
STATUTORY INSTRUMENTS

1998 No. 1645

ANIMALS

ANIMAL HEALTH

The Sheep and Goats Spongiform Encephalopathy Order 1998

Made - - - - *7th July 1998*

Coming into force - - *29th July 1998*

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), 34(7), 35(1) and (3), 36(2) and (5)(a), 72, 83(2), 87(2) and 88(2) of the Animal Health Act 1981⁽¹⁾ hereby make the following Order:—

Title and commencement

1. This Order may be cited as the Sheep and Goats Spongiform Encephalopathy Order 1998 and shall come into force on 29th July 1998.

Interpretation

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

“the Act” means the Animal Health Act 1981;

“affected animal” means a sheep or goat which is affected with the disease;

“the Commission Decision” means Commission Decision [98/272/EEC](#)⁽²⁾ on epidemiological surveillance for transmissible spongiform encephalopathies;

“the disease” means any transmissible spongiform encephalopathy in sheep and goats;

“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;

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

“premises” means any place (including any structure or vehicle) in which sheep or goats may be grazed, handled, held or kept;

⁽¹⁾ 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40); see section 86(1) for definitions of “the Minister” and “the Ministers”.

⁽²⁾ OJ No. L122, 24.4.98, p.59.

“research establishment” means an establishment carrying out research into the disease, including a veterinary investigation centre of the Ministry of Agriculture, Fisheries and Food;

“the Sheep and Goats Regulations” means the Sheep and Goats Spongiform Encephalopathy Regulations 1998(3);

“suspected animal” means a sheep or goat which is suspected of being affected with the disease; and

“transmissible spongiform encephalopathy” has the same meaning in this Order as in the Commission Decision.

(2) For the purposes of the Act in its application to this Order (unless the context otherwise requires) the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise—

- (a) any kind of mammal except man; and
- (b) any kind of four-footed beast which is not a mammal.

(3) 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 sheep and goats

3.—(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, subject to paragraph (3) below, detain it on the premises until it has been examined by a veterinary inspector.

(3) Paragraph (2) above shall not apply to an affected or a suspected animal moved from the premises to a veterinary investigation centre of the Ministry of Agriculture, Fisheries and Food in accordance with instructions of the Divisional Veterinary Manager.

(4) A person who, in the course of a laboratory examination of the carcase of an affected or suspected animal, reasonably suspects the presence of a transmissible 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.

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

Restrictions on movement of, and imposition of requirements relating to, affected or suspected animals

4.—(1) If, in the course of any investigation under regulation 3 of the Sheep and Goats Regulations, or otherwise, a veterinary inspector is of the opinion that there is an affected or a

suspected animal, or the carcass of such an animal, on any premises, he shall serve a notice in Form A on the person appearing to him to be the owner or person in charge of that animal or carcass.

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

(3) Subject to paragraph (4) 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 carcass; or
- (b) the animal or carcass 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.

(4) Any notice in Form A which has been renewed under paragraph (3)(a) above may be further renewed from time to time by a veterinary inspector in a similar manner and for a similar period.

(5) The occupier of any premises, his employees and any person who is or has been in possession or charge of any animal or carcass 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 referred to in paragraph (1) above; and
- (b) if so required by a veterinary inspector or an officer of the appropriate Minister, give such information as he possesses as to—
 - (i) any animal or carcass which is or has been on the premises;
 - (ii) any other animal or carcass with which any animal or carcass which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcass which is or has been in his possession or charge.

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

Restrictions on movement of other sheep and goats

5.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement from any premises of any sheep or goat, other than an affected or suspected animal, may give rise to the risk of the spread of the disease, he may, by notice in writing served on the person appearing to him to be 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 person appearing to him to be the owner or person in charge of the animal to which the notice served under paragraph (1) relates.

Cleansing and disinfection

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

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

(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

7.—(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.

Seizure of carcasses

8.—(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) or 36(2) 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(5), 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.

Production of licences

9. Where an animal or carcase is being moved under the authority of a licence issued under this Order the person in charge of the animal or carcase 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.

Offences

10. Any person who, without lawful authority or excuse, proof of which shall lie on him—
- (a) contravenes or fails to comply with article 3(1), (2) or (4), 4(5) or 9;
 - (b) fails to comply with any notice served under article 4(1), 5(1) or 6(1);
 - (c) fails to comply with any condition of a licence issued under article 4(3)(b) or 5(1); or
 - (d) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Enforcement

11. The provisions of this Order shall be executed and enforced by the appropriate Minister.

Amendment of the Specified Diseases (Notification) Order 1996

12. In Part I of Schedule 1 to the Specified Diseases (Notification) Order 1996(4) (which lists certain diseases to be notified for the purposes of the Act) the disease “Scrapie” shall be omitted.

7th July 1998

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

3rd July 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

6th July 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

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SCHEDULE

Articles 4 and 7(2)

FORMS

Form A Notice imposing requirements relating to an affected or suspected animal or carcass, Article 4(1), (2), (3) and (4) of the Sheep and Goats Spongiform Encephalopathy Order 1998

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To _____ Location of animal or carcase
of _____

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 sheep, goat or carcase specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____

Date: _____

Name in BLOCK LETTERS _____

Office Address _____

Form A

Notice imposing requirements in relation to the animal or carcase specified overleaf.

Requirements:

1. The animal or carcase must be detained at the location specified overleaf except that—
 - (a) 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 conditions subject to which the licence is issued; or
 - (b) in the case of an animal in a 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.
2. In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Divisional Veterinary Manager, that officer must be informed immediately.
3. In the event of the animal dying or being slaughtered on the premises—
 - (a) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;
 - (b) the carcase of the animal must be disposed of on the premises if so required by the veterinary inspector; and
 - (c) the carcase 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.
4. In the event of the animal being pregnant—
 - (a) it must be isolated from all other animals on the premises during the period of labour and for 72 hours afterwards in accommodation which has been approved by the veterinary inspector for this purpose;
 - (b) its placenta, discharges and bedding must be buried or burned; and
 - (c) the accommodation used for its labour must be cleansed and disinfected in accordance with the directions of a veterinary inspector.
5. In the case of a carcase, it shall be retained and surrendered to a veterinary inspector on request and, until it is so surrendered, it 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.

This notice shall remain in force for a period of 28 days from unless renewed by a subsequent notice served by a veterinary inspector, or the animal/carcase is removed under licence as specified in paragraphs 1 and 3 above.

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.

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Form B Withdrawal of Notice imposing requirements relating to an affected or suspected animal or carcass, Article 4(6) of the Sheep and Goats Spongiform Encephalopathy Order 1998

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from this day of the notice relating to the sheep, goat or carcass specified below, signed by and served on you on day of

Signed

Dated

Name in BLOCK LETTERS

Office Address

Form C Notice of Intended Slaughter of Affected or Suspected Animal, Article 7(2) of the Sheep and Goats Spongiform Encephalopathy Order 1998

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that the Minister proposes to cause the sheep or goat specified below, which is affected or suspected of being affected with a transmissible 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

Affected or suspected animal:

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Great Britain, gives effect in part to articles 2(1) and article 3 of Commission Decision [98/272/EEC](#) (OJNo. L122, 24.4.98, p.59) on epidemio-surveillance for transmissible spongiform encephalopathies. The Order also makes related provision to control transmissible spongiform encephalopathy in sheep and goats.

Article 3 of the Order makes provision for the compulsory notification of any transmissible spongiform encephalopathy in sheep and goats. Article 4 makes provision for restrictions on movement of sheep and goats which are affected or suspected of being affected with transmissible spongiform encephalopathy and the imposition of requirements in relation to these animals.

Article 5 provides for restrictions on movement of sheep and goats which are not affected or suspected animals and article 6 provides for the cleansing and disinfection of premises and equipment. Article 7 provides for the application of section 32 of the Animal Health Act 1981 (slaughter of animals) and article 8 provides for the seizure of carcasses for the purposes of preventing the spread of the disease and the provision of compensation.

Article 9 provides for production of licences, article 10 for offences and article 11 for enforcement; article 12 makes a consequential amendment.

A Regulatory Appraisal for this Order has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (BSE) Division of the Ministry

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