
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part III

Animal feeding

Administration and enforcement

Records relating to mammalian meat and bone meal and processed animal protein

26.—(1) Any person who consigns mammalian meat and bone meal or processed animal protein shall keep for a period of not less than two years from the date of consignment (or, in the case of mammalian meat and bone meal or processed animal protein produced outside Scotland, for a period of not less than two years from the date on which it was imported into the United Kingdom) a record indicating—

- (a) the date and nature of the material consigned;
- (b) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is consigned;
- (c) the destination of the consignment;
- (d) the name and address of the consignee;
- (e) the registration number of the vehicle in which it is consigned; and
- (f) the name and address of the operator of that vehicle.

(2) Any person receiving a consignment of mammalian meat and bone meal or processed animal protein shall keep for a period of not less than two years from the date of receipt of the consignment a record indicating—

- (a) the date on which it was received and the nature of the material received;
- (b) its weight on receipt and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;
- (c) the place from which it was consigned;
- (d) the name and address of the person by whom it was consigned;
- (e) the registration number of the vehicle in which it was consigned; and
- (f) the name and address of the operator of that vehicle.

(3) Any person receiving a consignment of mammalian meat and bone meal or processed animal protein shall keep for a period of not less than two years from the date of any use, disposal or further consignment of the material used, disposed of or further consigned a record indicating—

- (a) in the case of any use, the nature of the material used and details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;

(b) in the case of disposal, the weight disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and

(c) in the case of further consignment, the information required by paragraph (1) above.

(4) Any person who controls a vehicle in which mammalian meat and bone meal or processed animal protein is transported shall keep, for a period of not less than two years from the date on which transport of a particular consignment of such protein commenced (or, in the case of an import, from the date on which that material entered Scotland), a record of—

(a) the person and place from which that consignment was transported and the nature of the material consigned;

(b) the date on which it was collected from that person;

(c) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is consigned;

(d) the registration number, and the name and address of the driver, of the vehicle in which it was transported and, if the vehicle includes a trailer, the number of the trailer;

(e) the person and place to which it was to be or was delivered; and

(f) the date or intended date of delivery to that person.

(5) The driver of a vehicle in which a consignment of mammalian meat and bone meal or processed animal protein is transported shall have a document recording the information required by paragraph (4) above in the possession of that driver at all times when that driver is in charge of that vehicle.

(6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraphs (1)(e), (2)(e) and (4)(d) above shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) Where a vehicle is used for the transport of bulk feedingstuffs for feeding to farmed animals other than ruminants containing—

(a) fishmeal for feeding to farmed animals other than ruminants;

(b) dicalcium phosphate from defatted bones; or

(c) hydrolysed protein,

the person using the vehicle for the transport of such bulk feedingstuffs shall keep, for a period of not less than two years from the date of such transport, a record of each cleaning and inspection of the vehicle required by regulation 23(6) or 24(8) above.

Cleansing and disinfection

27.—(1) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertiliser that is not for use on agricultural land.

(2) Subject to paragraphs (3) and (4) below, any person who stores or transports mammalian meat and bone meal or an MBM product, or who makes any arrangement for such storage or transport, shall ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for such storage or transport as soon as possible after the storage or transport ceases and in any event before they are used for any other purpose.

(3) It shall be a defence for any person charged with an offence of failure to comply with paragraph (2) above to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence of failure to comply with paragraph (2) above by virtue of any arrangement made by that person to show that that person took all reasonable steps to ensure that the premises, equipment or vehicle in question were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An inspector may serve on the occupier of any premises or on the owner or operator of vehicle or equipment on or in which there is, or has been—

- (a) any mammalian meat and bone meal; or
- (b) any MBM product

a notice requiring that person to cleanse and disinfect, at the expense of that person and in such a manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment or any other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) If any person on whom a notice is served under paragraph (5) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the authority on whose behalf the inspector served the notice.

Powers of inspectors

28.—(1) An inspector may make such enquiries and carry out such investigations as considered necessary for any purpose connected with the administration or enforcement of the provisions of this Part of these Regulations.

(2) For such purposes, an inspector shall, on producing, if required to do so, some duly authenticated document showing the authority of that inspector, have the right at all reasonable hours to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
 - (i) TSE susceptible animal; or
 - (ii) any mammalian meat and bone meal or processed animal protein, or any feed or feedingstuff,is being or has been kept on the premises;
- (b) ascertain whether—
 - (i) any TSE exists or has existed on the premises or any other premises; or
 - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
 - (i) any mammalian meat and bone meal or processed animal protein;
 - (ii) any feedingstuff;
 - (iii) any production, storage, transport or other operation carried out under this Part of these Regulations and anything used for the marking and identification of any mammalian meat and bone meal or processed animal protein or feedingstuff; or
 - (iv) the carcass of TSE susceptible animal;

- (e) make such tests and take such samples from any mammalian meat and bone meal, processed animal protein or feedingstuff, or TSE susceptible animal, or the carcase of such an animal, as that inspector considers necessary;
 - (f) mark for identification purposes any mammalian meat and bone meal, processed animal protein or feedingstuff, or TSE susceptible animal, or the carcase of such an animal;
 - (g) serve a notice to restrict or prohibit the movement of any mammalian meat and bone meal, processed animal protein or feedingstuff, TSE susceptible animal or the carcase of such an animal;
 - (h) serve a notice under regulation 29(2) or (3) below or carry out or cause to be carried out the requirements of such a notice in terms of regulation 29(4) below;
 - (i) seize any mammalian meat and bone meal or processed animal protein or feedingstuff, TSE susceptible animal or the carcase of such an animal;
 - (j) serve any notice in connection with such seizure;
 - (k) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;
 - (l) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
 - (m) examine any record, in whatever form the record may be held, and take copies of the record;
 - (n) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to that inspector such assistance as that inspector may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
 - (o) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.
- (4) If a sheriff or justice of the peace, on sworn information in writing is satisfied that there are reasonable grounds for entry into any premises for any purpose as is mentioned in paragraph (2) above and that either—
- (a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,
- the sheriff or justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.
- (5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and the employees of the occupier and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises, shall—
- (a) provide such reasonable facilities to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
 - (b) if required by an inspector, give such information as the occupier possesses as to—

- (i) any mammalian meat and bone meal or processed animal protein, or any animal or carcase which is or has been on the premises;
 - (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises may have come into contact; and
 - (iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been in the possession or charge of the occupier.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may be accompanied by—
- (a) such other person as the inspector considers necessary to give such assistance as that inspector considers necessary; and
 - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.
- (7) If an inspector enters any unoccupied premises, that inspector shall leave them as effectively secured against unauthorised entry as that inspector found them.
- (8) Any notice under this regulation shall be complied with at the expense of the person on whom the notice is served.
- (9) If a notice under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.

Disposal and recall of mammalian meat and bone meal and MBM products

- 29.**—(1) Paragraph (2) below applies where an inspector finds—
- (a) any mammalian meat and bone meal or any MBM product possessed or transported in contravention of regulation 12(3) or (4) above; or
 - (b) any processed animal protein sold or supplied in contravention of regulation 15(1) above.
- (2) Where this paragraph applies an inspector may serve a notice on the person in possession of the mammalian meat and bone meal, MBM product or processed animal protein requiring that person to dispose of it, and any other mammalian meat and bone meal, MBM product or processed animal protein with which it has come into contact, in such manner and within such period as may be specified in the notice.
- (3) An inspector may serve on any person who has sold or supplied—
- (a) any feedingstuff the sale or supply of which is prohibited by regulation 11(1) or 12(1)(c), or which the inspector reasonably suspects of being so prohibited; or
 - (b) any processed animal protein the sale or supply of which is prohibited by regulation 15(1) above or which the inspector reasonably suspects of being so prohibited,

a notice requiring that person to collect at the expense of that person that feedingstuff or processed animal protein from the person to whom that person supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold, and to transport it to such place and within such period as may be specified in the notice.

(4) If any person on whom a notice is served under paragraph (2) or (3) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the authority on whose behalf the inspector served the notice.