
STATUTORY INSTRUMENTS

1996 No. 3183

The Bovine Spongiform Encephalopathy (No. 2) Order 1996

PART II

AFFECTED, SUSPECTED AND EXPOSED ANIMALS

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 Manager.

(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.

(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 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 bovine spongiform encephalopathy which has been introduced deliberately into an animal, a carcase or a sample in a laboratory.

Veterinary enquiry as to existence of disease and requirements relating to 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; and
- (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) before or on the day on which the notice in Form A was due to expire, it is 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; 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.

Requirements relating to exposed animals

- 7.—(1) If an inspector of the Minister or a veterinary inspector is of the opinion that there is an exposed animal, or the carcase of such an animal, on any premises, he may—
- (a) in the case of an animal, serve a notice in Form D or Form E on the owner or person in charge of that animal; and
 - (b) in the case of a carcase, serve a notice in Form D on the owner or person in charge of that carcase.
- (2) 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 to assist the inspector or veterinary inspector in forming his opinion; 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.
- (3) A notice in Form D shall cease to have effect if the animal or carcase to which the notice in Form D relates is removed from the premises under the authority of a licence issued by a veterinary inspector.

(4) A notice in Form D or Form E 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 D or Form E relates.

(5) On the service of a notice in Form D or Form E the requirements contained in that notice shall have effect.

(6) Following the service of a notice in Form D or Form E a veterinary inspector may insert or administer an implant for the purpose of electronically tagging an exposed animal.

(7) No person except a veterinary inspector shall remove or otherwise interfere with an implant inserted or administered under paragraph (6) above.

Restrictions on movement of other bovine animals

8.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement from any premises of any bovine animal, other than an affected, suspected or exposed animal, 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 from 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 the notice served under paragraph (1) relates.

Cleansing and disinfection

9.—(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 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; or
- (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 from the person in default by the appropriate Minister or the local authority, as the case may be.

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 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.

(3) Where the Minister proposes to cause an exposed animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease—

- (a) a veterinary inspector shall serve a notice of intended slaughter in Form F on the owner or person in charge of the animal; and
- (b) after considering any representations received from the owner or person in charge of the animal within the period specified in Form F, the Minister shall ensure the service of—

- (i) a withdrawal of notice in Form B; or
- (ii) a notice of confirmation of intention to slaughter in Form G.

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(1), and as if the references 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 milk from affected or suspected animals

12.—(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;
- (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.