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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 255**

**The TSE (Scotland) Regulations 2002**

**Part V**

**Control and eradication of TSEs**

**Notification of animals suspected of being affected by a TSE**

**77.**—(1) Any person who has in the possession of that person or under the charge of that person an animal suspected of being affected by a TSE, and any veterinary surgeon or other person who, in the course of the duties of such person, examines or inspects any such animal, shall, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) Any person who has in the possession of that person or under the charge of that person on any premises an animal suspected of being affected by a TSE, shall detain it on the premises until it has been examined by a veterinary inspector.

(3) Subject to paragraph (4), below, any person who, in the course of a laboratory examination of the carcase of an animal, reasonably suspects the presence of a TSE, shall—

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;
- (b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

(4) Paragraph (3) above shall not apply to any TSE which has been introduced deliberately into an animal, a carcase or a sample—

- (a) in any laboratory; or
- (b) on any premises, whether or not a laboratory, licensed by the Scottish Ministers under regulation 56 above.

**Measures for the purposes of Chapter IV of the Community TSE Regulation**

**78.**—(1) An inspector may make such enquiries and carry out such investigations as that inspector considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation.

(2) For any such purpose 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 TSE susceptible animal 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 the carcase of such an animal;
- (e) take such samples and make such tests in relation to any TSE susceptible animal, or the carcase of such an animal, as that inspector considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcase of such an animal, or administer or otherwise attach an electronic identification device to any TSE susceptible animal;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;
- (h) seize any TSE susceptible animal, the carcase of such an animal any part of such a carcase or any blood, and serve any notice in connection with the seizure;
- (i) give any direction under regulation 82 below;
- (j) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (k) slaughter any TSE susceptible 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 to a TSE susceptible animal or the carcase of such an animal under paragraph (2)(f) above and no person except a veterinary inspector or an OVS shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that sub-paragraph.

(4) If a sheriff or justice of the peace, on sworn information in writing—

- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as is mentioned in paragraph (2) above; and
- (b) is satisfied either that—
  - (i) 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
  - (ii) 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 by signed warrant authorise an inspector to enter the premises, if need be by using 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 that occupier and any person on the premises who is or has been in possession or charge of 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 Chapter IV of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as that occupier possesses as to—
  - (i) any animal or carcase which is or has been on the premises;
  - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
  - (iii) the location and movement of 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 that 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.

#### **Movement prohibitions and restrictions of any TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**79.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal, whether or not the animal is suspected of being affected by a TSE, from or to any premises.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal from or to any premises described in the notice for such period and subject to such conditions as that inspector considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force an inspector may renew it subject to such conditions as that inspector considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the conditions of which allow movement of any animal suspected of being affected by a TSE from premises on the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such conditions as that inspector considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulations, the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a police officer, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish the name and address of that person.

**Slaughter of TSE susceptible animals at slaughterhouses for the purposes of Chapter IV of the Community TSE Regulation**

**80.**—(1) This regulation and regulation 81 below apply where the Scottish Ministers are satisfied it is necessary to slaughter any TSE susceptible animal for the purposes of Chapter IV of the Community TSE Regulation.

(2) Where the Scottish Ministers are satisfied that it is necessary for these purposes to slaughter a TSE susceptible animal at a slaughterhouse, an inspector shall so inform the occupier of the premises concerned and direct the occupier to slaughter the animal in such manner and within such period as the inspector directs.

(3) Before an inspector directs an occupier to slaughter an animal under this regulation, that inspector shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to—

- (a) the slaughter of the animal; and
- (b) any related operation, including—
  - (i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; and
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must—

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and within such period as the inspector directs

(5) In directing an occupier under this regulation, an inspector may direct that occupier in relation to—

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

**Slaughter of TSE susceptible animals at other premises for the purposes of Chapter IV of the Community TSE Regulation**

**81.**—(1) Where the Scottish Ministers are satisfied that it is necessary for the purposes of Chapter IV of the Community TSE Regulation to slaughter a TSE susceptible animal at premises other than

premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(1)</sup> a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing that owner or person of that intention; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Scottish Ministers in that regard.

(2) After considering any representations received during that period from the owner or person in charge of the animal, the Scottish Ministers shall either—

- (a) withdraw the notice of intended slaughter; or
- (b) serve a notice on the owner or person in charge of the animal confirming the intended slaughter of the animal.

(3) After service of the notice confirming the intended slaughter of the animal, the Scottish Ministers shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

#### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**82.**—(1) This regulation applies where the Scottish Ministers are satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary—

- (a) to require an occupier of premises to retain on the premises under the direction of the Scottish Ministers a carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part; or
- (b) to seize from any premises the carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part.

(2) For any such purpose an inspector may—

- (a) direct the occupier of the premises to retain on the premises a carcass of a TSE susceptible animal on the premises, any part of such a carcass or any blood derived from any such carcass or part; or
- (b) seize or dispose of—
  - (i) any carcass of a TSE susceptible animal from any premises, or any part of such a carcass, whether or not it is a carcass or part of a carcass which the occupier has been required to be retained under the direction of an inspector; or
  - (ii) any blood derived from a carcass of a TSE susceptible animal or any part of such a carcass, whether or not the carcass or part of the carcass from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcass, part of a carcass or blood derived from any carcass or part may include directions in relation to the treatment, storage and disposal of the carcass, part or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

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(1) S.I.1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074 and S.S.I. 2000/62, 171 and 288 and 2001/160, 358, 394 and 429 and 2002/35 and 234.

**Compensation for slaughtered TSE susceptible animals**

**83.**—(1) Where a TSE susceptible animal is slaughtered under regulation 80 or 81 above the Scottish Ministers shall pay compensation to the owner of the animal in accordance with the provisions of Part III of Schedule 1 to these Regulations.

(2) The Scottish Ministers shall pay compensation in accordance with the provisions of Part IV of that Schedule to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 82 above.

**Prohibition of sale, supply and use of milk from affected or suspected animals**

**84.**—(1) Subject to paragraph (2) below, no person shall knowingly—

- (a) sell or supply for human consumption or for feeding to a farmed animal or poultry;
- (b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or
- (c) feed to an animal or poultry,

any milk which that person knows or has reason to suspect has been produced by a bovine animal suspected of being affected by bovine spongiform encephalopathy, a bovine animal in which the presence of bovine spongiform encephalopathy has been officially confirmed or any bovine animal referred to in Article 13 of, and point 1(a) of Annex VII to, the Community TSE Regulation as being at risk of being affected by bovine spongiform encephalopathy.

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

- (a) to the feeding to its own calf of any milk produced by a cow;
- (b) to the feeding to an animal or poultry of any milk for research purposes in a research establishment under the authority of a licence as may be granted by the Scottish Ministers and in accordance with any conditions subject to which the licence is granted; or
- (c) to the sale or supply of any milk to such a research establishment for those purposes.