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STATUTORY INSTRUMENTS

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**2002 No. 843**

**The TSE (England) Regulations 2002**

**PART VI**

**ARTICLE 15(2) OF AND CHAPTER B OF ANNEX  
VIII TO THE COMMUNITY TSE REGULATION**

**Notification of progeny of certain TSE suspect and confirmed animals**

**87.**—(1) A person who has in his possession or under his charge any—

(a) first generation progeny of—

(i) a female bovine animal infected with a TSE;

(ii) a BSE-confirmed ovine or caprine animal; or

(b) any semen, embryos or ova derived from any such bovine, ovine or caprine animal,

and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such progeny, semen, embryos or ova 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 any animal he reasonably suspects is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine 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 carcass of an animal, or any semen, embryos or ova derived from an animal, reasonably suspects it is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, shall—

(a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;

(b) retain the sample examined and the remainder of the carcass 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.

**Measures to administer and enforce Article 15(2) of and Chapter B of Annex VIII to the  
Community TSE Regulation**

**88.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal is being or has been kept on the premises;
- (b) collect, pen, inspect and examine any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (c) inspect and examine, and make such tests and take such samples as he considers necessary from, any—
  - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (d) mark for identification purposes, or administer or otherwise attach an electronic identification device to, any—
  - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (e) serve a notice to restrict or prohibit the movement, or issue a licence in connection with the movement, of—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (f) seize or dispose of—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryo, ovum or blood derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;

- (iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (iv) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (g) serve any notice in connection with the slaughter, or slaughter,—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; or
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (h) give a direction under regulation 92 below
- (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (j) examine any record, in whatever form the record may be held, and take copies of the record;
- (k) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
- (l) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied to any animal or carcase under paragraph (2)(d) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and that either—

- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier of the premises; or
- (b) an application for admission, or the giving of such a notice, would defeat the object of entering the premises, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,

he may issue a warrant authorising an inspector to enter the premises for that purpose if necessary using reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises 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 reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation; and
- (b) if required by an inspector, 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; or
  - (iii) any semen, embryos or ova derived from any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; and
  - (iv) the location and movement of any animal or carcase, or any semen, embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, which is or has been in his possession or charge.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—
- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.
- (7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

#### **Movement prohibitions and restrictions**

**89.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation it is necessary to prohibit or restrict the movement from or to any premises of—

- (a) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (b) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal or carcase, or semen, embryos or ova, from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force a veterinary inspector may renew it subject to such requirements or conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by a veterinary inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase, or semen, embryos or ova, from premises on the authority of a licence issued by a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to such requirements or conditions as he considers necessary.

(6) Where an animal or carcase, or semen, embryos or ova, is being or are being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase or semen, embryos or ova 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.

### **Slaughter at slaughterhouses**

**90.**—(1) This regulation and regulation 91 below apply where, for the purposes of the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation, the Secretary of State is satisfied it is necessary to slaughter—

- (a) any female bovine animal infected with a TSE or any BSE-confirmed ovine or caprine animal; or
- (b) any animal of first generation progeny of—
  - (i) a female bovine animal infected with a TSE; or
  - (ii) a BSE-confirmed ovine or caprine animal.

(2) Where the Secretary of State is satisfied that for these purposes it is necessary to slaughter an animal of a description referred to in paragraph (1) above at premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 an inspector shall so inform the occupier of the premises concerned and direct the occupier to slaughter the animal in such manner and period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to—

- (a) the slaughter of the animal; and
- (b) any related operation, including—
  - (i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcass, any part of the carcass or any blood derived from the carcass or any part of the carcass; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcass, any part of the carcass or any blood derived from the carcass or any part of the carcass of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must—

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to—

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcass of any animal slaughtered at the slaughterhouse or any part of the carcass or any blood derived from the carcass or any part of the carcass.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Slaughter at other premises**

**91.**—(1) Where the Secretary of State is satisfied it is necessary to slaughter an animal of a description referred to in regulation 90(1) above at premises other than premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him of that intention; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Secretary of State shall either—

- (a) withdraw the notice of intended slaughter; or
- (b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of Article 15(2) of, and Chapter B of Annex VIII to the Community TSE Regulation.

### **Retention, seizure and disposal of carcasses etc.**

**92.**—(1) This regulation applies where for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to the Community TSE Regulation, the Secretary of State is satisfied it is necessary—

- (a) to require an occupier of premises to retain on the premises under the direction of the Secretary of State—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
  - (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (v) any part of such a carcass or any blood derived from any such carcass or part; or
- (b) to seize from any premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood.

(2) For any such purpose an inspector may—

- (a) direct the occupier of the premises to retain on the premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood; or
- (b) seize or dispose of any such animal, semen, embryo, ovum, carcass, part of a carcass or blood, whether or not it is an animal, semen, embryo, ovum, carcass, part of a carcass or blood which the occupier has been required to be retained under the direction of an inspector.

(3) Directions from an inspector to an occupier under this regulation may include directions in relation to the treatment, storage and disposal of the animal, semen, embryo, ovum, carcase, part of a carcase or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Compensation for slaughtered animals**

**93.**—(1) Where an animal is slaughtered under regulation 90 or 91 above the Secretary of State shall pay compensation to the owner of the animal in accordance with the provisions of Part V of Schedule 1 below.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part VI of Schedule 1 below to the owner of any animal, semen, embryo, ovum, carcase, part of a carcase or blood seized or disposed of under regulation 92 above.

### **Offspring slaughter**

**94.** Schedule 7 below shall have effect for the purpose of continuing the implementation of Council Decision [98/256/EC\(1\)](#) (concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision [94/474/EC](#) and repealing Decision [96/239/EC](#)) in relation to offspring of bovine animals.

### **Cleansing and disinfection**

**95.**—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, any—

- (a) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (b) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine 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, all or any part of the premises or 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 authority on whose behalf the inspector served the notice.

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(1) OJNo. L113, 15.4.98, p. 32 as amended by Commission Decision [98/564/EC](#) (OJ No. L273, 9.10.98, p. 37) and Commission Decision [98/692/EC](#) (OJ No. L328, 4.12.98, p. 28). Council Decision [98/256/EC](#) remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No. [1326/2001](#) and section D of annex XI to the Community TSE Regulation (added by article 3(3) of, and annex IV to, Commission Regulation (EC) No. [1326/2001](#)).

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**Status:** *This is the original version (as it was originally made).*

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