
STATUTORY INSTRUMENTS

1991 No. 2246

ANIMALS

ANIMAL HEALTH

The Bovine Spongiform Encephalopathy Order 1991

Made - - - - *1st October 1991*

Coming into force - - *6th November 1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 32(2), 35(1) and (1A), 36(5)(a), 72, 83(2), 87(2) and (5) and 88(2) of the Animal Health Act 1981⁽¹⁾ and the Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by section 11 of that Act, and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy Order 1991 and shall come into force on 6th November 1991.

Extension of definition of “disease”

2. For the purposes of the Act the definition of “disease” in section 88(1) of the Act is hereby extended so as to comprise bovine spongiform encephalopathy.

Extension of definitions of “animals” and “poultry”

3. For the purposes of the Act in its application to this Order—
- (a) the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise—
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal; and
 - (b) the definition of “poultry” in section 87(4) of the Act is hereby extended so as to comprise birds of every species.

(1) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”; sections 1, 7(1), 8(1), 72, 83(2), 86(1), 87(2) and (5) and 88(2) were applied to bovine spongiform encephalopathy by the Zoonoses Order 1988(S.I.1988/2264).

Interpretation

4.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“affected animal” means a bovine animal which is affected with the disease;

“bovine animal” means a bull, cow, steer, heifer or calf;

“the disease” means bovine spongiform encephalopathy;

“the Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about affected or suspected animals, or the carcasses of such animals, for the area in which such animals or carcasses are;

“feedingstuff” includes pet food;

“intestines” means that part of the digestive tract of a bovine animal from the junction of the abomasum and the duodenum to (and including) the rectum;

“market” means a market, fairground, sale-yard or any other place where bovine animals are commonly exposed for sale;

“premises” includes land;

“protein” means any protein material which is derived from a carcase but does not include milk or any milk product or dicalcium bone phosphate;

“research establishment” means an establishment carrying out research into the disease;

“slaughterhouse” means—

- (a) in relation to England and Wales, a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974⁽²⁾, and
- (b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980⁽³⁾;

“specified bovine offal” means the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal over six months of age which has died or has been slaughtered, as the case may be, in the United Kingdom;

“suspected animal” means a bovine animal which is suspected of being affected with the disease;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or in the supplementary veterinary register.

(2) Any reference in this Order—

- (a) to a numbered article, is a reference to the article bearing that number in this Order, and
- (b) to a lettered form, is a reference to the Form bearing that letter in the Schedule to this Order.

Notification of disease in bovine animals

5.—(1) A person who has in his possession or under his charge an affected or a suspected animal, or the carcase of such an animal, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal or carcase shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer.

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

(2) 1974 c. 3.
(3) 1980 c. 13.

Veterinary enquiry as to existence of disease and requirements as respects affected or suspected animals

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that supposition.

(2) For the purposes of such an enquiry a veterinary inspector may—

- (a) examine any bovine animal or carcase on the premises;
- (b) make such tests and take such samples from any bovine animal or carcase on the premises as he may consider necessary for the purpose of diagnosis;
- (c) mark for identification purposes any bovine animal or carcase on the premises.

(3) The occupier of the premises and his employees, and any person 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 and comply with such reasonable requirements as are necessary for the purposes of the enquiry; and
- (b) if so required by an inspector of the Minister or by an officer of the appropriate Minister, give such information as he 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 his possession or charge.

(4) If, on completion of the enquiry, the veterinary inspector is of the opinion that there is an affected or a suspected animal, or the carcase of such an animal, on the premises he shall serve a notice in Form A on the owner or person in charge of that animal or carcase.

(5) Subject to paragraph (6) below, a notice in Form A shall remain in force for a period of 28 days from the date specified in the notice unless—

- (a) renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice in writing served by a veterinary inspector on the owner or person in charge of such animal or carcase before or on the day on which the notice in Form A was due to expire; or
- (b) the animal or carcase to which the notice in Form A relates has been removed from the premises under the authority of a licence issued by a veterinary inspector.

(6) Any notice in Form A which has been renewed under paragraph (5)(a) above may be further renewed from time to time by a veterinary inspector in a similar manner and for a similar period.

(7) A notice in Form A may at any time be withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the animal or carcase to which the notice in Form A relates.

(8) On the service of a notice in Form A the requirements contained in that notice shall have effect.

Restrictions on movement of other bovine animals

7.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement of any bovine animal, other than an affected or suspected animal, from any premises may give rise to the risk of the spread of the disease he may, by notice in writing served on the owner or person in charge of the animal, prohibit the movement of the animal off the premises, except under the authority of a licence issued by an officer of the appropriate Minister and in accordance with any conditions subject to which the licence is issued.

(2) A notice served under paragraph (1) above shall continue in force until withdrawn by a further notice in writing served by a veterinary inspector on the owner or person in charge of the animal to which that notice relates.

Cleansing and disinfection

8.—(1) A veterinary inspector may serve on the occupier of any premises on which there is or has within 56 days been an affected or a suspected animal, or the carcase of such an animal, a notice requiring him to cleanse and disinfect, at his own expense, and in such a manner and within such period as may be specified in the notice,—

- (a) all or any part of the premises;
- (b) any equipment or any other thing used in connection with any such animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) 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 by the appropriate Minister or, as the case may be, by the local authority from the person in default.

Movement of protein material derived from specified bovine offal

9. No person shall remove from any premises any protein which is derived from any specified bovine offal, except under the authority of a licence issued by an officer of the appropriate Minister and in accordance with any conditions subject to which the licence is issued.

Application of section 32 of the Act to the disease and notice of intended slaughter

10.—(1) Section 32 of the Act, which enables the Minister to cause animals to be slaughtered on account of disease, shall apply to the disease.

(2) Where the Minister proposes to cause an affected or a suspected animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease a veterinary inspector shall serve a notice of intended slaughter in Form C on the owner or person in charge of the animal.

Seizure of carcasses

11.—(1) For the purpose of preventing the spread of the disease an inspector may seize, destroy or dispose of any carcase.

(2) For the purpose of determining the amount of compensation payable by the Minister under section 36(1)(b) of the Act for a carcase seized under paragraph (1) of this article (being, in accordance with section 36(3) of the Act, its value at the time of seizure) the value of such carcase shall be ascertained in a similar manner to that in which the value of an animal or bird slaughtered or liable to be slaughtered under the Act is to be ascertained under the Diseases of Animals (Ascertainment of Compensation) Order 1959(4) and as if the reference in that Order to an animal or bird included references to a carcase.

(3) Compensation shall be paid by the Minister for carcasses affected with the disease being carcasses seized for the purpose of preventing the spread of the disease.

Prohibition of sale, supply and use of certain feedingstuffs for feeding to animals and poultry

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

- (a) knowingly sell or supply for feeding to ruminant animals any feedingstuff in which he knows or has reason to suspect any protein which is derived from a ruminant animal has been incorporated;
- (b) feed to a ruminant animal any feedingstuff in which he knows or has reason to suspect that any protein which is derived from a ruminant animal has been incorporated;
- (c) knowingly sell or supply for feeding to animals or poultry any specified bovine offal or any feedingstuff which he knows or has reason to suspect contains specified bovine offal or protein which is derived from any specified bovine offal; or
- (d) feed to an animal or poultry any specified bovine offal or any feedingstuff which he knows or has reason to suspect contains specified bovine offal or protein which is derived from any specified bovine offal.

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

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

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

- (a) sell or supply for human consumption or for feeding to an animal or poultry, or
- (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 he knows or has reason to suspect has been produced by an affected or a suspected animal.

(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; or
- (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 issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply to a research establishment for such purposes.

Regulation of exportation of specified bovine offal

14.—(1) Specified bovine offal or protein derived from any specified bovine offal is prohibited to be exported from Great Britain to a member State except under the authority of a licence issued by the Minister and in accordance with the conditions, if any, of the licence.

(2) Such a licence may be general or specific.

(3) A general licence shall be issued by its publication in such manner as the Minister thinks sufficient to bring it to the attention of persons likely to be affected by it.

(4) The Minister may vary, revoke or suspend a licence—

- (a) if it is a general licence, by a notice published, so far as practicable, in the same manner as the licence;
- (b) if it is a specific licence, by a notice in writing served on the person to whom the licence was issued.

(5) Any person wishing to obtain a licence shall apply to the Minister in such form and manner and within such time as the Minister may require.

Sampling

15. Where an inspector of the Minister has reasonable grounds for supposing that the provisions of articles 9, 12 and 14 have not been or are not being complied with he may take from any protein, offal or feedingstuff such samples as he considers necessary in order to establish the correctness of that supposition.

Production of licences

16.—(1) Where an animal, carcase or any protein is being moved under the authority of a licence issued under this Order the person in charge of the animal, carcase or protein being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

(2) A licence issued under article 14 above shall, on demand, be produced by the person in charge of the specified bovine offal or the protein derived from specified bovine offal to which the licence relates to an officer of the Customs and Excise or an inspector of the Ministry, who may take a copy or extract from it.

Offences

17. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) defaces, obliterates or removes any mark applied to any bovine animal or carcase under article 6(2)(c),
- (b) contravenes article 5(1), 5(2), 6(3), 9, 12(1), 13(1), 14(1), 16(1) or 16(2),
- (c) fails to comply with any notice served under article 6(4), 7(1) or 8(1),
- (d) fails to comply with any condition of a licence issued under article 6(5)(b), 7(1), 9, 12(2), 13(2)(b) or 14(1), or
- (e) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Local authority to enforce Order

18. The provisions of this Order shall, except where otherwise provided, be executed and enforced by the local authority.

Revocation

19. The Bovine Spongiform Encephalopathy (No. 2) Order 1988(5) and the Bovine Spongiform Encephalopathy (No. 2) Amendment Order 1990(6) are hereby revoked.

(5) S.I. 1988/2299.

(6) S.I. 1990/1930.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

26th September 1991.

Trumpington
Minister of State, Ministry of Agriculture,
Fisheries and Food

1st October 1991

Strathclyde
Parliamentary Under Secretary of State Scottish
Office

27th September 1991

David Hunt
Secretary of State for Wales

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SCHEDULE

Articles 6 and 10(2)

ANIMAL HEALTH ACT 1981
THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1991

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form A Notice imposing requirements as respects an affected or suspected animal or carcass (Article 6).

To **Location of animal or carcass**

of

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.....

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal or carcass specified below, you are required to observe the requirements of Form A as specified overleaf.

Signed Dated

Name in **BLOCK LETTERS**

Office Address

.....

Form B Withdrawal of Notice imposing requirements as respects an affected or suspected animal or carcass (Article 6).

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from this day of 19 the notice in Form A above, relating to the bovine animal or carcass specified below, signed by and served on you on day of 19

Signed Dated

Name in **BLOCK LETTERS**

Office Address

.....

Form C Notice of Intended Slaughter (Article 10(2))

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that the Ministry proposes to cause the bovine animal specified below, which is affected/suspected of being affected with bovine spongiform encephalopathy, to be slaughtered as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

Signed Dated

Name in **BLOCK LETTERS**

Office Address

.....

The bovine animal/carcass to which the above completed and signed notices apply is specified below.

Official Ear Mark	Description of bovine/animal/carcass including age, breed and sex.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM A

Notice imposing requirements as respects the animal or carcass specified overleaf.

Conditions

- (a) **The animal or carcass must be detained at the location specified overleaf except that—**
 - (i) **it may be moved direct to a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any condition subject to which the licence is issued; or**
 - (ii) **in the case of an animal in a slaughterhouse or market, it may be moved direct to its farm of origin under authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.**
- (b) **In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Divisional Veterinary Officer, that officer must be informed immediately.**
- (c) **In the event of the animal dying or being slaughtered on the premises—**
 - (i) **the carcass of the animal must be retained and surrendered to a veterinary inspector on request;**
 - (ii) **the carcass of the animal must be disposed of on the premises if so required by the veterinary inspector; and**
 - (iii) **the carcass of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.**
- (d) **In the event of the animal being pregnant—**
 - (i) **it must be isolated from all other bovine animals on the premises during the period of calving and for 72 hours afterwards in accommodation which has been approved by the veterinary inspector for this purpose;**
 - (ii) **its placenta, discharges and bedding must be buried or burnt; and**
 - (iii) **the accommodation used for its calving must be cleansed and disinfected in accordance with the directions of a veterinary inspector.**
- (e) **Milk from the animal must not be fed to animals or poultry, except to its own calf.**
- (f) **In the case of a carcass, it shall be retained and surrendered to a veterinary inspector on request, whereupon the conditions of paragraph (c) also apply.**

This notice remains in force for a period of 28 days from 19, unless renewed by a subsequent notice served by a veterinary inspector, or preceded by the removal of the animal/carcass under licence as specified in paragraphs (a) and (c) above.

<p>Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction</p>
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts, with certain amendments, the provisions of the Bovine Spongiform Encephalopathy (No. 2) Order 1988 as amended.

The Order continues to provide for—

- (a) the compulsory notification of B.S.E. in bovine animals (article 5);
- (b) the investigation, examination, testing and sampling and marking of bovine animals and their carcasses for this purpose (article 6(1) and (2));
- (c) the imposition of requirements in respect of affected or suspected animals or carcasses by service of a notice in Form A (article 6);
- (d) the prohibition on movement of other bovine animals by notice in writing (article 7);
- (e) the cleansing and disinfection of premises and equipment (article 8);
- (f) the application of section 32 of the Animal Health Act 1981 (slaughter of animals) (article 10);
- (g) the prohibition (subject to certain exemptions) on the sale, supply and use of specified feedingstuffs (article 12);
- (h) the prohibition on the sale, supply and use of milk from affected or suspected animals (article 13);
- (i) sampling of protein, offal or feedingstuffs (article 15), production of licences (article 16), offences (article 17) and enforcement (article 18).

The changes of substance are—

- (j) the prohibition on movement of any protein derived from specified bovine offal except under a licence (article 9);
- (k) the seizure of carcasses for the purpose of preventing the spread of the disease and the provision of compensation (article 11);
- (l) exemptions to certain prohibitions for research purposes (articles 12(2) and 13(2)(b));
- (m) the prohibition on exportation for any purpose of specified bovine offal or protein derived from it from Great Britain to a member State of the European Community except under a licence (article 14).