STATUTORY RULES OF NORTHERN IRELAND

# 2001 No. 292

# EUROPEAN COMMUNITIES
# ANIMAL HEALTH

## Bovine Spongiform Encephalopathy Monitoring Regulations (Northern Ireland) 2001

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| *Made - - - -* | *30th July 2001* |
| *Coming into operation* | *27th August 2001* |

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 Bovine Spongiform Encephalopathy Monitoring Regulations (Northern Ireland) 2001 and shall come into operation on 27th August 2001.

### Interpretation

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

(2) In these Regulations—

"bovine animal" includes buffalo of the species *Bubalus bubalis* and *Bison bison*;

"the Department" means the Department of Agriculture and Rural Development;

"the Divisional Veterinary Officer" means a Divisional Veterinary Officer of the Department;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Department, including a veterinary inspector;

"a notifiable bovine animal" means a bovine animal over 24 months of age which—

(a) dies on any farm or in transport; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(b) has been killed otherwise than for human consumption;

"premises" means any place (including any structure or vehicle) in which bovine animals may be bred, handled, held, kept, marketed or shown to the public, and includes any such place occupied as a private dwelling; and

"veterinary inspector" means any person appointed as a veterinary inspector by the Department.

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in Article 6 and Annex III, Chapter A, Section 1, paragraph 3 of Regulation (EC) No. 999/2001 of 22nd May 2001(**4**) laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as amended by Commission Regulation (EC) No. 1248/2001 of 22nd June 2001(**5**) have the same meaning in these Regulations as they have for the purposes of the Regulations in which they appear.

(3) Any person appointed by the Department to be an inspector for the purposes of the Diseases of Animals (Northern Ireland) Order 1981(**6**) shall be deemed to have been appointed by the Department to be an inspector for the purposes of these Regulations.

**Requirements relating to bovine animals over 24 months of age**

**3.**—(1) A person who has in his possession or under his charge a notifiable bovine animal which dies, or the carcase of a notifiable bovine animal, shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcase comes into his possession or charge, notify the fact to the Divisional Veterinary Officer.

(2) Any veterinary surgeon or other person who, in the course of his duties—

(a) examines or inspects any notifiable bovine animal which dies during the course of those duties; or

(b) examines or inspects the carcase of any notifiable bovine animal,

shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify the fact to the Divisional Veterinary Officer.

(3) A person who has in his possession or under his charge on any premises a notifiable bovine animal which dies, or the carcase of a notifiable bovine animal, shall detain it on the premises until it has been collected by or on behalf of the Department.

**Powers of entry, examination, search and sampling etc.**

**4.**—(1) An inspector shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises including any part of any premises occupied as a private dwelling—

(a) for the purpose of ascertaining whether any notifiable bovine animal is being or has been kept on the premises;

(b) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations.

(2) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (1) and that either—

(**4**) O.J. No. L147, 31.5.2001, p. 5 and 16
(**5**) O.J. No. L173, 27.6.2001, p. 12
(**6**) S.I. 1981/1115 (N.I. 22)