STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 509

# EUROPEAN COMMUNITIES
# ANIMALS

## Transmissible Spongiform Encephalopathy (Amendment) Regulations (Northern Ireland) 2003

*Made - - - -* *4th December 2003*

*Coming into operation* *3rd January 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 the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power 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) Regulations (Northern Ireland) 2003 and shall come into operation on 3rd January 2004.

### Interpretation

**2.**—(1) In these Regulations "the principal Regulations" means the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002(**3**).

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

### Amendment of the principal Regulations

**3.**—(1) In regulation 10 of the principal Regulations (Notifications) for paragraph (1) there shall be substituted the following –

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) S.R. 2002 No. 225
(**4**) 1954 c. 33 (N.I.)

"(1) A person who has in his possession or under his charge a notifiable animal or the carcase of a notifiable animal, shall, within 24 hours from the time when the animal dies or was killed or the carcase comes into his possession or charge, notify the Department or any other person appointed by it to receive the notice on its behalf;".

(2) In regulation 28 of the principal Regulations (Powers of inspectors) for paragraph (2)(k) there shall be substituted the following –

"(k) serve any notice in connection with the seizure or give any direction under regulation 29D;".

(3) After regulation 29 of the principal Regulations there shall be inserted the following regulations –

"**Movement prohibitions and restrictions of animals**

**29A.**—(1) Where an inspector is satisfied he has reasonable grounds for supposing that any TSE susceptible animal has –

(a) been fed mammalian meat and bone meal or mammalian protein in breach of these Regulations; or

(b) had access to mammalian meat and bone meal or mammalian protein which is prohibited to be fed to it under these Regulations,

he shall by notice in writing served on the owner or person in charge of that animal prohibit or restrict the movement of that animal from the premises described in the notice.

(2) Where there is in force under this regulation a notice the conditions of which allow movement of any animal from premises under the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such further conditions as he considers necessary.

(3) Where an animal is being moved under the authority of a licence issued under this regulation the person in charge of the animal being moved shall carry the licence during the authorised movement and shall –

(a) on demand made by an inspector, produce the licence and allow a copy to be taken; and

(b) also, on demand, give his name and address.

**Slaughter of animals**

**29B.**—(1) Where an inspector is satisfied that he has reasonable grounds for supposing that any TSE susceptible animal has –

(a) been fed mammalian meat and bone meal or mammalian protein in breach of these Regulations; or

(b) had access to mammalian meat and bone meal or mammalian protein which is prohibited to be fed to it under these Regulations,

he may serve a notice on the owner or person in charge of the animal.

(2) A notice served on any person under paragraph (1) shall require him –

(a) to slaughter and dispose of the animal to which it relates within 28 days of the date of the notice and in such manner as the notice provides; or

(b) to keep the animal in such manner as the notice provides.

(3) A notice served on any person under paragraph (1) shall specify that he may, within 21 days of the date of the notice, make representations to the Department as to the requirements of that notice.

(4) After considering any representations received in accordance with paragraph (3), the Department shall withdraw, modify or confirm the notice.

(5) If any person on whom a notice is served under paragraph (1) 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 at the expense of the person on whom the notice is served.

**Compensation for slaughtered animals**

**29C.**—(1) Subject to paragraph (7), where an animal is slaughtered under regulation 29B the Department may pay compensation to the owner of the animal if it considers it appropriate in all the circumstances and shall –

(a) notify the owner of the animal whether such compensation will be payable; and

(b) if not so payable, notify that person that he may, within 21 days of the date of the notification, make representations to the Department about the payment of such compensation.

(2) In considering whether to pay compensation for any animal to a person under paragraph (1) the Department shall have regard, in particular, to whether the owner of the animal or the person in charge of it –

(a) kept records of the source and derivation of the material which the animal had been fed or had access to; and

(b) made reasonable enquiries as to the composition of such material.

(3) After considering any representations relating to a notice received pursuant to paragraph (1)(b) the Department shall either withdraw or confirm the notice.

(4) Where the Department confirms under paragraph (3) that compensation shall be payable for any animal, the compensation shall be an amount equal to the market value of the animal determined in accordance with paragraph (5).

(5) The market value of the animal shall be determined –

(a) by agreement between the Department and the owner of the animal and such agreement shall be final and binding on the Department and the owner;

(b) if the owner and the Department fail to reach such agreement, by an independent valuer selected by the owner from a list of at least three such independent valuers submitted by the Department to the owner; or

(c) if the owner refuses or neglects to select an independent valuer in accordance with sub-paragraph (b) by an independent valuer selected by the Department.

(6) An independent valuer selected in accordance with paragraph (5)(b) or (c) shall give to the Department and the owner a certificate in writing of his valuation and such valuation shall be final and binding on the Department and the owner.

(7) Where an animal was certified by a veterinary surgeon before slaughter as –

(a) requiring slaughter for emergency reasons relating to the welfare of the animal; and

(b) having no market value as a consequence,

there shall be no compensation payable for the animal.