

1988 No. 1039

ANIMALS

ANIMAL HEALTH

The Bovine Spongiform Encephalopathy Order 1988

<i>Made</i> - - - -	<i>14th June 1988</i>
<i>Coming into force</i>	
<i>Article 7</i>	<i>18th July 1988</i>
<i>Remainder</i>	<i>21st June 1988</i>

The Minister of Agriculture, Fisheries and Food and 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), 72, 86(1) and 88(2) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

Title and commencement

1.—(1) This Order may be cited as the Bovine Spongiform Encephalopathy Order 1988 and except for article 7, shall come into force on *21st June 1988*.

(2) Article 7 of this Order shall come into force on *18th July 1988*.

Extension of definition of “disease”

2. For the purposes of the Act in its application to this Order the definition of “disease” in section 88(1) of the Act is hereby extended so as to comprise bovine spongiform encephalopathy.

Interpretation

3. In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“affected animal” means a bovine animal which is affected with the disease;

“animals” means bovine animals, sheep, goats, deer and all other ruminating animals;

“animal protein” means any protein material which is derived from a carcase but does not include milk or any milk product or dicalcium bone phosphate;

“appropriate Minister” means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;

“bovine animal” means a bull, cow, steer, heifer or calf;

“carcase”, except in the definition of animal protein, means the carcase of a bovine animal and includes part of a carcase, and the meat, blood, bones, hair, hide, horn, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof and the intestinal contents of a bovine animal; and in the definition of animal protein “carcase” means the carcase of an animal and includes part of a carcase, and the meat,

(a) 1981 c. 22; section 86(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which this Order is made.

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blood, bones, hair, wool, hide, skin, horn, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“the disease” means bovine spongiform encephalopathy;

“Divisional Veterinary Officer” 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;

“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

“the Minister” and “the Ministry” means respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land;

“suspected animal” means a bovine animal which is suspected of being affected with the disease;

“veterinary inspector” means a veterinary inspector appointed by the Minister;

“veterinary surgeon” means a person registered in the register of veterinary surgeons or in the supplementary veterinary register.

Notification of disease in bovine animals

4.—(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 Officer.

(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.

Veterinary enquiry as to existence of disease and requirements as respects affected animals

5.—(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;

(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 satisfied that there is an affected animal on the premises he may serve a notice in Form A on the owner or person in charge of that animal.

(5) A notice in Form A shall remain in force until it is withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the affected animal in respect of which the notice in Form A was served.

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

Restrictions on movement of other bovine animals

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement of any bovine animal, other than an affected animal, from any premises 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 off 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 that notice relates.

Prohibition of sale, supply and use of certain feedingstuff for feeding to ruminating animals

7.—(1) No person shall knowingly sell or supply for feeding to animals any feedingstuff in which he knows or has reason to suspect any animal protein has been incorporated.

(2) No person shall feed to an animal any feedingstuff in which he knows or has reason to suspect that any animal protein has been incorporated.

(3) This article shall cease to have effect on 1st January 1989.

Cleansing and disinfection

8.—(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 a suspected animal, or the carcass of such an animal, a notice requiring him to cleanse and disinfect, at his own expense, and in such manner and within such period as may be specified in the notice,—

- (a) all or any part of the premises;
- (b) any equipment, appliance, utensil or 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 by the appropriate Minister or, as the case may be, by the local authority as a civil debt from the person in default.

Sampling

9. Where an inspector of the Minister has reasonable grounds for supposing that the provisions of article 7 of this Order have not been or are not being complied with he may take from any feedingstuff such samples as he considers necessary in order to establish the correctness of that supposition.

Production of licences

10. Where an animal is being moved under the authority of a licence issued under this Order the person in charge of the animal being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a police officer, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Offences

11. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) defaces, obliterates or removes any mark applied to any bovine animal or carcass under article 5(2)(c) of this Order;
 - (b) contravenes any provision of this Order or any provision of a licence issued, or of a notice served, under this Order;
 - (c) fails to comply with any such provision or with any condition of such a licence or notice; or
 - (d) knowingly causes or permits any such contravention or non-compliance,
- commits an offence against the Act.

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Local authority to enforce Order

12. The provisions of this Order shall, except where otherwise provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th June 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

Sanderson of Bowden
Minister of State, Scottish Office

Peter Walker
Secretary of State for Wales

14th June 1988

13th June 1988

SCHEDULE

FORM A

ANIMAL HEALTH ACT 1981

THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1988

(ARTICLE 5)

NOTICE IMPOSING REQUIREMENTS AS RESPECTS AN AFFECTED ANIMAL

To
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 bovine animal specified below, you are required-

(a) to detain the said animal on the premises known as (insert description of premises including full postal address)

except that the animal may be-

- (i) slaughtered on such premises, or
- (ii) moved off such premises direct to a place for slaughter under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;

(b) in the event of the said animal dying or being slaughtered on such premises, to immediately inform the Divisional Veterinary Officer of this fact and to retain the head of the animal, and, at the request of a veterinary inspector, to surrender it to him for examination; and

(c) in the event of the said animal being pregnant to ensure-

- (i) that it is isolated from all other bovine animals on the said premises during the period of calving and for 72 hours afterwards in accommodation which has been approved by a veterinary inspector for this purpose,
- (ii) that its placenta, discharges and bedding are buried or burnt, and
- (iii) that the accommodation used for its calving is cleansed and disinfected in accordance with the directions of a veterinary inspector.

This notice remains in force until it is withdrawn by a subsequent notice (Form B) served by a veterinary inspector.

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.

The bovine animal to which this notice applies is specified in the table below.

<i>Official ear mark</i>	<i>Description of bovine animal to include age, breed and sex</i>

Signed
Name in block letters
Official address

Dated19....

* delete as appropriate

FORM B
ANIMAL HEALTH ACT 1981
THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1988
(ARTICLE 5)

WITHDRAWAL OF NOTICE IMPOSING REQUIREMENTS AS RESPECTS AN
AFFECTED ANIMAL

To
of.....
.....

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from this day of 19....., the notice in Form A signed by and served on you on the day of 19.....

Signed Dated19...
Name in block letters
Official address
.....

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Animal Health Act 1981, provides for

- (a) the compulsory notification of bovine spongiform encephalopathy ("the disease") in bovine animals (article 4);
- (b) the investigation by a veterinary inspector into the existence of the disease and the examination by him of bovine animals and their carcasses for this purpose (article 5(1), (2) and (3));
- (c) the imposition (by a notice in Form A served by a veterinary inspector) of certain requirements, including a prohibition on movement except under licence, in respect of a bovine animal which is affected with the disease (article 5(4), (5) and (6));
- (d) the prohibition (by a notice in writing served by a veterinary inspector) of the movement of any bovine animal, except under licence, where this may give rise to the risk of the spread of the disease (article 6);
- (e) the prohibition (from 18th July 1988 to 1st January 1989) of (1) the sale and supply for feeding to ruminating animals of any feeding stuff in which any animal protein (as defined in the Order) has been incorporated and (2) the feeding to ruminating animals of any such feeding stuff (article 7);
- (f) the cleansing and disinfection of premises and of equipment used in connection with a bovine animal or carcass which is affected or suspected of being affected with the disease (article 8); and
- (g) sampling of feedingstuffs, production of licences issued for the movement of bovine animals and offences (articles 9, 10 and 11).