
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part III

Animal feeding

Mammalian protein and mammalian meat and bone meal

Mammalian protein

11.—(1) Subject to paragraph (2) below, no person shall—

- (a) knowingly sell or supply for feeding to ruminant animals; or
- (b) feed to a ruminant animal,

any feedingstuff in which that person knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibitions in paragraph (1) above shall not apply to the feeding to an animal of any feedingstuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feedingstuff to a research establishment for such purposes.

Mammalian meat and bone meal for use in feedingstuffs for livestock

12.—(1) Subject to paragraphs (5) and (6) below, no person shall—

- (a) sell or supply for incorporation into any feedingstuff for livestock any mammalian meat and bone meal;
- (b) use any mammalian meat and bone meal in the production of any feedingstuff for livestock;
- (c) sell or supply for feeding to livestock any feedingstuff in which any mammalian meat and bone meal has been incorporated; or
- (d) feed to livestock any feedingstuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6) below, no person shall undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feedingstuff for livestock is produced.

(3) Subject to paragraphs (5) to (8) below, no person shall have in the possession of that person any mammalian meat and bone meal or any MBM product on any premises where—

- (a) any livestock is kept;
- (b) any feedingstuff for livestock is produced; or
- (c) any feedingstuff for livestock is stored but not produced and no livestock are kept.

(4) Subject to paragraphs (6) and (8) below, no person shall transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feedingstuff for livestock is being transported.

(5) The prohibitions in paragraphs (1) and (3) above shall not apply to the feeding to an animal of any feedingstuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feedingstuff to a research establishment for such purposes or to the possession of a feedingstuff at such an establishment for such purposes.

(6) In any proceedings for an offence under paragraphs (1) to (4) above it shall be a defence for any person charged to prove—

- (a) that that person did not know nor have reason to suspect that the material in question was mammalian meat and bone meal or contained mammalian meat and bone meal; and
- (b) that that person had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.

(7) In any proceedings for an offence under paragraph (3) above in relation to any MBM product it shall be a defence for any person charged to prove—

- (a) in the case of an offence under paragraph (3)(a) above, that the MBM product was in the possession of that person solely for feeding to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;
- (b) in the case of an offence under paragraph (3)(c) above, that both the MBM product and the feedingstuff for livestock were offered for sale on those premises;
- (c) that the MBM product was stored and used in a place which was physically separated from any place where feedingstuff for livestock was stored or to which such animals had access; and
- (d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feedingstuff for livestock.

(8) In any proceedings for an offence under paragraph (3) or (4) above it shall be a defence for any person charged to prove that at all material times both the mammalian meat and bone meal or MBM product (as the case may be) and the feedingstuff for livestock were securely packaged and that no spillage or leakage took place.

(9) No person shall transport from or to any premises, or store in bulk at any premises, any mammalian meat and bone meal the sale or supply of which is prohibited by paragraph (1)(a) above, unless that person and the premises are registered by the Scottish Ministers for the purpose and the premises are not used for the preparation of feedingstuffs for livestock.

(10) The Scottish Ministers shall register that person and the premises under this regulation where the occupier declares the premises are capable of being used in accordance with this Part of these Regulations.

Mammalian meat and bone meal for use in fertilisers on agricultural land

13.—(1) No person shall sell or have in the possession of that person with a view to sale, for use as a fertiliser on agricultural land, any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal.

(2) No person shall use on agricultural land as a fertiliser any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal.

(3) Subject to paragraph (4) below, no person shall—

(a) sell or have in the possession of that person with a view to sale, for use as a fertiliser on any land other than agricultural land; or

(b) use as a fertiliser on any such land,

any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal, unless the mammalian meat and bone meal concerned was manufactured in accordance with paragraph (5) below.

(4) Nothing in paragraph (3) above shall prevent—

(a) the sale for use on any land other than agricultural land;

(b) the possession with a view to such sale; or

(c) the use on any such land,

of any fertiliser consisting solely of mammalian meat and bone meal or derived from or containing mammalian meat and bone meal, if that mammalian meat and bone meal was manufactured before the date of coming into force of the contract for its purchase by the manufacturer of that fertiliser.

(5) No person shall manufacture mammalian meat and bone meal for use as or in any fertiliser except by a rendering process in which—

(a) the particle size of the raw material prior to processing is reduced so that the maximum dimension of no particle exceeds 50 mm; and

(b) the material is heated to a core temperature of more than 133°C for at least 20 minutes at a pressure of at least 3 bar.

(6) In this regulation—

(a) mammalian meat and bone meal does not include any mammalian meat and bone meal derived solely from blood; and

(b) the references to mammalian meat and bone meal being “manufactured” are references to the rendering process by which the mammalian meat and bone meal concerned was derived.

Processed animal protein

Feeding of processed animal protein to farmed animals

14.—(1) Subject to paragraph (2) below, no person shall feed any processed animal protein to a farmed animal.

(2) The prohibition in paragraph (1) above shall not apply to—

(a) the feeding to farmed animals (other than ruminants) of fishmeal—

(i) produced in Scotland in premises approved under regulation 16 below, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with Annex I to the Commission Decision, which

- are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or
- (iv) produced in a third country which—
- before being sold or supplied in Scotland, has been analysed in accordance with Commission Directive [98/88/EC](#)(1);
 - is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 2 to these Regulations; and
 - is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;
- (b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#)(2) concerning additives in feedingstuffs;
- (c) the feeding to farmed animals (other than ruminants) of dicalcium phosphate—
- (i) produced in Scotland in premises approved and used as mentioned in regulation 17(1) and (3) below;
 - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
 - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval;
- (d) the feeding to farmed animals (other than ruminants) of hydrolysed protein—
- (i) produced in Scotland in premises approved and used as mentioned in regulation 17(2) and (3) below;
 - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
 - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval; or
- (e) the feeding to farmed animals of milk and milk products.

Sale or supply of processed animal protein intended for the feeding of farmed animals

15.—(1) Subject to paragraph (2) below, no person shall sell or supply any processed animal protein intended for the feeding of any farmed animal.

- (2) The prohibitions in paragraph (1) above shall not apply to the sale or supply of—
- (a) fishmeal referred to in regulation 14(2)(a) above for feeding to farmed animals (other than ruminants);
 - (b) gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#) concerning additives in feedingstuffs;
 - (c) dicalcium phosphate referred to in regulation 14(2)(c) above for feeding to farmed animals (other than ruminants);

(1) O.J. No. L 318, 27.11.1988, p.45.

(2) O.J. No. L 270, 14.12.1970, p.1, as last amended by Directive [1999/70/EC](#) (O.J. No. L 80, 25.3.1999, p.20).

- (d) hydrolysed protein referred to in regulation 14(2)(d) above for feeding to farmed animals (other than ruminants); or
- (e) milk and milk products.

Production of fishmeal for feeding to farmed animals other than ruminants

16.—(1) No person shall use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are approved for that purpose by the Scottish Ministers under this regulation; and
- (b) fishmeal produced at the premises—
 - (i) is not transported from the premises otherwise than in accordance with the conditions specified in paragraphs 1 and 2 of Schedule 2 to these Regulations; and
 - (ii) is not intermediately stored otherwise than in accordance with the conditions specified in paragraph 3 of that Schedule.

(2) On an application made to them under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the Scottish Ministers shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, they are satisfied that—

- (a) the premises will be dedicated only to fishmeal production;
- (b) the premises are ABPO approved; and
- (c) the occupier of the premises will be able to ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—

- (a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of this regulation subject to which the approval is granted;
- (b) any person employed by that person, and any person invited to the premises, complies with those provisions; and
- (c) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable that inspector or person to carry out functions under these Regulations in relation to the premises and that the inspector or person is given such reasonable assistance and access to such records (including any records held in electronic form) as may at any reasonable time be required for that purpose.

Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants

17.—(1) No person shall use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless—

- (a) the premises—
 - (i) are approved for that purpose by the Scottish Ministers under this regulation; and
 - (ii) are used for that purpose in accordance with the conditions specified in Schedule 3 to these Regulations; and
- (b) transport of dicalcium phosphate to the premises is in accordance with the conditions specified in paragraph 4 of that Schedule.

(2) No person shall use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless—

- (a) the premises—
 - (i) are approved for that purpose by the Scottish Ministers under this regulation; and
 - (ii) are used for that purpose in accordance with the conditions specified in Schedule 4 to these Regulations; and
- (b) transport of hydrolysed protein to the premises is in accordance with the conditions specified in paragraph 3 of that Schedule.

(3) On an application made to them under this regulation for the approval of premises for the production of dicalcium phosphate or hydrolysed protein, the Scottish Ministers shall approve the premises for the production concerned if, following an inspection of the premises by a veterinary inspector, they are satisfied that—

- (a) the premises are ABPO approved;
 - (b) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval;
 - (c) in respect of an application for approval of the premises for production of dicalcium phosphate, the occupier of the premises will be able to comply with the conditions specified in Schedule 3 to these Regulations; and
 - (d) in respect of an application for approval of the premises for production of hydrolysed protein, the occupier of the premises will be able to comply with the conditions specified in Schedule 4 to these Regulations.
- (4) The occupier of premises approved under this regulation shall ensure that—
- (a) in respect of the production of dicalcium phosphate at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 3 to these Regulations subject to which the approval is granted;
 - (b) in respect of the production of hydrolysed protein at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 4 to these Regulations subject to which the approval is granted;
 - (c) any person employed by that occupier, and any person invited to the premises, complies with those provisions; and
 - (d) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable that inspector or person to carry out functions under these Regulations in relation to the premises and that the inspector or person is given such reasonable assistance and access to such records (including any records held in electronic form) as may at any reasonable time be required for that purpose.

Transport and storage of processed animal protein

18.—(1) No person shall transport from or to any premises, or store in bulk at any premises, any processed animal protein the sale or supply of which is prohibited by regulation 15 above, unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) both that person and the premises are registered for the purpose of the Commission Decision by the Scottish Ministers.

(2) The Scottish Ministers shall register premises under this regulation where the occupier declares that the premises are capable of being used in accordance with the Commission Decision.

(3) Where a vehicle used for the transport of any dicalcium phosphate or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other

products, the person using the vehicle for the transport of such dicalcium phosphate or hydrolysed protein shall ensure the vehicle is thoroughly cleaned and inspected before and after the transport of such dicalcium phosphate or hydrolysed protein.

Approvals of premises

Applications for approval and approvals of premises

19.—(1) An application for approval of premises under regulations 16 or 17 above shall be made in writing to the Scottish Ministers by or on behalf of the person carrying on or proposing to carry on the business at the premises to which the application relates.

(2) The Scottish Ministers shall notify the applicant in writing of their decision on an application made to them in accordance with this regulation; and, if they refuse to approve the premises in respect of which an application is made, they shall notify the applicant in writing of their reasons for the refusal.

(3) An approval of premises under regulations 16 or 17 above shall specify—

- (a) the name and address of the person to whom the approval is granted and the address of the approved premises;
- (b) the use of the premises for the description of production for which the approval is granted; and
- (c) the conditions subject to which the approval is granted.

(4) If the Scottish Ministers refuse to approve the premises or grant an approval subject to any condition, they shall give to the applicant a statement of—

- (a) the reasons for the refusal or the condition; and
- (b) the right of the applicant under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person to whom an appeal may be made.

Suspension and withdrawal of approvals

20.—(1) The Scottish Ministers may suspend or withdraw an approval of any premises approved under regulations 16 or 17 above if it appears to them that—

- (a) the premises are being used otherwise than in accordance with the approval;
- (b) any condition specified in a Schedule to these Regulations which relates to the approval of the premises has not been complied with;
- (c) the premises are not ABPO approved;
- (d) inspection of the premises for the purposes of these Regulations is being hampered or denied;
- (e) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and—
 - (i) the Scottish Ministers are not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required; and
 - (ii) as a result there is a risk that the premises are being used otherwise than in accordance with the approval, any condition specified in the approval has not been complied with or inspection of the premises for the purposes of these Regulations is being hampered or denied;

- (f) the person using the premises for the use for which they are approved no longer wishes to carry on that use of the premises; or
 - (g) the premises are not being used for the use for which they are approved.
- (2) Before suspending or withdrawing an approval, the Scottish Ministers shall—
- (a) give notice of the intended suspension or withdrawal to the occupier of the premises (or, in the case of a suspension or withdrawal under paragraph (1)(g) above, to the person known to the Scottish Ministers as the last person to use the premises for the use for which they are approved and to any other person who appears to them to be in current occupation of the premises); and
 - (b) have regard to any representations made to them by that person in relation to the intended suspension or withdrawal.
- (3) A notice of suspension or withdrawal of an approval shall include the following information:—
- (a) a summary of the decision of the Scottish Ministers to suspend or withdraw the approval and a description of the use of the premises for which the approval is suspended or withdrawn;
 - (b) the reason for the suspension or withdrawal;
 - (c) the date on which the suspension or withdrawal takes effect, which—
 - (i) in respect of a suspension, may be the same date as the date on which the notice is given; and
 - (ii) in respect of a withdrawal, must be not less than 21 days after the date on which the notice is given;
 - (d) in respect of a suspension, the matters which must be remedied for the suspension to be lifted;
 - (e) a statement of the right of the person to whom the notice is given to appeal under regulation 21 below against the suspension or withdrawal and the period within which and the person to whom an appeal may be made; and
 - (f) in respect of a withdrawal, any conditions for the protection of public or animal health to which any continued use of the premises for an approved use after the withdrawal takes effect is subject pending an appeal.
- (4) Where a suspension of an approval of premises under this regulation has taken effect the premises shall be treated as if they were not approved for the use for which the approval is suspended.
- (5) The Scottish Ministers shall lift a suspension of an approval where—
- (a) they are satisfied that—
 - (i) the reason for the suspension no longer applies; and
 - (ii) the person who would use the premises for the use for which they are approved will use the premises in accordance with the approval and the conditions of the approval;or
 - (b) the determination of an appeal under regulation 21 below against the suspension is that the approval should not have been suspended.
- (6) Where the Scottish Ministers lift a suspension they shall give notice thereof to the person to whom they gave notice of the suspension.
- (7) Premises may continue to be used by the occupier for a use for which an approval is withdrawn during the period of 21 days after the notification to the occupier of the withdrawal.

(8) After the expiry of this period the premises may not be used for the use for which the approval is withdrawn unless before the period expired an appeal was made in accordance with regulation 21 below and the appeal has not been finally disposed of or abandoned.

(9) Where the Scottish Ministers have given notice of a decision to withdraw the approval of premises the occupier of the premises shall not use the premises for that use except in accordance with any conditions for the protection of public or animal health included in the notice of withdrawal.

Appeals

21.—(1) Where in respect of any premises the Scottish Ministers have given notice of a decision under this Part of these Regulations—

- (a) to refuse to approve any premises;
- (b) to grant an approval of any premises subject to conditions;
- (c) to suspend the approval of any premises; or
- (d) to withdraw the approval of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person specified in the notice.

(2) An appeal under this regulation shall be made by written statement given to the person specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as the notice may specify.

(3) Where on an appeal under this regulation the person hearing the appeal determines that—

- (a) the grant of an approval should not have been refused;
- (b) unreasonable conditions have been attached to the grant of an approval; or
- (c) an approval should not have been suspended or withdrawn,

the Scottish Ministers shall give effect to that determination.

Feedingstuffs

Manufacture of feedingstuffs containing processed animal protein

22.—(1) Subject to paragraph (2) below, no person shall manufacture any feedingstuff, including petfood, which is destined for animals other than farmed animals, and which contains processed animal protein, in premises which prepare feed for farmed animals.

(2) If any feedingstuff is produced with no processed animal protein other than fishmeal, dicalcium phosphate or hydrolysed protein, it may be manufactured in premises which prepare feed for farmed animals other than ruminants.

Production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants

23.—(1) Subject to paragraph (3) below, no person shall use any premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 6 of Annex I to the Commission Decision by the Scottish Ministers.

(2) The Scottish Ministers shall register premises under this regulation where the occupier declares that the premises are capable of being used for the production of feedingstuffs containing

fishmeal for feeding to farmed animals other than ruminants in accordance with paragraph 6 of Annex I to the Commission Decision.

(3) The prohibition in paragraph (1) above shall not apply to the use of premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants and for the preparation of feedingstuffs for ruminant animals if—

- (a) the fishmeal satisfies the requirements of regulation 14(2)(a) above;
- (b) the transport to or from the premises or the storage at the premises of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
- (c) the storage, manufacturing and packaging facilities at the premises and the transport to or from the premises, of compound feedingstuffs destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals; and
- (d) the person using the premises for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing fishmeal for feeding to other animal species carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above are not present in those feedingstuffs.

(4) No person shall produce any feedingstuff containing fishmeal for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “it contains fishmeal— cannot be fed to ruminant animals”.

(5) No person shall use any vehicle for the transport of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(6) Where a vehicle used for the transport of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants is subsequently used for the transport of other products, the person using the vehicle for the transport of the bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants shall ensure it is thoroughly cleaned and inspected before and after the transport of those bulk feedingstuffs.

Production of feedingstuffs containing dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants

24.—(1) Subject to paragraph (4) below, no person shall use any premises for the production of feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 3 of Annex II to the Commission Decision by the Scottish Ministers.

(2) Subject to paragraph (4) below, no person shall use any premises for the production of feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 2 of Annex III to the Commission Decision by the Scottish Ministers.

(3) The Scottish Ministers shall register premises under this regulation where the occupier declares that the premises are capable of being used for the production of—

- (a) feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants in accordance with paragraph 3 of Annex II to the Commission Decision; or
 - (b) feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants in accordance with paragraph 2 of Annex III to the Commission Decision.
- (4) The prohibitions in paragraphs (1) and (2) above shall not apply to the use of premises for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for other animal species, if–
- (a) in respect of dicalcium phosphate, it satisfies the requirements of regulation 14(2)(c) above;
 - (b) in respect of hydrolysed protein, it satisfied the requirements of regulation 14(2)(d) above;
 - (c) the transport to or from the premises or the storage at the premises of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
 - (d) the storage, manufacturing and packaging facilities at the premises and the transport to or from the premises, of compound feedingstuffs destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals; and
 - (e) the person using the premises carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above are not present in those feedingstuffs.
- (5) No person shall produce any feedingstuff containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “this feedingstuff contains dicalcium phosphate from defatted bones – cannot be fed to ruminant animals”.
- (6) No person shall produce any feedingstuff containing hydrolysed protein for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “this feedingstuff contains hydrolysed protein – cannot be fed to ruminant animals”.
- (7) No person shall use any vehicle for the transport of bulk feedingstuffs for feeding to farmed animals other than ruminants containing dicalcium phosphate from defatted bones or hydrolysed protein at the same time as the vehicle is used for the transport of any feed for ruminant animals.
- (8) Where a vehicle used for the transport of bulk feedingstuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of other products, the person using the vehicle for the transport of such bulk feedingstuffs shall ensure the vehicle is thoroughly cleaned and inspected before and after the transport of those bulk feedingstuffs.

Use and storage of feedingstuffs containing fishmeal, dicalcium phosphate or hydrolysed protein

25.—(1) Subject to paragraph (2) below, no person shall use or store any feedingstuff, other than petfood referred to in chapter 4 of Annex I to Council Directive [92/118/EEC](#)(3), containing any–

- (a) fishmeal;
- (b) dicalcium phosphate derived from defatted bones; or
- (c) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(3) O.J. No. L 62, 15.3.1993, p.49.

(2) Paragraph (1) above shall not apply to the use or storage of any feedingstuff containing any fishmeal, dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm which are sufficient to prevent the feedingstuff being fed to those ruminant animals.

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 carcase 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 carcass 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 carcass, 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 carcass which is or has been on the premises;
 - (ii) any animal or carcass with which any mammalian meat and bone meal or processed animal protein, or any animal or carcass, 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 carcass, 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.