
STATUTORY INSTRUMENTS

1994 No. 2627

ANIMALS

ANIMAL HEALTH

**The Spongiform Encephalopathy
(Miscellaneous Amendments) Order 1994**

Made - - - - 10th October 1994

Coming into force - - 2nd November 1994

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, 8(1), 15(4), 83(2), 87(2) and (5) and 88(2) and (4) 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:

Citation and commencement

1. This Order may be cited as the Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994 and shall come into force on 2nd November 1994.

Amendment of the Diseases of Animals (Ascertainment of Disease) Order 1985

2.—(1) The Diseases of Animals (Ascertainment of Disease) Order 1985⁽²⁾ shall be amended in accordance with this article.

(2) In article 2 (extension of the definitions of “animals” and “disease”) for paragraph (b) there shall be substituted the following:

“(b) the definition of “disease” in section 88(1) of the Act is hereby extended so as to comprise African horse sickness, Aujeszky’s disease, dourine, enzootic bovine leukosis, equine infectious anaemia, equine encephalomyelitis, rabies, spongiform encephalopathy and Teschen disease.”.

(3) In article 3 (interpretation) for the definition of “disease” there shall be substituted the following:

(1) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”. Sections 1, 8(1), 83(2), 87(2) and (5) and 88(2) and (4) were applied to bovine spongiform encephalopathy by the Zoonoses Order 1988 (S.I. 1988/2264).
(2) S.I. 1985/1765 as amended by S.I. 1992/3159.

““disease” means African horse sickness, Aujeszky’s disease, Brucellosis caused by *Brucella melitensis*, cattle plague, contagious agalactia, contagious epidydimitis, dourine, enzootic bovine leukosis, equine infectious anaemia, equine encephalomyelitis, pleuro-pneumonia, rabies, sheep-pox, spongiform encephalo- pathy, swine fever, and Teschen disease;”.

Amendment of the Specified Diseases (Notification) Order 1991

3.—(1) The Specified Diseases (Notification) Order 1991(3) shall be amended in accordance with this article.

(2) After article 4 there shall be inserted the following:

“Notification of spongiform encephalopathy

4A.—(1) A person who, in the course of a laboratory examination of the carcase of any poultry, or any animal other than a sheep, a goat or an animal of the bovine species, reasonably suspects the presence of spongiform encephalopathy, shall—

- (a) give notice of that fact as soon as practicable in accordance with article 5(1) below,
- (b) retain the sample examined and the remainder of the carcase until its disposal is 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 they are to a veterinary inspector.

(2) This article shall not apply to any spongiform encephalopathy which has been deliberately introduced into an animal, a carcase, or a sample in a laboratory.

(3) For the purposes of the Act in its application to this article—

- (a) the definition of “animals” in section 87(1) of the Act is hereby extended to comprise—
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal;
- (b) the definition of “poultry” in section 87(4) of the Act is hereby extended to comprise birds of all species; and
- (c) the definition of “disease” in section 88(1) of the Act is hereby extended to comprise any spongiform encephalopathy.”.

(3) In article 6 (offence) for the words “article 4” there shall be substituted the words “article 4 or article 4A”.

(4) In article 8 (local authority to enforce order) for the words “article 4” there shall be substituted the words “articles 4 and 4A”.

Amendment of the Bovine Spongiform Encephalopathy Order 1991

4.—(1) The Bovine Spongiform Encephalopathy Order 1991(4) shall be amended in accordance with this article.

(2) In article 4(1) (interpretation) for the definition of “specified bovine offal” there shall be substituted the following—

““specified bovine offal” means, in relation to any bovine animal—

(3) S.I. 1991/1155 as amended by S.I. 1992/3159.

(4) S.I. 1991/2246.

- (a) where the animal is over six months of age and has in the United Kingdom died or been slaughtered, the brain, spinal cord, spleen, thymus, tonsils and intestines;
 - (b) where the animal is two months of age or over but not over six months of age and has in the United Kingdom died or been slaughtered, the thymus and intestines only; and
 - (c) where the animal is under two months of age and has been slaughtered in the United Kingdom for human consumption, the thymus and intestines only;”.
- (3) In article 5 (notification of disease in bovine animals) after paragraph (2) there shall be added the following:

“(3) A person who, in the course of a laboratory examination of the carcase of an animal reasonably suspects the presence of bovine spongiform encephalopathy, shall—

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Officer,
- (b) retain the sample examined and the remainder of the carcase until its disposal is 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 they are to a veterinary inspector.

(4) Paragraph (3) above shall not apply to any bovine spongiform encephalopathy which has been deliberately introduced into an animal, a carcase, or a sample in a laboratory.”.

- (4) In article 12 (prohibition of sale, supply and use of certain feedingstuffs for feeding to animals and poultry) for (a) and (b) of paragraph (1) there shall be substituted the following:

- “(a) knowingly sell or supply for feeding to ruminant animals any feedingstuff in which he knows or has reason to suspect any mammalian protein has been incorporated;
- (b) feed to a ruminant animal any feedingstuff in which he knows or has reason to suspect that any mammalian protein has been incorporated;”.

- (5) For article 14 there shall be substituted the following—

“Prohibition of exportation of specified bovine offal

14.—(1) Subject to paragraph (2) below no person shall export from Great Britain to a member State specified bovine offal or protein derived from any specified bovine offal.

(2) The prohibition in paragraph (1) above shall not apply to the export for research purposes of specified bovine offal or protein derived from any specified bovine offal under the authority of a licence issued by the Minister and in accordance with any conditions subject to which the licence is issued.

(3) Any person wishing to obtain a licence under paragraph (2) above shall apply to the Minister in such form and manner and within such time as the Minister may require.”.

- (6) In article 15 (sampling) before the words “the provisions of articles 9, 12 and 14” there shall be inserted the words “any of”.

(7) In article 17 (offences) in paragraph (b) after the words “article 5(1), 5(2),” there shall be inserted “5(3),” and in paragraph (d) for “14(1)” there shall be substituted “14(2)”.

- (8) In the Schedule, for condition (e) of form A there shall be substituted the following:

- “(e) Milk from the animal must not be sold or supplied for human consumption, nor be fed to animals or poultry, except to its own calf.”.

(9) In the Schedule, in Form C for the word “Ministry” where it appears for the second time there shall be substituted the word “Minister”.

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

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

L.S.

6th October 1994.

William Waldegrave
Minister of Agriculture, Fisheries and Food

6th October 1994

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales.

10th October 1994

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Diseases of Animals (Ascertainment of Disease) Order 1985 (S.I. [1985/1765](#)) so as to extend the meaning of ‘disease’ to include spongiform encephalopathy (article 2) and amends the Specified Diseases (Notification) Order 1991 (S.I. [1991/1155](#)) so as to make spongiform encephalopathy notifiable in certain circumstances and to extend the definition of “animals” for this purpose (article 3).

The Order also amends the Bovine Spongiform Encephalopathy Order 1991 (S.I. [1991/2246](#)). It extends the controls on certain specified bovine offal to such offal derived from animals aged six months or under and applies the controls not only to the brain, spinal cord, spleen, thymus, tonsils and intestines of any bovine animal which died or was slaughtered in the United Kingdom and which was over six months old at the time (as did the 1991 Order), but also to the thymus and intestines of all bovine animals, with an exception for offal from animals under two months of age which have not been slaughtered for human consumption (article 4(2)).

It also extends the provisions relating to notification of bovine spongiform encephalopathy (article 4(3)) and the condition restricting the use of milk from an affected or suspected animal imposed under Form A (article 4(8)). It implements Commission Decision [94/381/EC](#) (OJNo. L172, 7.7.94, p.23) by prohibiting the sale, supply and use of feedingstuffs incorporating mammalian protein for feeding to ruminant animals (article 4(4)) and implements article 3(1)(b) of Commission Decision [94/474/EC](#) (OJ No. L194, 29.7.94, p.96) by prohibiting the export of specified bovine offal and protein derived from specified bovine offal except for research purposes under the authority of a licence (article 4(5)).

The Order also corrects some minor errors in the 1991 Order (article 4(6) and (9)).

A Compliance Cost Assessment has been prepared and a copy has been placed in the library of each House of Parliament.