
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake with amendments The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006 (S.R. 2006 No. 202 as amended), which enforced 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 (“the Community TSE Regulation”). These Regulations implement Commission Decision 2007/411 prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598 (O.J. No. L 155, 15.6.2007, p.74). The Regulations also revoke The Bovine Products (Restriction on Placing on the Market) (No. 2) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 515 as amended).

Commission Regulation (EC) No. 999/2001 was amended by Commission Regulation (EC) No. 727/2007 amending Annex VII to 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 158, 18.6.2008, p.5). These Regulations implement those amendments with the exception of certain provisions that were suspended by a judgement of the European Court of First Instance on 28th September 2007 (points 2(3)(b)(iii), 2(3)(d) and 4 of Annex VII to Regulation (EC) No. 999/2001).

The Regulations also implement Commission Decision 2008/908/EC authorising certain member States, including the United Kingdom, to revise their annual BSE monitoring programme (O.J. No. L 327, 5.12.2008, p. 24).

The main Regulations

The Regulations provide that the Department is the competent authority for the purposes of the Community TSE Regulation (except in Schedule 7 and Paragraphs 1, 3 and 4 of Schedule 8, where the competent authority is the Food Standards Agency) (regulation 3) and provide an exception for research (regulation 4).

The provisions in Part II introduce Schedules 2 to 8.

Part III deals with administration and enforcement.

Regulations 6 to 10 deal with approvals, authorisations, licences and registrations, occupier’s duties, 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 a notice procedure, and regulation 16 provides for licences permitting movement during a movement restriction.

Regulations 17 to 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.

Status: This is the original version (as it was originally made).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

Regulation 19 details who is responsible for enforcing these Regulations.

Regulation 20 revokes the Bovine Products (Restriction on Placing on the Market) (No.2) Regulations (Northern Ireland) 2005, the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006, the Bovine Products (Restriction on Placing on the Market) (No.2) (Amendment) Regulations (Northern Ireland) 2007 and the Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2008.

Schedule 1

Schedule 1 sets out those EC instruments to which any reference should be construed as to those instruments as amended from time to time.

Schedule 2

Schedule 2 Part I deals with monitoring for TSEs. Paragraph 1 provides for notification to a person appointed by 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 that slaughters animals for human consumption or to slaughter such an animal for human consumption in a slaughterhouse. Paragraph 3 provides for brain stem sampling of specified bovine animals. Paragraph 4 provides that the Department may approve laboratories to test samples for TSEs.

Paragraph 5 creates a requirement for anyone slaughtering bovine animals for human consumption, which are required to be tested for BSE and slaughtering animals which do not require to be tested for BSE but which require the removal of the vertebral column to have a Required Method of Operation as appropriate to the slaughterhouse.

Paragraph 6 provides for retention of products and their disposal, and paragraph 7 deals with compensation.

Schedule 2 Part II, paragraphs 1 to 8 specify the contents that must appear in a Required Method of Operation.

Schedule 3

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 notified and suspect animals. Paragraphs 4 and 5 deal with the offspring and cohorts of the suspect. Paragraph 6 deals with action where TSE is not confirmed. Paragraph 7 provides for the notification and restriction of the carcasses of animals that die or are killed while under restriction, and paragraph 8 prohibits the placing on the market of offspring.

Paragraphs 9 to 16 deal with compensation.

Schedule 4

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 9 provide for action following confirmation. Paragraph 10 provides for time for appeals, and paragraph 11 provides for killing and destruction. Paragraphs 12 to 14 deal with infected animals from another holding, common grazing and multiple flocks on a holding. Paragraph 15 deals with subsequent occupiers of the land.

Paragraphs 16 to 24 set out the procedure to be followed after the killing or destruction. Paragraph 16 restricts the introduction of animals onto a holding. Paragraph 17 regulates the use of ovine germinal products, and paragraph 18 restricts the movement of animals from a holding.

Paragraph 19 specifies when the time relating to restrictions begins. Paragraph 20 provides for notification of animals that die while under restriction. Paragraph 21 deals with placing on the market of progeny. Paragraphs 22 to 24 deal with compensation.

Schedule 5

Schedule 5 deals with animals that are not bovine, ovine, or caprine. Paragraphs 1 to 3 concern notification, restriction and slaughter of suspect animals. Paragraph 4 provides for compensation. Paragraph 5 concerns the retention of deer products and their disposal in the event of a positive result.

Schedule 6

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

Paragraphs 1 and 2 of Part II regulate the production and use of fishmeal for feeding to non-ruminant animals. Paragraphs 3 and 4 of Part II regulate feedingstuffs containing dicalcium phosphate or tricalcium phosphate. Paragraphs 5 and 6 of Part II regulate feedingstuffs containing blood products and blood meal.

Paragraph 7 of Part II makes provision for changes in use of equipment. Paragraphs 8 and 9 of Part II control the manufacture, storage and transport of processed animal protein and products containing it. Paragraph 10 of Part II controls exports, and paragraph 11 of Part II regulates fertilisers derived from animal protein. Paragraph 12 of Part II deals with records, and paragraph 13 of Part II deals with cross-contamination.

Schedule 7

Schedule 7 deals with specified risk material, mechanically separated meat and slaughtering techniques. Paragraph 1 appoints the Food Standards Agency as the competent authority for this Schedule. Paragraph 2 makes provision for training of staff in slaughterhouses and cutting plants where specified risk material is removed.

Paragraph 3 deals with mechanically separated meat, paragraph 4 with pithing, paragraph 5 with tongue harvesting and paragraph 6 with head meat harvesting.

Paragraph 7 controls the removal of specified risk material. Paragraph 8 deals with bovine animals in a slaughterhouse and paragraph 9 deals with sheep and goats in a slaughterhouse.

Paragraph 10 deals with young lamb and goat stamps.

Paragraph 11 deals with the removal of spinal cord from sheep and goats.

Paragraph 12 provides for the authorisation of cutting plants to remove certain specified risk material and paragraph 13 controls the removal of specified risk material at a cutting plant authorised under paragraph 12(1).

Paragraph 14 deals with meat from a member State.

Paragraph 15 requires the staining and disposal of specified risk material, paragraph 16 provides for the security of specified risk material. Paragraph 17 prohibits the supply of specified risk material for human consumption.

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

Schedule 8

Schedule 8 deals with the placing on the market or export to third countries of live bovine animals and products derived from them. Paragraph 1 prohibits the placing on the market or export to third countries of bovine products. Paragraph 2 prohibits the placing on the market or export to third countries of certain live animals. Paragraph 3 prohibits the export of heads and un-split carcasses containing specified risk material to a member State. Paragraph 4 prohibits the export of heads and meat of bovine, ovine or caprine animals containing specified risk material to third countries. Paragraph 5 provides for the appointment of Food Standards Agency inspectors in slaughterhouses and cutting plants for the purposes of paragraphs 1, 3 and 4.

A regulatory impact assessment has been prepared and placed in the library of the Assembly. Copies can be obtained from the Department of Agriculture and Rural Development, TSE Branch, Room 714, Dundonald House, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SB. Tel 02890 525539.