

## SCHEDULE 1

Regulation 2(3)

### AMBULATORY REFERENCES

The EC instruments which must be construed as amended from time to time are—

- (a) The Community TSE Regulation;
- (b) Regulation (EC) No. 1774/2002;
- (c) Regulation (EC) No. 853/2004; and
- (d) Regulation (EC) No. 882/2004.

## SCHEDULE 2

Regulation 5

### TSE MONITORING

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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 their possession or under their 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, as read with Commission Decision 2008/908/EC, or the body of a sheep or goat aged 18 months or over at death 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 their possession or charge, notify the death of the animal to a person appointed by the Department to receive the notification; and
- (b) detain it until it has been collected by that person 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 to —

- (a) consign it to a slaughterhouse which slaughters animals for human consumption (whether the animal is alive or dead); or
- (b) 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, as read with Commission Decision 2008/908/EC, is slaughtered must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X of that Regulation;
- (b) ensure that the animal from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) 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 them to take a sample from any bovine animal slaughtered there and send the sample for testing in accordance with sub-paragraph (1).

#### **Approval of laboratories**

4.—(1) The Department may approve laboratories to test samples taken under paragraph 3 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 and to the Department.

(2) An “approved testing laboratory” means a laboratory approved by the Department under this paragraph or a laboratory approved by the relevant competent authority in another part of the United Kingdom or in a member State to carry out the test.

### **Slaughter of bovine animals**

5.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal—

- (a) over 48 months of age which requires to be sampled for BSE testing;
- (b) over 24 months of age in the case of an animal which comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III of the Community TSE Regulation, imported from a country other than a country listed in the Annex to Commission Decision 2008/908/EC which requires to be sampled for BSE testing;
- (c) over 30 months of age in the case of an animal imported from a country other than a country listed in the Annex to Commission Decision 2008/908/EC, which requires to be sampled for BSE testing;
- (d) over 30 months of age from which parts of the vertebral column must be removed as specified risk material in a cutting plant authorised for such removal under paragraph 12(1) (a) of Schedule 7,

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, in the case of a slaughterhouse which slaughters animals over 30 months of age and under 48 months of age, which do not require to be sampled for BSE testing, the procedure to be followed in order to comply with paragraphs 2(b) and 5(1)(d) of this Part;
- (b) describe, in every other case, the procedures to be followed in order to comply with paragraphs 2(b), 3 and 5(1) of this Part; and
- (c) describe the systems and procedures specified in Part II which are appropriate to the slaughterhouse.

(3) The Department must approve the RMOP if it is satisfied that all the requirements of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, 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).

(4) If a bovine animal described in sub-paragraph (1) is slaughtered for human consumption, other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

### **Retention of products and disposal**

6.—(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—

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- (a) retain the carcass and all parts of the body of that animal (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 bovine animal, the occupier must immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass 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 that Part.

(3) If a sample in respect of a bovine animal, required to be tested under this Schedule, 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 sampled bovine animal the occupier must immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under sub-paragraph (6), the carcass 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) For the purposes of sub-paragraph (3) a no-test result means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result or an inconclusive result to the test has been obtained.

(5) If a no-test result in respect of a bovine animal has been received and—

- (a) an approved testing laboratory certifies that subsequent multiple rapid testing of the material has been carried out; and
- (b) a negative result obtained,

the occupier may release the carcass 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.

(6) 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 the slaughterhouse operates a system that prevents contamination between carcasses.

(7) 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 carcass 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 carcass and all parts of the body (including the blood and the hide) in accordance with point 7(4) of that Part.

(8) Any person who fails to comply with sub-paragraphs (1) to (3) or (7) is guilty of an offence.

## **Compensation**

7.—(1) If an animal slaughtered for human consumption and sampled for BSE tests positive, the Department must pay compensation for the carcass 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) 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.
- (3) Compensation is not payable in any other case.

## PART II

### CONTENTS OF A RMOP

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

- 1.—(1) The RMOP (as defined in paragraph 5(1) of Part I) 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 48 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;
  - (c) enables bovine animals over 48 months of age imported from a country listed in the Annex to Commission Decision 2008/908/EC to be identified and ensures that they are sampled in accordance with this Schedule;
  - (d) enables bovine animals over 30 months of age imported from a country other than a country listed in the Annex to Commission Decision 2008/908/EC to be identified and ensures that they are sampled in accordance with this Schedule;
  - (e) enables bovine animals specified in point 2(1) of Part I of Chapter A of Annex III of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, to be identified and ensures that they are sampled in accordance with this Schedule;
  - (f) enables all bovine animals over 30 months of age from which any part of the vertebral column that is specified risk material must be removed in accordance with Schedule 7 to be identified and ensures removal in accordance with paragraph 8 of this Part.
- (2) It must also describe the system that ensures that the animals described in sub-paragraphs (b) to (e) of paragraph 1(1) which require sampling for BSE testing are—
- (a) batched together before slaughter; and
  - (b) slaughtered in their batches separately; and
  - (c) batched separately and slaughtered separately from animals described in sub-paragraph (1) (f).

#### **Brain stem sampling**

- 2.—(1) Where brain stem sampling is required 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.

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(2) It must describe how health and safety guidelines designed to minimise the risk of exposure of staff to TSE during brain stem sampling and packaging will be complied with.

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

3. Where brain stem sampling is required the RMOP must describe the system linking the brain stem sample of each bovine animal 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. Where brain stem sampling is required the RMOP must describe—
- (a) the system that ensures that the chronological order in which the animals were slaughtered can be determined;
  - (b) the system that ensures that all carcasses retained in accordance with paragraph 6(1) of Part I are retained in slaughter order or as laid down in the RMOP 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; and
  - (c) 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. Where brain stem sampling is required 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 6(1) of Part I of this Schedule.

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

6. Where brain stem sampling is required 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 brain stem sampling**

7. Where brain stem sampling is required 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 2007)(1) and delivered in a testable condition to an approved testing laboratory;
  - (b) test results are received, either by fax or by other electronic means; and
  - (c) all carcasses or parts of carcasses 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 paragraphs 6(2) and 6(3) of Part I of this Schedule are identified and disposed of accordingly.

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### **Removal of vertebral column**

8. In all cases the RMOP must describe the system that, in the case of any bovine animal over 30 months of age, 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 12(1)(a) of Schedule 7 to remove it; and
- (c) where brain stem sampling is required a negative result has been received prior to consignment to a cutting plant authorised under paragraph 12(1)(a) of Schedule 7 to remove it.

## SCHEDULE 3

Regulation 5

### CONTROL AND ERADICATION OF TSE IN BOVINE ANIMALS

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

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their charge any bovine animal suspected of being affected by a TSE must 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 must, with all practical speed, notify the Department.

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(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 must 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 suspected 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 TSE.

### **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 TSE, that veterinary inspector 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; 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; and
- (d) remove any cattle passport relating to it.

(2) The veterinary inspector must restrict the movement of other bovine animals from the premises in question in accordance with the second, third and fifth paragraphs of Article 12(1) of the Community TSE Regulation as read with Article 2(1)(a) of Commission Decision 2007/411/EC(2).

(3) The veterinary inspector may restrict the movement of bovine animals on other premises in accordance with the fourth paragraph of Article 12(1) of the Community TSE Regulation.

(4) If the 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.

(5) If the animal to which sub-paragraph (1) applies is not killed immediately, the 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.

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

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

4.—(1) In accordance with Article 13(2) of the Community TSE Regulation as read with Articles 2(1)(b) and (2) of Commission Decision 2007/411/EC, if—

- (a) an animal is a suspected animal;
- (b) the monitoring of bovine carcasses under Schedule 2 Part I or under Annex III of the Community TSE Regulation, as read with Commission Decision 2008/908/EC, confirms that an animal is suspected of being affected with TSE; or

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(2) O.J. No. L 155, 15.6.2007, p.75



(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 TSE,

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) all its bovine cohorts born on or after 1st August 1996.

(3) An inspector must serve a notice prohibiting movement of those animals identified in accordance with sub-paragraph (2) from the premises on which they are kept or where that inspector suspects they are kept (whether or not this is the same premises as that of the suspect animal) and remove any cattle passports.

(4) If the animals in sub-paragraph (2) cannot immediately be identified an inspector may serve a notice prohibiting the movement of any bovine animal from the premises pending identification.

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

#### **Action following confirmation of TSE**

5.—(1) In accordance with Article 13(1)(c), and point 2 of Annex VII of the Community TSE Regulation as read with Articles 2(1)(b) and (2) of Commission Decision 2007/411/EC, if it is confirmed that the suspected animal to which paragraph 4(1) applies was affected with a TSE 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) kill all the bovine animals in its cohort born on or after 1st August 1996 except where—

(i) the inspector 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) The appeals procedure in regulation 10 applies to a decision to kill under sub-paragraph (1)(b).

(3) Where a decision not to kill has been made under sub-paragraph (1)(b)(ii)—

(a) it is an offence to remove the bull from the semen collection centre, except to kill it; and

(b) when it is killed the owner commits an offence unless they ensure that its carcase is completely destroyed.

(4) 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”.

(5) 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 TSE 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 a TSE are negative an

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inspector must remove all the restrictions imposed because of the suspected animal and return any cattle passport which was removed.

### **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 they are 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) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

### **When compensation is payable**

9. The Department must 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 movement 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>(3)</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 a TSE the compensation is either—

- (a) the market value of the animal; or
- (b) the average 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) The average market price must be an amount obtained by dividing the total amount of the prices shown in returns, made in accordance with paragraph 16, for a four week period ending on the last Saturday of the month of the year (“the calculation month”) occurring two such months before the month for which the price is being calculated, as having been paid for animals by the total number of the animals stated in those returns to have been sold.

(3) The average market price must be calculated by the Department where returns have been obtained for sales totalling not less than 100 animals during the calculation month.

(4) Where in any calculation month the requirements of sub-paragraph (3) are not met the average market price must be the same amount as that for the most recent previous calculation month for which an average price was calculated in accordance with sub-paragraphs (2) and (3).

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(3) 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. L 226, 25.6.2004, p.22) and that Corrigendum was later amended by a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26)

(5) For the purposes of sub-paragraphs (2) and (3) animals means commercial grade cows and in-calf heifers, both of which are intended for use in the production of milk.

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

11. If an animal has been killed because it is a cohort of an animal in which a TSE has been confirmed, the compensation is the market value of the animal.

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

12. If an animal is killed because it is the offspring of an animal in which a TSE 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.—(1) Market value must be assessed before slaughter of the animal in accordance with the procedure in regulation 11.

(2) Assessment of market value must not take account of any sum to which the owner might have become entitled in respect of the animal under any other statutory or any Community provision.

#### **Definitions**

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

“average market price” means a price calculated by the Department in accordance with paragraph 10(2), (3) and (4) of this Schedule.

“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.

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

#### **Returns**

16. A return must 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.

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## SCHEDULE 4

Regulation 5

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

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Explanatory Note

#### **Notification of TSE**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their charge a sheep or goat suspected of being affected with a TSE must 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 must, 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 must 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 pending determination by an inspector of whether or not it is suspected of being affected with a TSE, an inspector may serve a notice prohibiting the movement of that animal from the premises on which it was detained and the movement of any other sheep or goat onto or from that premises.

(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, the veterinary inspector must either—

- (a) kill it immediately on the premises on which it was kept;
- (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) 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 2(2) 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 sheep or goat onto or from the premises on which the suspected sheep or goat is kept if the inspector considers that the sheep or goat was exposed to a TSE on those premises; or
- (b) may serve a notice prohibiting the movement onto or from any premises of any sheep or goat if there is evidence that the suspected sheep or goat was exposed to a TSE on those premises; 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 the inspector 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, as soon as is reasonably possible, remove all restrictions imposed because of the suspected animal.

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

6.—(1) This paragraph applies 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, and BSE

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is excluded in accordance with the procedure set out in Annex X, Chapter C, point 3(2)(c) of that Regulation except where the Department decides to exercise the power in paragraph 9(2).

(2) 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),

must decide which of the options set out in points 2(3)(b)(i) and(ii) of Annex VII of that Regulation it intends to exercise.

(3) The Department must then serve a notice on the occupier of the premises in question informing the occupier of which of the options in those points it intends to exercise.

(4) The notice must specify—

- (a) the identity of the animals (if any) 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; and
- (e) the time limit for complying with the notice.

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

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

7.—(1) This paragraph applies 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 a TSE, and BSE is excluded in accordance with the procedure set out in Annex X, Chapter C, point 3(2)(c) of that Regulation except where the Department decides to exercise the power in paragraph 9(2).

(2) The Department, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII of that Regulation, must serve a notice on the occupier of the premises informing them that it intends to kill and destroy all the goats on the premises and all embryos and ova from those animals in accordance with Article 13(1)(c) of, and point 2.3(b)(i) of Annex VII of that Regulation.

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

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

8.—(1) This paragraph applies if TSE is confirmed in a suspected sheep or goat, or a body of a sheep or goat monitored under Annex III of the Community TSE Regulation, and BSE cannot be excluded by the results of a ring trial carried out in accordance with the procedure set out in Annex X, Chapter C, point 3(2)(c) of that Regulation.

(2) 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, must serve a notice on the occupier of the premises informing them of its intention to kill and destroy the animals, embryos and ova in accordance with Article 13(1)(c) and point 2(3)(a) of Annex VII of that Regulation.

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

#### **Confirmation of atypical scrapie in sheep or goats**

9.—(1) This paragraph applies if the TSE confirmed in a suspected sheep or goat, or a body of a sheep or goat monitored under Annex III of the Community TSE Regulation is atypical scrapie,

and BSE is excluded in accordance with the procedure set out in Annex X, Chapter C, point 3(2) (c) of that Regulation.

(2) The Department may decide not to apply paragraph 6 in respect of sheep, or paragraph 7 in respect of goats.

(3) If the Department decides not to apply either paragraphs 6 or 7, it must instead of complying with the requirements in those paragraphs—

- (a) carry out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII of that Regulation; and
- (b) decide which of the options set out in points 5(a) and 5(b) of Annex VII of that Regulation it intends to exercise.

(4) The Department must then serve a notice on the occupier of the premises informing them which of the options in those points it intends to exercise.

(5) If the Department chooses the option set out in point 5(a) of Annex VII of the Community TSE Regulation, the notice must specify—

- (a) the identity of the animals (if any) to be killed and destroyed;
- (b) the identity of any ovum or embryo (if any) to be destroyed; and
- (c) the time limit for complying with the notice.

(6) If the Department chooses the option set out in point 5(b) of Annex VII of the Community TSE Regulation, for two breeding years following the detection of the last TSE case, the occupier—

- (a) must identify all sheep and goats on the premises; and
- (b) must subject the premises to the intensified TSE monitoring set out in point 5(b)(ii) of that Annex,

and failure to comply with this sub-paragraph is an offence.

(7) A person may not dispatch any live ovine or caprine animals identified under sub-paragraph (6)(a) or embryos or ova from such animals to a member State or third country, and failure to comply with this sub-paragraph is an offence.

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

### **Time for appeals**

10. The Department must 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**

11.—(1) An inspector must ensure that any animal specified for killing in the notice in paragraphs 6(3), 7(2), 8(2) or 9(4) 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) applies is not killed on the premises on which it is kept, an inspector must direct the owner in writing to consign it to other premises for killing as specified in the direction.

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(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**

12. For the purposes of point 2(4) 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**

13. In the case of an infected animal on common grazing, the Department may limit a notice under paragraphs 6(3), 7(2), 8(2) or 9(4) to an individual flock or herd in accordance with point 2(4) of Annex VII of the Community TSE Regulation.

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

14. Where more than one flock is kept on a premises, the Department may limit a notice under paragraphs 6(3), 7(2), 8(2) or 9(4) to an individual flock or herd in accordance with point 2(4) of Annex VII of the Community TSE Regulation.

#### **Subsequent occupiers**

15. If there is a change in occupation of any premises, the previous occupier must 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 is an offence.

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

16. Any person who introduces an animal onto any premises in contravention of point 3(1) of Annex VII of the Community TSE Regulation is guilty of an offence.

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

17. Any person who uses ovine germinal products in contravention of point 3(2) of Annex VII of the Community TSE Regulation is guilty of an offence.

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

18. Any person who moves an animal from any premises in contravention of point 3(3) of Annex VII of the Community TSE Regulation is guilty of an offence.

#### **Time of movement restrictions**

19. For the purposes of point 3(4) of Annex VII of the Community TSE Regulation the relevant dates must be established by the Department giving written notification of those dates to the occupier of the premises in question.

#### **Death while under restriction**

20.—(1) If any animal of 18 months of age 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



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immediately notify the Department, and retain the body on the premises where it was kept until they are directed in writing to move or dispose of it by the Department.

(2) 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**

21. 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.

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

22.—(1) The Department must 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**

23. The Department must 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—

#### **Compensation**

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

In this paragraph “ordinary” in relation to an animal is defined as meaning that it is not pure bred.

### **Valuations**

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

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(2) If in relation to any animal the Department considers the compensation in the preceding paragraph to be excessive it may notify the owner and where it does so the compensation must 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.

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

## SCHEDULE 5

Regulation 5

### CONTROL AND ERADICATION OF TSE IN ANIMALS OTHER THAN BOVINE, OVINE OR CAPRINE ANIMALS

## CONTENTS

1. Notification
  2. Restriction of a notified animal
  3. Slaughter of a suspect animal
  4. Compensation for an animal that is not bovine, ovine or caprine slaughtered as a suspect animal
  5. Retention of products and disposal
- Signature  
Explanatory Note

#### **Notification**

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their charge any animal that is not bovine, ovine or caprine that is suspected of being affected by a TSE must 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 must, with all practical speed, notify the Department.

(3) Any person (other than the Department) who examines the body of any animal that is not bovine, ovine or caprine, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must 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 of a suspected animal that is not bovine, ovine or caprine 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 an inspector of whether or not it is suspected of being affected with a TSE.

(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 an animal that is not bovine, ovine or caprine is affected with a TSE, the veterinary inspector may either—

- (a) kill it immediately on the premises on which it was kept;
- (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) If the animal is killed on any premises in accordance with this paragraph, it is an offence to remove the body from the premises or dispose of it except in accordance with a written direction from an inspector.

### **Compensation for an animal that is not bovine, ovine or caprine slaughtered as a suspect animal**

4.—(1) The Department may pay compensation where an animal that is not bovine, ovine or caprine is killed under paragraph 3.

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

### **Retention of products and disposal**

5.—(1) In relation to a deer selected for sampling as part of the survey required by Article 3(1) of Commission Decision 2007/182/EC on a survey for chronic wasting disease in cervids<sup>(4)</sup>, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 1 of Annex III of Commission Decision 2007/182/EC, 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 4 of that Annex.

(2) Any person who fails to comply with sub-paragraph (1) is guilty of an offence.

SCHEDULE 6

Regulation 5

FEEDINGSTUFFS

CONTENTS

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(4) O.J. No. L 84, 24.3.2007, p.37

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## PART I

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  13. Cross-contamination of materials originating from premises where processed animal proteins (except fishmeal) are in use
- 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 sub-paragraph (1), 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 to use and store the relevant product under paragraph 1(6), 3(5) or 5(10) of Part II of this Schedule as appropriate; 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) of, 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;
- (f) petfood containing animal protein; and
- (g) raw petfood consisting of 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) (a) 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

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- (b) it is authorised by an inspector; and
- (c) suitable measures are in place to ensure that animals specified in sub-paragraph (1)(a) do not have access to it.

### Exceptions

3.—(1) Paragraphs 1(2) and 2(5) do not apply in relation to—

- (a) raw petfood consisting of animal protein or anything incorporated into petfood for feeding to pets (including working dogs) on those premises; or
- (b) anything incorporated into organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No. 1774/2002(5), the Animal By-Products Regulations (Northern Ireland) 2003(6) and paragraph 11 of Part II of this Schedule,

provided that the conditions in sub-paragraph (2) are complied with.

(2) Those conditions are—

- (a) it is not fed to any farmed animals;
- (b) it is not stored, handled, or fed to pets (including working dogs), 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; and
- (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 in compliance with the Animal By-Products Regulations (Northern Ireland) 2003.

### 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
- (c) animal protein for which the inspector cannot establish the origin or the TSE infectivity risk,

he or she may take the action specified in sub-paragraph (2).

(2) The inspector may—

- (a) serve a notice on the owner or person in charge of the animal in accordance with regulation 15 prohibiting or restricting the movement of the animal; and
- (b) if it is bovine seize any passport relating to it.

(5) O.J. No. L 273, 10.10.2002, p.1 as last amended by Commission Regulation (EC) No. 829/2007 (O.J. No. L 191, 21.7.2007, p.1)

(6) S. R. 2003 No. 495

### **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, the inspector may, in accordance with regulation 15, 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”.

(3) The inspector must ensure that all the animals specified for killing in the notice in subparagraph (2)(a) are killed and disposed of.

### **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 must give its decision, in writing, on whether or not to pay compensation.

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

(3) The compensation for—

- (a) a bovine animal is the value established in accordance with paragraph 10 of Schedule 3;
- (b) an ovine or caprine animal is the value established in accordance with paragraphs 22 and 23 of Schedule 4; and
- (c) an animal that is not bovine, ovine or caprine is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11.

### **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

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- (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 the 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 must 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 them from their 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 must 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) to—
- (a) keep ruminants;
  - (b) consign feedingstuffs containing dicalcium phosphate or tricalcium phosphate (whether complete or partly complete) from their 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 intended for feeding to non-ruminant farmed animals; or
  - (b) 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 Part II of Annex IV of the Community TSE Regulation.
- (5) Any person producing blood products or blood meal for the use described in the second paragraph of point D(b) of Part II of Annex IV of the Community TSE Regulation must—
- (a) have in place the control system specified in that second paragraph to ensure that products of ruminant origin are kept separate from products of non-ruminant origin; and
  - (b) have been authorised for that purpose by the Department.
- (6) Any person producing feedingstuffs containing blood products or blood meal must do so—

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- (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.
- (7) 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.
- (8) Any person transporting such feedingstuffs in bulk must do so in accordance with point D(e) of that Part.
- (9) 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.
- (10) The occupier of any farm where ruminants are kept must 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 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 fail to—
- (a) ensure that feedingstuffs are manufactured in accordance with the first indent of that point; or
  - (b) ensure that they are kept in separate facilities in accordance with the second indent; or
  - (c) make and keep a record in accordance with the third indent.
- (5) It is an offence for a home compounder registered under paragraph 5(6)(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 their 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 paragraph 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 and an agreement in writing between the Department and the competent authority of the third country.

### **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

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- (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 must record—
- (i) the name of the manufacturer;
  - (ii) the date of supply and receipt;
  - (iii) the premises of origin and destination;
  - (iv) the quantity of petfood; and
  - (v) the nature of the animal protein contained in the petfood.
- (2) That person must keep those records for 2 years.
- (3) The consignor must ensure that the petfood is labelled with the information referred to in sub-paragraph (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.—(1) Any person who supplies—
- (a) an ingredient; or
  - (b) a feedingstuff product that is not identified for use as petfood but which contains an ingredient,
- must comply with sub-paragraph (2).
- (2) That person must ensure that
- (a) either a label affixed to the package containing the ingredient or feedingstuff; or
  - (b) any documentation accompanying the ingredient or feedingstuff,
- indicates that the ingredient was produced on premises where any processed animal protein (that is not fishmeal) is used in any manufacturing process.
- (3) Any person who fails to comply with sub-paragraph (2) is guilty of an offence.
- (4) In this paragraph, “ingredient” means an ingredient for use in a feedingstuff that is manufactured on premises where any processed animal protein that is not fishmeal is used in any manufacturing process.

## SCHEDULE 7

Regulation 5

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

## CONTENTS

1. Appointment of the Food Standards Agency as the competent authority
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  3. Mechanically separated meat
  4. Pithing
  5. Tongue harvesting
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  15. Staining and disposal of specified risk material
  16. Security of specified risk material
  17. Prohibition on the supply of specified risk material for human consumption
- Signature  
Explanatory Note

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

1.—(1) The Food Standards Agency must carry out the duties in the member State in point 11(1) and point 11(2) of Annex V of the Community TSE Regulation in relation to this Schedule and may grant authorisations for the purposes of point 4(3)(a) of that Annex.

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant an inspector is any person appointed for the purpose by the Food Standards Agency.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

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

#### **Training**

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with their duties in this Schedule; and

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(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 separated meat**

3.—(1) Any person who contravenes point 5 of Annex V of the Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated 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 separated meat” means the product obtained by removing meat from flesh bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

### **Pithing**

4. Any person who contravenes point 6 of Annex V of the Community TSE Regulation (measures concerning laceration of tissue) is guilty of an offence.

### **Tongue harvesting**

5. Any person who contravenes point 7 of Annex V of the Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

### **Head meat harvesting**

6. Any person who contravenes point 8(1) of Annex V of the Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

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

7.—(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 4(1) or point 4(3)(a) of Annex V 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) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or
- (b) the spinal cord from any sheep or goat aged over 12 months 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 12(1)(b).

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

8.—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcass of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, 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 after slaughter, consign any meat containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);

- (b) a cutting plant located in a country of the United Kingdom other than Northern Ireland and authorised under the corresponding provision applicable in that country; or
- (c) a member State in accordance with point 10(2) of Annex V of 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 11(3)(a) of Annex V of the Community TSE Regulation and provide information in accordance with point 11(3)(b) of that Annex.

(4) A person must 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(7) as last amended by Regulation 1791/2006, except in accordance with point 11(3)(a) of Annex V of the Community TSE Regulation.

(5) Contravention of this paragraph is an offence.

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

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, 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—
  - (i) a cutting plant authorised under paragraph 12(1)(b);
  - (ii) a cutting plant located in a country of the United Kingdom other than Northern Ireland and authorised under the corresponding provision applicable in that country; or
  - (iii) in accordance with point 10(1) of Annex V of the Community TSE Regulation, a cutting plant located in a member State, provided that 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.

(3) In sub-paragraph (2)(b)(iii), “cutting plant” means premises—

- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
- (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.

(4) Contravention of this paragraph is an offence.

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

10.—(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 aged over 12 months at slaughter.

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

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(7) O.J. No. L204, 11.8.2000, p.1, as last amended by Council Regulation (EC) No.1791/2006 (O.J. No. L363, 20.12.2006, p.1)

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- (a) “VS”; and
- (b) in the case of—
  - (i) a sheep, “YL”; or
  - (ii) 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 the equipment for applying it.

(4) It is an offence to mark a sheep or goat carcass 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**

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

12.—(1) The Food Standards Agency may authorise a cutting plant to remove—

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

if it is satisfied that the provisions of Annex V of the Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, but all references to the Department must be construed as references to the Food Standards Agency.

### **Removal of specified risk material at a cutting plant authorised under paragraph 12(1)**

13. The occupier of a cutting plant authorised under paragraph 12(1) commits an offence if they do not, as soon as is reasonably practicable after arrival at the plant of meat, and in any event before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

### **Meat from a member State**

14. For the purposes of point 10(1) and point 10(2) of Annex V 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 a member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a), and failure to do so is an offence.

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

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V of the Community TSE Regulation (marking and disposal) is guilty of an offence.

(2) For the purposes of that point—



- (a) staining involves 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(8)); 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.

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

16.—(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) The occupier of the slaughterhouse must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.
- (3) Contravention of this paragraph is an offence.

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

17. 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.

## SCHEDULE 8

Regulation 5

### RESTRICTIONS ON PLACING ON THE MARKET AND EXPORT

## CONTENTS

- 1. Placing on the market or export to third countries of bovine products
- 2. Placing on the market or export to third countries of bovine animals

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3. Export to a member State of heads and un-split carcasses
4. Export to third countries of products containing specified risk material
5. Appointment of Food Standards Agency inspectors  
Signature  
Explanatory Note

#### **Placing on the market or export to third countries of bovine products**

1.—(1) It is an offence for any person to place on the market or to export (or offer to export) to third countries, any products consisting of or incorporating any material (other than milk) derived from a bovine animal born or reared within the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1<sup>st</sup> August 1996.

(2) The prohibition in sub-paragraph (1) does not apply to the hides of bovine animals born or reared within the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1<sup>st</sup> August 1996 (including hides from bovine animals referred to in the third indent of point 1(a) of Annex VII to the Community TSE Regulation) that have been used for leather production in accordance with Article 1(3) of Commission Decision 2007/411/EC.

#### **Placing on the market or export to third countries of bovine animals**

2.—(1) It is an offence for any person to place on the market or to export (or offer to export) to third countries in accordance with Part II of Chapter A of Annex VIII to the Community TSE Regulation bovine animals born or reared in the United Kingdom before 1st August 1996 or imported into the United Kingdom before 1<sup>st</sup> August 1996.

(2) The prohibition in sub-paragraph (1) does not apply to the placing on the market of such animals within the United Kingdom.

#### **Export to a member State of heads and un-split carcasses**

3. Subject to point 10(2) of Annex V of the Community TSE Regulation, it is an offence for any person to export (or offer to export) any head or un-split carcase containing specified risk material to another member State in the absence of an agreement of the kind specified in point 10(1) of that Annex.

#### **Export to third countries of products containing specified risk material**

4. In accordance with point 10(3) of Annex V of the Community TSE Regulation, it is an offence for any person to export (or offer to export) heads or fresh meat of bovine, ovine or caprine animals containing specified risk material to third countries.

#### **Appointment of Food Standards Agency inspectors**

5. For the purposes of paragraphs 1, 3 and 4 of this Schedule, within a slaughterhouse or cutting plant an inspector is any person appointed for the purpose by the Food Standards Agency.