

SCHEDULE 6

FEEDINGSTUFFS

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 to the EU 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 to Annex IV to the EU TSE Regulation, and, if authorised by the Department following a risk assessment, in point A(d) of that Part.

(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), 4(5) or 6(10) of Part II of this Schedule as appropriate; or
- (c) it is authorised by an inspector, and suitable measures are in place to ensure that ruminant animals do not have access to it.

(3) The prohibition in sub-paragraph (1) does not apply in relation to liquid milk replacers containing fishmeal provided that—

- (a) the fishmeal has been produced, labelled, transported and used in accordance with point BA of Part II of Annex IV to the EU TSE Regulation;
- (b) the liquid milk replacer is intended for, and fed only to, unweaned, ruminant farmed animals in accordance with point A(e) of that Part; and
- (c) the prohibition continues to apply in relation to all other ruminant animals.

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 to the EU 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;

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- (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 to the EU 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) feed materials of plant origin (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
 - (b) it is authorised by an inspector, and 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, the Animal By-Products Regulations (Northern Ireland) 2003(1) and paragraph 12 of Part II of this Schedule,
- provided that the conditions in sub-paragraph (2) are complied with.
- (2) The 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

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- (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) farmed 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,

the inspector 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.

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 sub-paragraph (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 sub-paragraph (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 paragraph 24 of Schedule 4; and

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- (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.