STATUTORY RULES OF NORTHERN IRELAND

2004 No. 388

EUROPEAN COMMUNITIES
ANIMALS

Transmissible Spongiform Encephalopathy (Amendment) Regulations (Northern Ireland) 2004

Made - - - - 10th September 2004

Coming into operation 4th October 2004

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), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathy (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 4th October 2004.

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

2. The Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002(**3**) are amended in accordance with these Regulations.

3. After regulation 86 there shall be inserted –

"**Enforcement of Annex VII to the Community TSE Regulation**

86A. Schedule 6A (enforcement of Annex VII to the Community TSE Regulation) shall have effect.".

4. For paragraph 13(2) of Part III of Schedule 1 there shall be substituted the following paragraph –

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) S.R. 2002 No. 225 as amended by S.R. 2003 No. 509

"(2) A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by a person or persons operating a market in animals at any of the following places, that is to say –

Ballyclare

Ballymoney

Markethill

Omagh

Saintfield".

5. After Schedule 6 there shall be inserted the following Schedule –

"SCHEDULE 6A

ENFORCEMENT OF ANNEX VII TO THE COMMUNITY TSE REGULATION(**4**)

PART I

Competent authority

1. The Department shall be the competent authority for the purposes of Annex VII (other than paragraph 1(a) or 2(a)) to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ("Annex VII") and shall exercise all powers and duties conferred or imposed on the Member State in that Annex.

Confirmation of TSE in sheep

2.—(1) In the case of confirmation of TSE in sheep on a holding under Article 13 of Regulation (EC) No. 999/2001, the Department, after –

(a) carrying out the inquiry specified in Article 13(1)(b) of that Regulation and in paragraph 1(b) of Annex VII, and

(b) sampling the animals in accordance with Part V of these Regulations to establish their genotype (if this is necessary),

shall decide which option set out in paragraphs 2(b)(i) and (ii) of Annex VII it intends to exercise.

(2) The Department shall serve a notice on the occupier of the holding in question informing him which of the options in those paragraphs it intends to exercise.

(3) The notice shall specify –

(a) the identity of the animals to be killed and destroyed;

(b) the identity of the animals (if any) to be slaughtered for human consumption;

(**4**) This Schedule enforces Annex VII (other than paragraphs 1(a) and 2(a)) to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (O.J. No. L147, 31.5.2001, p. 1). Annex VII to that Regulation was first replaced in respect of ovine and caprine animals by Commission Regulation (EC) No. 260/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the eradication of transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos (O.J. No. L37, 13.02.2003, p. 7) and replaced again by Commission Regulation (EC) No. 1915/2003 as regards the trade and import of ovine and caprine animals and the measures following the confirmation of transmissible spongiform encephalopathies in bovine, ovine and caprine animals (O.J. No. L283, 31.10.2003, p. 29) and further replaced by Commission Regulation (EC) No. 1492/2004 as regards eradication measures for transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live embryos of ovine and caprine animals (O.J. No. L274, 24.8.2004, p. 3)

(c) the identity of the animals (if any) that may be retained;

(d) the identity of any ova and embryos that must be destroyed;

(e) the time limit for complying with the notice; and

(f) the right to apply for a derogation in accordance with paragraph 14.

Confirmation of TSE in goats

3. In the case of confirmation of TSE in goats on a holding under Article 13 of Regulation (EC) No. 999/2001, the Department, after carrying out the inquiry specified in Article 13(1)(b) of that Regulation and in paragraph 1(b) of Annex VII, shall serve a notice on the occupier of the holding informing him that it intends to kill and destroy all the goats on the holding and all caprine embryos and ova from those animals in accordance with paragraph 2(b)(i) of Annex VII.

Infected animals from another holding

4. In the case of infected animals introduced from another holding, the Department may act in accordance with paragraphs 2 and 3 at the holding of origin of those animals in addition to, or instead of, the holding on which infection was confirmed.

Common grazing

5. In the case of infected animals on common grazing, the Department may limit a notice under paragraph 2 or 3 to an individual flock in accordance with paragraph 2(b)(iii) of Annex VII.

Confirmation of BSE in sheep or goats

6. In the case of confirmation of BSE in sheep or goats on a holding, the Department, after carrying out the inquiry specified in Article 13(1)(b) of Regulation (EC) No. 999/2001 and paragraph 1(b) of Annex VII, shall serve a notice on the occupier of the holding informing him of its intention to kill and destroy the animals, embryos and ova in accordance with paragraph 2(c) of Annex VII.

Time for appeals

7. The Department shall not proceed with the notice served under this Part until after the 21 day period for the appeal under Part III is completed or, if there is an appeal, until the appeal is determined.

Subsequent occupiers

8. If there is a change in occupation of any holding to which a notice under this Part relates, the previous occupier shall ensure that the subsequent occupier is made aware of the existence and contents of any notice, and failure to do so shall be an offence.

PART II

MOVEMENT OF ANIMALS

Scope

9. This Part shall have effect after a notice has been served under Part I irrespective of any appeal against the notice.