STATUTORY RULES OF NORTHERN IRELAND

2005 No. 436

EUROPEAN COMMUNITIES

ANIMALS

The Transmissible Spongiform Encephalopathy (Amendment No.3) Regulations (Northern Ireland) 2005

Made - - - -	*3rd October 2005*
Coming into operation	*25th October 2005*

The Department of Agriculture and Rural Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures in the veterinary and phytosanitary fields for the protection of public health, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathy (Amendment No.3) Regulations (Northern Ireland) 2005 and shall come into operation on 25th October 2005.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendments to the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002

3. The Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002(**4**) are amended in accordance with the provisions of these Regulations.

4. In regulation 3 (Interpretation)—

(**1**) S.I. 1999/2027
(**2**) 1972 c. 68
(**3**) 1954c.33(N.I.)
(**4**) S.R. 2002 No. 225 as amended by S.R. 2003 No. 495, S.R. 2003 No. 509, S.R. 2004 No. 388, S.R. 2005 No. 25 and S.R. 2005 No. 200

(a) at the end of the definition of "the Community Transitional Measures", there shall be added—

"(g) Regulation (EC) No. 932/2005 of the European Parliament and of the Council of 8 June 2005 amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures(**5**);";

(b) for the definition of "vertebral column", there shall be substituted—

""vertebral column" excludes the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but includes the dorsal root ganglia;";

(c) for the definition of "young lamb stamp", there shall be substituted—

""young goat stamp" means the stamp described as such in regulation 38(2); and

"young lamb stamp" means the stamp described as such in regulation 38(2).".

5. After regulation 10 (Notifications) there shall be inserted the following regulations—

"**Slaughter of bovine animals over 30 months of age**

10A.—(1) A person shall not use a slaughterhouse for the slaughter of a relevant bovine animal unless the occupier of the slaughterhouse has agreed in writing with an official veterinary surgeon the Required Method of Operation in respect of the slaughter of a relevant bovine animal at the slaughterhouse in question.

(2) Without prejudice to the inclusion in it of other provisions a relevant agreement shall contain provisions stating how each requirement referred to in Schedule 1A is to apply in respect of the Required Method of Operation at the slaughterhouse in question.

(3) A relevant agreement (irrespective of its content) may be suspended or revoked by the official veterinary surgeon by notice in writing served on the occupier if the official veterinary surgeon is of the opinion that it is not being complied with or that a reasonable proposed alteration of the agreement suggested by him in writing to the occupier has not been accepted by the occupier within 7 days; and if the official veterinary surgeon suspends or revokes the agreement—

(a) the occupier may make representation on the suspension or revocation to a person appointed for the purpose by the Department;

(b) the appointed person shall consider the representations and report in writing to the Department;

(c) upon receiving that report, the Department shall affirm the decision of the official veterinary surgeon or—

(i) if that decision is to suspend the agreement, lift the suspension;

(ii) if that decision is to revoke the agreement, reinstate it or reinstate but suspend it,

as it thinks appropriate; and

(d) the Department shall give the operator written notification of its determination and the reasons for it.

(**5**) O.J. No. L163, 23.6.2005, p.1

(4) The occupier of the slaughterhouse shall ensure that the provisions contained in the relevant agreement relating to that slaughterhouse are complied with in relation to each relevant bovine animal slaughtered there.

(5) Where a relevant bovine animal has been slaughtered otherwise than in accordance with a relevant agreement an inspector may give to the occupier of the slaughterhouse in question a direction for the disposal of—

(a) the carcase of that relevant bovine animal; and

(b) all other parts of the body of that animal including the blood and the hide.

(6) Where an inspector gives a direction under paragraph (5) the owner of the carcase shall not be entitled to any compensation under these Regulations in respect of that carcase and the other parts of the body of the animal including the blood and the hide.

(7) If a person to whom a direction has been given under paragraph (5) fails to comply with the direction an inspector may arrange for it to be complied with—

(a) without prejudice to any proceedings arising out of such default; and

(b) at the expense of the person to whom the direction was given.

(8) Paragraphs (5) to (7) are without prejudice to paragraph (3) or to any proceedings arising out of contravention of paragraph (1) or failure to comply with paragraph (4).

(9) In this regulation—

(a) "registered bovine animal" means a bovine animal which belongs to a herd registered under the Beef Assurance Scheme pursuant to regulation 4 of the Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(**6**);

(b) "relevant agreement" means an agreement referred to in paragraph (1);

(c) "relevant bovine animal" means a bovine animal, other than a registered bovine animal, over 30 months of age any part of which is intended for human consumption; and

(d) "Required Method of Operation", in relation to a slaughterhouse, means the method of operation that would apply there.

Consignment of over-age animals to a slaughterhouse

10B.—(1) Subject to paragraph (2), a person shall not consign to a slaughterhouse a live or dead bovine animal born or reared in the United Kingdom or imported into the United Kingdom prior to 1st August 1996.

(2) Paragraph (1) shall not prohibit a person from consigning a bovine animal to a slaughterhouse under the purchase scheme introduced under Commission Regulation (EC) No. 716/96(**7**) adopting exceptional support measures for the beef market in the United Kingdom, as amended by Commission Regulations (EC) No. 774/96(**8**), No. 1974/96(**9**), No. 2149/96(**10**), No. 1365/97(**11**) and No. 667/2003(**12**).".

6. In regulation 23 (Production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants), for paragraphs (1), (2) and (3) there shall be substituted—

(**6**) S.R. 1996 No. 404 as amended by S.R. 1996 No.506
(**7**) O.J. No. L99, 20.4.96, p.14
(**8**) O.J. No. L104, 27.4.96, p.21
(**9**) O.J. No. L262, 16.10.96, p.2
(**10**) O.J. No. L288, 9.11.96, p.14
(**11**) O.J. No. L188, 17.7.97, p.6
(**12**) O.J. No. L96, 12.4.2003, p.13

"(1) A person shall not use any premises for the production of feedingstuffs containing fishmeal for the feeding of non-ruminant farmed animals save in accordance with—

(a) the condition contained in paragraph 2.IB(c) of Annex IV; or

(b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph.

(2) The Department shall authorise an establishment in relation to the production of feedingstuffs for the purposes of—

(a) the condition contained in paragraph 2.IB(c) of Annex IV; and

(b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph,

if, following an inspection of the premises by a veterinary inspector, the Department is satisfied that the premises are capable of being operated in accordance with the relevant requirements of Annex IV.

(3) In paragraphs (1) and (2) "Annex IV" means Annex IV to the Community TSE Regulation.".

7. For regulation 25 (Use and storage of feedingstuffs containing fishmeal, dicalcium phosphate or hydrolysed protein) there shall be substituted—

"**Use and storage of feedingstuffs containing dicalcium phosphate or hydrolysed protein**

25.—(1) Subject to paragraph (2), a person shall not use or store any feedingstuffs, other than petfood referred to in Chapter 4 of Annex I to Council Directive 92/118/EEC(**13**), containing any—

(a) dicalcium phosphate derived from defatted bones; or

(b) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(2) Paragraph (1) shall not apply to the use or storage of any feedingstuffs containing any dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm sufficient to prevent the feedingstuffs being fed to those ruminant animals.".

8. After regulation 25, there shall be inserted the following regulations—

"**Use and storage of feedingstuffs containing fishmeal**

25A.—(1) Subject to paragraph (2), any person who—

(a) uses or stores any feedingstuff containing fishmeal for feeding to non-ruminant farmed animals; and

(b) fails to comply with paragraph 2.IB(f) of Annex IV to the Community TSE Regulation,

shall be guilty of an offence.

(2) For the purposes of the derogation in paragraph 2.IB(f) of that Annex a person shall not use or store any feedingstuff containing fishmeal on premises where ruminants are kept unless he is registered by the Department for that purpose in accordance with paragraph (3).

(**13**) O.J. No. L62, 15.3.93, p.49

(3) The Department shall grant a registration under paragraph (2) where the occupier declares in writing that measures are implemented on the premises in question to prevent the feedingstuffs being fed to ruminant animals on those premises.

(4) A person who fails to comply with paragraph (2) shall be guilty of an offence.

(5) A person guilty of an offence under this regulation shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

Samples sent to laboratories and reporting requirements

25B.—(1) Up to and including 31st December 2005, where an operator of an establishment producing feedingstuffs sends a sample to a laboratory for testing for any purpose in connection with the requirements of Annex IV of the Community TSE Regulation, he shall supply in writing with the sample—

(a) the name and address of the premises at which the sample was taken;

(b) the date on which the sample was taken; and

(c) the description and identity of the sample.

(2) The operator shall also supply in writing with the sample—

(a) confirmation whether or not the sample was taken from a feedingstuff or an ingredient for the feeding of farmed animals—

(i) which has been imported from a third country; or

(ii) which has been or is intended to be placed on the market, and, if so,

(b) details of the species of animal for which the feedingstuff or ingredient is intended.

(3) Any—

(a) person who submits a sample to a laboratory for analysis pursuant to paragraph (1); or

(b) occupier of the laboratory, other than the Community reference laboratory, to which that sample is sent,

shall inform the Department with all practicable speed if there is any evidence arising from that sample of a breach of these Regulations or of Annex IV to the Community TSE Regulation.".

9. In regulation 29B (Slaughter of animals), for paragraph (5) there shall be substituted—

"(5) Subject to paragraph (6), if any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may carry out or cause to be carried out those requirements—

(a) without prejudice to any proceedings arising out of such default; and

(b) at the expense of the person on whom the notice is served.

(6) An inspector may only carry out or cause to be carried out the requirements of a notice referred to in paragraph (5) if the Department has confirmed the notice pursuant to paragraph (4).".

10. In regulation 33 (Removal of specified risk material from carcases in slaughterhouses)—

(a) for paragraph (1), there shall be substituted—