIONS

<i>Instrument</i>	<i>Reference</i>	<i>Extent</i>
The Specified Risk Material Order (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 551</a>	The whole Order.
The Specified Risk Material Regulations (Northern Ireland) 1997	<a href="#">S.R. 1997 No. 552</a>	The whole Regulations.
The Bovines and Bovine Products (Trade) Regulations 1999	<a href="#">S.R. 1999 No. 308</a>	The whole Regulations.
The Specified Risk Material (Amendment) Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 157</a>	The whole Regulations.
The Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 431</a>	The whole Regulations.
The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 78</a>	Regulation 6(8) and (11), Schedule 4 Parts VIII and XI.  Schedule 8 Part III

<i>Instrument</i>	<i>Reference</i>	<i>Extent</i>
The Specified Risk Material (Amendment) (Northern Ireland) Regulations 2000	<a href="#">S.R. 2000 No. 295</a>	The whole Regulations.
The Specified Risk Material (Amendment) Order (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 1</a>	The whole Order.
The Specified Risk Material (Amendment) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No.48</a>	The whole Regulations.
The Restriction on Pithing Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 186</a>	The whole Regulations.
The Specified Risk Material (Amendment No. 2) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 196</a>	The whole Regulations.
The Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 210</a>	The whole Regulations.
The Specified Risk Material (Amendment No. 3) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 376</a>	The whole Regulations.
The Specified Risk Material (Amendment) (No. 2) Order (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 377</a>	The whole Order.
The Processed Animal Protein Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 405</a>	The whole Regulations.
The TSE Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 225</a>	The whole Regulations.
The Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2002	<a href="#">S.R. 2002 No. 278</a>	The whole Regulations
The Animal By-Products Regulations (Northern Ireland) 2003	<a href="#">S.R. 2003 No. 495</a>	Regulation 50 Schedule 4
The TSE (Amendment) Regulations (Northern Ireland) 2003	<a href="#">S.R. 2003 No. 509</a>	The whole Regulations.
The TSE (Amendment) Regulations (Northern Ireland) 2004	<a href="#">S.R. 2004 No. 388</a>	The whole Regulations.

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<i>Instrument</i>	<i>Reference</i>	<i>Extent</i>
The TSE (Amendment) Regulations (Northern Ireland) 2005	<a href="#">S.R. 2005 No. 25</a>	The whole Regulations.
The Animal and Animal Products (Import and Export) Regulations (Northern Ireland) 2005	<a href="#">S.R. 2005 No. 78</a>	Regulation 5(5)
The TSE (Amendment No. 2) Regulations (Northern Ireland) 2005	<a href="#">S.R. 2005 No. 200</a>	The whole Regulations.
The TSE (Amendment No. 3) Regulations (Northern Ireland) 2005	<a href="#">S.R. 2005 No. 436</a>	The whole Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and remake with amendments the TSE Regulations (Northern Ireland) 2002 and enforce Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (O.J. No. L 147, 31.5.2001, p 1) as amended by and as read with the provisions in Schedule 1 (“the Community TSE Regulation”).

The Regulations provide that the Department is the competent authority for the purposes of the Community TSE Regulation (except in Schedule 6, where the competent authority is the Food Standards Agency) (regulation 3) and provide an exception for research (regulation 4).

Regulations 6 to 10 deal with approvals, authorisations, licences and registrations, licensing of premises, suspension, amendment and revocations of approvals, etc., and an appeals procedure. Regulation 11 deals with valuations.

Regulations 12 to 14 give powers to the Department to appoint inspectors, and deal with powers of entry and powers of inspectors. Regulation 15 provides for issue of notices and regulation 16 provides for licences permitting movement when a movement restriction is in place.

Regulations 17 and 18 deal with obstruction of an inspector and penalties. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

Regulation 19 details who is responsible for enforcing these Regulations.

Schedule 1 lists amendments to Regulation (EC) No. 999/2001 and with which it must be read.

Schedule 2 Part I deals with monitoring for TSEs. Paragraph 1 provides for notification to the Department of fallen stock that must be tested for TSE under the Community TSE Regulation. Paragraph 2 makes it an offence to consign an over-age animal to a slaughterhouse for human consumption or to slaughter such an animal for human consumption. Paragraph 3 provides for brain stem sampling of specified bovine animals. Paragraph 4 creates a requirement for the occupier of a slaughterhouse slaughtering animals over 30 months of age for human consumption to have a Required Method of Operation. Paragraph 5 provides for retention of products and their disposal and paragraph 6 deals with compensation.

Schedule 2 Part II specifies the minimum requirements that must appear in a Required Method of Operation.

Schedule 3 deals with control and eradication of TSEs in bovine animals. Paragraph 1 provides for notification of a suspect animal to the Department. Paragraphs 2 and 3 provide for the restriction and slaughter of the suspect animal. Paragraph 4 deals with identification of the offspring and cohorts of the suspect animal and Paragraph 5 provides for action following confirmation of BSE. Paragraph 6 deals with action where BSE is not confirmed. Paragraph 7 deals with death of an animal while under restriction. Paragraph 8 deals with placing on the market of bovine progeny. Paragraphs 9 to 16 deal with compensation.

Schedule 4 deals with control and eradication of TSEs in sheep and goats. Paragraph 1 provides for notification of a suspect animal to the Department. Paragraphs 2 and 3 provide for the restriction and slaughter of the suspect. Paragraphs 4 and 5 deal with movement restrictions. Paragraphs 6 to 8 provide for action following confirmation. Paragraph 9 provides for time for appeals, and paragraph 10 provides for killing and destruction. Paragraphs 11 to 13 deal with infected animals from other premises, common grazing and multiple flocks on any premises. Paragraph 14 deals with subsequent occupiers of the land. Paragraph 15 restricts the introduction of animals onto any premises. Paragraph 16 regulates the use of ovine germinal products and paragraph 17 restricts the movement of animals from any premises. Paragraph 18 specifies when the time relating to restrictions begins. Paragraph 19 provides for notification of animals that die while under restriction. Paragraph 20 deals with placing on the market of progeny and paragraph 21 requires notification to the Department before the owner may consign sheep aged over 18 months for slaughter. Paragraph 22 deals with derogations from the requirement for the killing and destruction of sheep and goats. Paragraphs 23 to 25 deal with compensation.

Schedule 5 Part I deals with restrictions on feeding proteins to animals. Paragraphs 1 to 3 prohibit feeding specified feedingstuffs to ruminant and non-ruminant animals and provide for exceptions. Paragraphs 4 and 5 provide for movement restrictions and slaughter of animals suspected of having been fed prohibited feedingstuffs and paragraph 6 provides for compensation. Paragraph 7 prohibits the slaughter or sale for human consumption of restricted animals.

Schedule 5 Part II deals with the production of proteins and feedingstuffs. Paragraphs 1 and 2 regulate the production and use of fishmeal for feeding to non-ruminant animals. Paragraphs 3 and 4 regulate feedingstuffs containing dicalcium phosphate or tricalcium phosphate. Paragraphs 5 and 6 regulate feedingstuffs containing blood products and blood meal. Paragraph 7 makes provision for changes in use of equipment. Paragraphs 8 and 9 control the manufacture, storage and transport of processed animal protein and products containing it. Paragraph 10 controls exports and paragraph 11 regulates fertilisers derived from animal protein. Paragraph 12 deals with records and paragraph 13 deals with cross-contamination of materials originating from premises where processed animal proteins are in use.

Schedule 6 deals with specified risk material, mechanically recovered meat and slaughtering techniques. Paragraph 1 appoints the Food Standards Agency as the competent authority for this Schedule. Paragraph 2 imposes certain obligations on district councils with regard to butcher shops. Paragraph 3 makes provision for training of slaughterhouse, cutting plant and butcher shop staff. Paragraph 4 deals with mechanically recovered meat, paragraph 5 with pithing, paragraph 6 with tongue harvesting and paragraph 7 with head meat harvesting. Paragraph 8 controls the removal of

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specified risk material and paragraphs 9 and 10 deal with bovine animals and sheep and goats at a slaughterhouse. Paragraph 11 deals with young lamb and goat stamps. Paragraph 12 deals with the removal of spinal cord from sheep and goats. Paragraph 13 provides for the authorisation of cutting plants and paragraph 14 the authorisation and registration of butcher shops by district councils. Paragraph 15 controls the removal of specified risk material at a cutting plant. Paragraphs 16 and 17 deal with the removal of bovine vertebral column which is specified risk material at a cutting plant which is not authorised and a butcher shop which is authorised and registered. Paragraph 18 deals with meat from Great Britain and member States. Paragraphs 19 and 20 require the staining of specified risk material and paragraph 21 provides for the security of specified risk material. Paragraph 22 prohibits the supply of specified risk material for human consumption.

Schedule 7 deals with restrictions on dispatch to member States and third countries. Paragraph 1 makes it an offence to dispatch bovine animals, meat or meat products or vertebral column to member States or to third countries. Paragraph 2 prohibits the export of specified risk material. Schedule 8 specifies the provisions revoked by these Regulations.