
STATUTORY INSTRUMENTS

1996 No. 3183

The Bovine Spongiform Encephalopathy (No. 2) Order 1996

PART I

PRELIMINARY

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and shall come into force on 24th January 1997.

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.

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 Manager” 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;
 - “exposed animal” means a bovine animal which has been exposed to the infection of the disease;

- “feeding stuff” has the meaning given by section 66(1) of the Agriculture Act 1970(1);
- “fertiliser” has the meaning given by section 66(1) of the Agriculture Act 1970;
- “knacker’s yard” means any premises used for the commercial slaughter or killing of animals, the flesh of which is not intended for human consumption, including any associated facilities for moving or lairaging such animals;
- “livestock” means any creature, including a fish, kept for production of food, wool, skin or fur, any creature other than a dog kept for use in the farming of land and any equine animal;
- “mammalian meat and bone meal” means mammalian protein derived from the whole or part of any dead mammal by rendering, or, in the case of an imported product, by an equivalent process;
- “market” means a market, fairground, sale-yard or any other place where bovine animals are commonly exposed for sale;
- “MBM product” means any product containing mammalian meat and bone meal;
- “premises” means all contiguous land and buildings occupied by a person, together with other land or buildings occupied by that person which use equipment in common with the contiguous land or buildings;
- “production” includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;
- “protein” means any proteinaceous material which is derived from a carcase but does not include—
- (a) milk or any milk product;
 - (b) dicalcium bone phosphate;
 - (c) dried plasma or any other blood product;
 - (d) gelatin; or
 - (e) amino acids produced from hides and skins by a process which involves exposure of the material to acid of a pH lower than 2 followed by alkali of a pH greater than 11 and heat treatment at a minimum of 140°C for 30 minutes at a pressure of 3 bar;
- “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(2);
- “research establishment” means an establishment carrying out research into the disease;
- “sell” includes have in possession for sale and offer or expose for sale;
- “slaughterhouse” means any building, premises or place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there;
- “suspected animal” means a bovine animal which is suspected of being affected with the disease; and
- “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

(1) 1970 c. 40; the definition of feeding stuff in section 66(1) was substituted by regulation 20(1) of the Feeding Stuffs Regulations 1995 (S.I.1995/1412), and regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition.

(2) S.I. 1992/3003; Schedule 4 was amended by S.I. 1996/827.

(b) to a lettered form is a reference to the form bearing that letter in the Schedule to this Order.

(3) For the purposes of this Order, material shall be treated as a feeding stuff whether it is used or intended for use as a feeding stuff by itself or as an ingredient in something which is so used or intended for such use.