STATUTORY RULES OF NORTHERN IRELAND

1999 No. 323

ANIMALS
ANIMAL HEALTH

Bovine Spongiform Encephalopathy (Feedingstuffs and Surveillance) Regulations (Northern Ireland) 1999

Made - - - -	*9th July 1999*
Coming into operation	*3rd September 1999*

The Department of Agriculture, 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 (Feedingstuffs and Surveillance) Regulations (Northern Ireland) 1999 and shall come into operation on 3rd September 1999.

Interpretation

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

(2) In these Regulations—

"authorised officer" means an inspector appointed by the Department for the purposes of the Diseases of Animals (Northern Ireland) Order 1981 and any other officer of the Department authorised by it to exercise functions under these Regulations;

"the Commission Decision" means Commission Decision 98/272/EEC(**4**) on epidemio-surveillance for transmissible spongiform encephalopathies;

"the Department" means the Department of Agriculture for Northern Ireland;

"the disease" means bovine spongiform encephalopathy;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)
(**3**) 1954 c. 33 (N.I.)
(**4**) O.J. No. L122, 24.4.98, p. 59

"feeding stuff" has the meaning assigned to it by section 66(1) of the Agriculture Act 1970(**5**);

"Official Elisa test" means the test required to be carried out in accordance with Commission Decision 94/474/EEC concerning certain protection measures relating to bovine spongiform encephalopathy as amended by Commission Decision 95/287/EEC(**6**);

"premises" includes any structure or vehicle and premises occupied as or contiguous with a dwelling; and

"protein" means any proteinaceous material derived from a carcase, except—

(a) any milk product;

(b) dicalcium phosphate derived from bones;

(c) dried plasma or any other blood product;

(d) gelatin; or

(e) amino acids produced from hides and skins by a process which involves exposure of the material to acid of a pH lower than 2 followed by alkali of a pH greater than 11 and heat treatment at a minimum of 140 161 C for 30 minutes at a pressure of 3 bar.

(3) Other expressions in these Regulations which are also used in the Commission Decision have the same meaning as in that Decision.

(4) These Regulations are without prejudice to the powers conferred by or under the Diseases of Animals (Northern Ireland) Order 1981 on inspectors appointed by the Department for the purposes of that Order.

Powers of authorised officers in relation to samples

3.—(1) An authorised officer shall, on producing, if required to do so, a duly authenticated document showing his authority, have the right to enter at any reasonable time any premises and there take such samples from any material found on the premises as are necessary to allow the carrying out of the Official Elisa tests on those samples to determine whether that material consists of or contains ruminant protein.

(2) An authorised officer may send any sample taken in accordance with paragraph (1) for laboratory testing.

(3) An authorised officer entering any premises in accordance with paragraph (1) may take with him such other persons acting under his instructions as he considers necessary for the purposes of this regulation.

Investigation of the disease in bovine animals

4.—(1) When carrying out an investigation of the disease as part of a programme of monitoring by the Department under Article 4(1) of the Commission Decision, an authorised officer may—

(a) inspect and examine any bovine animal or the carcase of any bovine animal on any premises;

(b) make such tests in relation to, and take such samples from, any bovine animal or the carcase of any bovine animal on any premises as he may consider necessary for the purpose of diagnosis or research in relation to the disease;

(c) mark for identification purposes any bovine animal or the carcase of any bovine animal on any premises; and

(**5**) 1970 c. 40; the definition of feeding stuff in section 66 was substituted by regulation 20 of the Feeding Stuffs Regulations (Northern Ireland) 1995 (S.R. 1995 No. 451); and regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition

(**6**) O.J. No. L194, 29.7.94, p. 96 as amended by Commission Decision 95/287/EEC (O.J. No. L181, 1.8.95, p. 40)