STATUTORY RULES OF NORTHERN IRELAND

2009 No. 347

ANIMAL HEALTH

The Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*16th October 2009*
Coming into operation	*9th November 2009*

The Department of Agriculture and Rural Development(**1**) is designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

The Department of Agriculture and Rural Development makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972

Citation and commencement and interpretation

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2009; and come into operation on 9th November 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008

2.—(1) The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008(**5**) are amended in accordance with this Regulation.

(2) In regulation 2(1) (Interpretation)

(a) "Commission Decision 2008/908/EC" means Commission Decision 2008/908/EC authorising certain member States to revise their annual BSE monitoring programme; shall be substituted by —

(**1**) Formerly the Department of Agriculture; S.I. 1999/283 (N.I. 1), Article 3(4)
(**2**) S.I. 1999/2027
(**3**) 1972 c.68
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2008 No. 508

""Commission Decision 2009/719/EC" means Commission Decision 2009/719/EC authorising certain member States to revise their annual BSE monitoring programme(**6**);"

(b) in the definition of "Community TSE Regulation" paragraph (c) shall be substituted by—

"(c) Commission Decision 2009/719/EC;"

(3) For paragraph 1 of Part I of Schedule 2 (Monitoring for TSE) substitute—

"**Notification of the body of a goat for the purpose of monitoring under Article 6 of the Community TSE Regulation**

1.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession, or under their control, the body of a goat aged 18 months or over at death, must—

(a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the death of the animal to a person approved by the Department to receive the notification; and

(b) detain it until it has been collected by that person approved by the Department in accordance with paragraph 1(1)(a),

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6 of the Community TSE Regulation

1A.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their control the body of a bovine animal that must be tested for BSE in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation as read with Commission Decision 2009/719/EC(**7**) must within 24 hours, unless directed otherwise by the Department, identify an approved TSE sampling site that will carry out sampling for the test and either—

(a) make arrangements with the operator of the sampling site to have it collected and detain the body of the bovine animal until it has been collected; or

(b) agree with the operator of the sampling site that it can be taken to that site and ensure it's arrival at the site within the timeframe stipulated by the operator in accordance with the official document relating to the site approved by the Department under paragraph 4A,

and failure to do so is an offence.

(2) The period of 24 hours referred to in sub-paragraph (1) runs from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of paragraph 1A(1)(a) or (b) apply.

Persons collecting and delivering the body of a bovine animal

1B. The operator of an approved TSE sampling site with whom an arrangement has been made in accordance with paragraph 1A(1)(a) must, unless otherwise directed by the

(**6**) O.J. No. L 256, 29.9.2009, p. 35
(**7**) O.J. No. L 256, 29.9.2009, p. 35