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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1416**

**The TSE (Wales) Regulations 2002**

**Part II**

**TSE monitoring**

**TSE monitoring**

4.—(1) An inspector may make any enquiries and carry out any investigations he or she considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) For the purpose of paragraph (1) an inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, may enter, at all reasonable times, any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of that animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of any TSE susceptible animal;
- (e) take samples from, and undertake tests in relation to, any TSE susceptible animal, or the carcase of any TSE susceptible animal, as he or she considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcase of that animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of that animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of that animal;
- (i) seize any TSE susceptible animal or the carcase of that animal;
- (j) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (k) slaughter any TSE susceptible animal;
- (l) examine any record, in whatever form the record may be held, and take copies of the record;
- (m) 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 or her such assistance as he or she 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

- (n) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of such contravention or failure.

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

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground 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 notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,

the justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose, if need be by 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 or her 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 the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he or she 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 or her 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 or her—

- (a) such other persons as he or she considers necessary to provide such assistance as considered necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures.

(7) An inspector who enters any unoccupied premises shall on leaving the premises ensure that they are secured as effectively against unauthorised entry as when he or she found them.

#### **Prohibitions and restrictions on the movement of TSE susceptible animals**

5.—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article

6 of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal from or to any premises.

(2) By notice in writing served on the owner or person in charge of the animal an inspector may prohibit or restrict the movement of the animal or carcase from or to any premises described in the notice for the period, and subject to the conditions, he or she considers necessary for that purpose as specified in the notice.

(3) During the period in which the notice is in force an inspector may renew the notice for the same or a shorter period subject to any conditions he or she considers necessary.

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

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase from premises provided that a licence is obtained from an inspector, an inspector may issue a licence for this purpose subject to any conditions he or she considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase being so moved must 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 or her name and address.

### **Slaughter of TSE susceptible animals at slaughterhouses**

6.—(1) This regulation and regulation 7 below apply where the Secretary of State is satisfied it is necessary to slaughter any TSE susceptible animal for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) If the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at a slaughterhouse an inspector must so inform the occupier of the slaughterhouse concerned and may direct the manner in which and the time within which the occupier must slaughter the animal.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he or she must consider the requirements as to hygiene, specified risk material or animal welfare 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, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; 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, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) If 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 must give directions to the occupier as to the manner and period within which the other animal is to be slaughtered or any related operation is to be carried out.

(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 under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given except where the Secretary of State is satisfied that it is not proportionate for that person to bear some or all of that expense.

(7) Where the Secretary of State is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction he or she shall give notice to that person of the proportion of the expense, if any, which he or she is satisfied the person should bear.

(8) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

#### **Slaughter of TSE susceptible animals at other premises**

7.—(1) If the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at premises other than a slaughterhouse a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him or her 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 the expiry of that period the Secretary of State, after considering any representations received during this period from the owner or person in charge of the animal, must 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 the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

#### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals**

8.—(1) This regulation applies where the National Assembly is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation it is necessary—

- (a) to require an occupier of premises to retain on the premises a carcase, or part of a carcase, of a TSE susceptible animal, or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal; or
- (b) to seize from any premises, or dispose of, the carcase, or part of the carcase, of a TSE susceptible animal or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal.

(2) For the purpose of paragraph (1) an inspector may—

- (a) direct the occupier of the premises to retain on the premises a carcase of a TSE susceptible animal on the premises, or any part of the carcase or any blood derived from the carcase or part of the carcase; or
- (b) seize or dispose of—
  - (i) any carcase, or any part of a carcase, of a TSE susceptible animal from any premises, whether or not it is a carcase or part of a carcase which has been required to be retained under the direction of an inspector; or
  - (ii) any blood derived from a carcase, or any part of a carcase, of a TSE susceptible animal whether or not the carcase or part of the carcase from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

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

(4) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given except where the National Assembly is satisfied that it is not proportionate for that person to bear some or all of that expense.

(5) Where the National Assembly is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction it shall give notice to that person of the proportion of the expense, if any, which it is satisfied the person should bear.

(6) If a direction under this regulation in relation to the treatment, storage or disposal of a carcase, part or blood is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

### **Compensation for slaughtered TSE susceptible animals**

9.—(1) Where a TSE susceptible animal is slaughtered under regulation 6 or 7 above the Secretary of State must pay compensation to the owner of the animal in accordance with the provisions of Part I of Schedule 1 to these Regulations.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part II of that Schedule to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 8 above.

### **Notifications**

10.—(1) For any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation, the National Assembly may certify in respect of any category of notifiable animal that a monitoring notification in respect of animals in that category is required and may appoint an agent to receive any notification on its behalf.

(2) Where—

- (a) in respect of a category of notifiable animal the National Assembly has certified that a monitoring notification is required; or
- (b) the National Assembly appoints an agent for the purposes of receiving notifications under this regulation on its behalf,

the National Assembly shall publish by such means as it thinks fit the details of the certificate or the name of the agent, the address of the agent and other relevant contact information and the date

on and after which notifications under this regulation shall be made to the agent instead of to the National Assembly.

(3) Where in respect of a category of notifiable animal the National Assembly has certified that a monitoring notification in respect of animals in that category is required and has published the certification under paragraph (2) above—

- (a) a person who is in possession or in charge of an animal of that category, or the carcase of an animal of that category, must within 24 hours from the time when the animal dies or was killed or the carcase comes into his or her possession or charge, notify the fact, and such other information as may be required by virtue of the monitoring notification, to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent; and
- (b) any veterinary surgeon or other person who, in the course of his or her duties examines or inspects an animal of that category which dies during the examination or inspection, or examines or inspects the carcase of an animal of that category, must within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify that fact, and such other information as may be required by virtue of the monitoring notification, to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent.

(4) A person who has in his or her possession or under his or her charge on any premises any animal or carcase in respect of which the National Assembly has certified that a monitoring notification is required shall detain it on the premises until it has been collected by or on behalf of the National Assembly.