
STATUTORY INSTRUMENTS

1996 No. 2458

ANIMALS

ANIMAL HEALTH

**The Bovine Spongiform Encephalopathy
(Amendment) Order 1996**

Made - - - - 23rd September
1996
Coming into force - - 24th September 1996

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 section 1 of the Animal Health Act 1981(1), 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 (Amendment) Order 1996 and shall come into force on 24th September 1996.

Amendment to the Bovine Spongiform Encephalopathy Order 1996

2.—(1) The Bovine Spongiform Encephalopathy Order 1996(2) shall be amended in accordance with this article.

(2) In article 4(1), the definition of “rendering” shall be replaced by the following—

““rendering” means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures mentioned in Schedule 4 to the Animal By-Products Order 1992(3);”.

(3) Article 13(2) shall be replaced by the following—

“(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 feeding stuff for livestock is produced, and no person shall sell any mammalian meat and bone meal or MBM product there, unless (in each case)—

(1) 1981 c. 22. See section 86(1)(c) for a definition of “the Ministers”.

(2) S.I.1996/2007.

(3) S.I. 1992/3303. Schedule 4 was amended by S.I. 1996/827.

- (a) the ingredients of the feeding stuff for livestock are stored, and the feeding stuff is produced, in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (b) (except as provided by sub-paragraph (d) below) all feeding stuff for livestock is stored in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (c) no equipment or vehicle used in the production of the feeding stuff for livestock comes into contact with any mammalian meat and bone meal, any MBM product of any ingredient or equipment used with mammalian meat and bone meal or an MBM product; and
- (d) where mammalian meat and bone meal or an MBM product is sold, any feeding stuff for livestock stored in the same building as the mammalian meat and bone meal or MBM product is stored there solely for the purpose of being sold in that building and either—
 - (i) the mammalian meat and bone meal or MBM product is stored in a place which is physically separated from any place where the feeding stuff for livestock is stored; or
 - (ii) both the feeding stuff for livestock and the mammalian meat and bone meal or MBM product are securely packaged with no spillage or leakage taking place.”.

(4) In article 13(3)(b), after the word “produced”, the words “except as permitted under paragraph (2) above” shall be inserted.

(5) In article 13(3)(c), after the word “produced”, the words “and no livestock are kept” shall be inserted.

(6) In article 15(1), after the word “found”, the words “in contravention of Article 13(3) or (4) above” shall be inserted.

(7) In article 16, after paragraph (6), the following paragraph shall be inserted—

“(7) No person shall be required to keep any record relating to the consignment or transport of mammalian meat and bone meal otherwise required by any of paragraphs (1) to (5) above where the consignment or transport follows the retail sale of the meal, and no person receiving a consignment for the purpose of selling it by retail shall be required to keep any record otherwise required by paragraph (2) or (3) above, provided that in either case—

- (a) the meal is contained in sealed packages each weighing not more than 26 kilogrammes;
- (b) the packages containing the meal are presented as containing a fertiliser solely for use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996(4); and
- (c) (in the case of a consignment by retail sale) the consignment consists of not more than 104 kilogrammes of meal.”.

22nd September 1996

Douglas Hogg
Minister of Agriculture, Fisheries and Food

Scottish Office
23rd September 1996

Lindsay
Parliamentary Under Secretary of State,

Signed by authority of the Secretary of State for Wales

Welsh Office
23rd September 1996

Jonathan Evans
Parliamentary Under Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bovine Spongiform Encephalopathy Order 1996 (“the principal Order”).

The definition of “rendering” in article 4(1) of the principal Order is replaced by a revised definition which refers directly to the Schedule to the Animal By-Products Order 1992 in which rendering processes are defined (article 2(2)).

The Order makes provision for the sale of MBM products at premises where feeding stuffs for livestock are produced, by amending article 13 of the principal Order. MBM products may now be offered for sale at such premises provided that they are kept in separate buildings from those in which the feeding stuff is produced and the feeding stuff and its constituent ingredients stored. Exceptionally, MBM products and feeding stuffs for livestock may both be kept in the same building, provided they are there solely to be sold there. In this case, the requirements which apply to other premises selling both MBM products and livestock feeding stuffs apply, in order to prevent any contamination of the feeding stuffs by the MBM Product (article 2(3)).

The Order makes an exception to the record-keeping requirement set out in article 16 of the principal Order. It provides that no records need to be kept where mammalian meat and bone meal presented as a fertiliser for a use permitted by the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996 is sold by retail, provided that it is sold in packages of not more than 26 kg, and that not more than 104 kg is sold in the transaction. The amendment also provides that the retailer need not keep records relating to delivery to him of such fertilisers (article 2(7)).

A Compliance Cost Assessment for this Order has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Bovine Products Division, Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1A 2JA.