

1999 No. 921

ANIMALS

ANIMAL HEALTH

**The Bovine Spongiform Encephalopathy (No. 2)
(Amendment) Order 1999**

Made - - - - - *22nd March 1999*

Coming into force *15th April 1999*

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) and 15(4) of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, make the following Order:

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (No. 2) (Amendment) Order 1999 and shall come into force on 15th April 1999.

Amendments to the Bovine Spongiform Encephalopathy (No. 2) Order 1996

2.—(1) The Bovine Spongiform Encephalopathy (No. 2) Order 1996(b) is amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 4 (interpretation) the following definition is substituted for the definition of “mammalian meat and bone meal”–

“ “mammalian meat and bone meal” means–

(a) mammalian protein (including greaves) derived from the whole or any part of any dead mammal by–

(i) the process of rendering, or

(ii) in the case of a product originating outside Great Britain, by an equivalent process; or

(b) any material derived from such protein;”.

(3) In paragraph (1) of article 6 (veterinary enquiry as to existence of disease and requirements relating to affected or suspected animals) the phrase “within 56 days” is revoked.

(4) In paragraph (1) of article 8 (restrictions on movement of other bovine animals) the following phrase is inserted before the word “he”–

“or that any bovine animal on premises may have been exposed to the disease through the agency of any feeding stuff;”.

(5) In paragraph (2) of article 16 (disposal and recall of mammalian meat and bone meal and MBM products) the following phrase is inserted before the phrase “a notice”–

“or which he reasonably suspects of being so prohibited”.

(a) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”; sections 1 and 8(1) have been applied to bovine spongiform encephalopathy by the Zoonoses Order 1988, S.I. 1988/2264, amended by S.I. 1988/2299 and S.I. 1997/2964.

(b) S.I. 1996/3183, amended by S.I. 1997/2387 and S.I. 1998/3071.

(6) The following paragraph is inserted between paragraphs (2) and (3) of article 16–

“(2A) An inspector may serve on any person who has sold or supplied any feeding stuff the sale or supply of which is prohibited by article 13(1) or which he reasonably suspects of being so prohibited a notice requiring that person to collect at his own expense that product from the person to whom he supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold, and to transport it to such place and within such time as may be specified in the notice.”.

(7) In paragraph (3) of article 16 the phrase “paragraph (1), (2) or (2A)” is substituted for the phrase “paragraph (1) or (2)”.

17th March 1999

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

17th March 1999

Calum MacDonald
Parliamentary Under Secretary of State,
Scottish Office

Signed by authority of the Secretary of State for Wales

22nd March 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order makes a number of amendments to the Bovine Spongiform Encephalopathy (No. 2) Order 1996 (S.I. 1996/3183, amended by S.I. 1997/2387 and S.I. 1998/3071). That Order extends to Great Britain only.
2. The amendments made to S.I. 1996/3183 by this Order are as follows—
 - (a) a new definition of “mammalian meat and bone meal” is inserted into article 4(1);
 - (b) the time restriction formerly contained in article 6(1) is removed;
 - (c) article 8(1) is amended to include a reference to the risk of a bovine animal being exposed to BSE through a feeding stuff; and
 - (d) article 16 is amended—
 - (i) to allow the recall of any feeding stuff for livestock which is reasonably suspected of containing mammalian meat and bone meal,
 - (ii) to allow the recall of any feeding stuff intended for ruminants which contains or is reasonably suspected of containing mammalian protein.
3. This Order was notified in draft to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p. 37).
4. A regulatory impact assessment has been prepared in respect of this Order. A copy of it has been placed in the library of each House of Parliament. Further copies may be obtained from the Ministry of Agriculture, Fisheries and Food’s Animal Health Division at Government Buildings, Hook Rise South, Tolworth, Surrey KT6 7NF.

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