STATUTORY RULES OF NORTHERN IRELAND

1999 No. 322

ANIMALS

Bovine Spongiform Encephalopathy Order (Northern Ireland) 1999

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

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 18(7), 19(b), (e), (f), (i) and (k), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**1**) and of every other power enabling it in that behalf, hereby makes the following Order:

PART I

Introductory

Citation and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1999 and shall come into operation on 3rd September 1999.

Interpretation

2. In this Order—

"affected" in relation to any animal, means affected with the disease;

"animal" means a bull, cow, steer, heifer or calf;

"carcase" means the carcase of an animal including its intestinal contents;

"cull cows" means adult female animals which have had one or more calves and which are being sold for immediate slaughter;

"the disease" means bovine spongiform encephalopathy;

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

"exposed" in relation to any animal means exposed in any way to the infection of the disease;

(**1**) S.I.1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art.17 and S.I. 1994/1891 (N.I. 6) Arts. 19, 20 and 23

"feedingstuff" has the meaning assigned to it by section 66(1) of the Agriculture Act 1970(**2**);

"fertiliser" has the meaning assigned to it by the Agriculture Act 1970;

"livestock" means any creature kept for the production of food, wool, skin or fur or (excluding a dog) for use in the farming of land;

"mammalian meat and bone meal" means—

(a) mammalian protein (including greaves) derived from the whole or part of any dead mammal by—

(i) the process of rendering, or

(ii) in the case of an imported product, by an equivalent process; or

(b) any material derived from such protein;

"MBM product" means any product containing mammalian meat and bone meal;

"market" means a market place, sale yard or other premises or place in or upon which animals are exhibited for the purpose of public sale;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981;

"premises" means all contiguous land and buildings occupied by a person together with other land or buildings occupied by that person which use equipment in common with the contiguous land;

"production" includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

"protein" means any protein material which is derived from the carcase of any kind of mammal except man but does not include—

(a) milk or any milk product;

(b) dicalcium bone phosphate;

(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 pH lower than 2 followed by alkali of pH greater than 11 and heat treatment at a minimum 140 161 C for 30 minutes at a pressure of 3 bar;

"rendering" has the same meaning as in the Specified Risk Material Regulations (Northern Ireland) 1997(**3**);

"research establishment" means an establishment carrying out research into the disease;

"return" means a document furnished to the Department by the person or persons operating a market at a place listed in Article 16 which shows for a week ending on a Saturday the number of—

(a) commercial grade cows and in-calf heifers both of which are intended for use in the production of milk sold at that market and the total sale price for such animals in that week at that market; and

(b) cull cows for slaughter sold at that market and the total sale price for such animals in that week at that market;

"securely packaged" in relation to any material means that the material is contained in a sealed bag or other container from which no part of it can escape, and which is made of such a material

(**2**) 1970 c. 40. Section 66 as substituted by regulation 20 of the Feeding Stuffs Regulations (Northern Ireland) 1995 (S.R. 1995 No. 451); regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition

(**3**) S.R. 1997 No. 552

and in such a manner that any damage which may forseeably be sustained in normal handling and storage operations would not permit the escape of any material from that bag or container;

"sell" includes have in possession for sale or offer or expose for sale;

"slaughter-house" means any building, premises or place including a knackers yard used in connection with the business of killing animals; and

"suspected" in relation to any animal means suspected of being affected.

Extension of definitions of animals and poultry

3. For the purposes of the 1981 Order in its application to this Order—

(a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man; and

(ii) any kind of four-footed beast which is not a mammal; and

(b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any species.

PART II

Existence of the Disease

Notification of disease in animals

4.—(1) A person who has in his possession or under his charge an affected or a suspected animal, or the carcase of such an animal, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal or carcase shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer for the area in which the animal or carcase is kept or any member of the Royal Ulster Constabulary.

(2) A person who has in his possession or under his charge on any premises an affected or a suspected animal, or the carcase of such an animal, shall detain it on the premises until it has been examined by a veterinary inspector.

(3) The owner or occupier of premises on which an affected or suspected animal is or has been kept and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on such premises, shall if so required by an inspector give such information as he possesses as to—

(a) any animal or carcase which is or has been on such premises;

(b) any other animal or carcase with which any animal or carcase which is or has been on such premises may have come into contact; and

(c) the location and movement of any animal or carcase which is or has been in his possession or charge.

(4) The Department may mark for identification purposes any animal or carcase on premises on which an affected or suspected animal is kept.

(5) Subject to paragraph (8), a person who, in the course of a laboratory examination of a sample of an animal or a carcase suspects the presence of the disease in that sample shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer.

(6) Where a notice has been given under paragraph (5) in respect of any sample, a person shall not remove—

(a) that sample from the laboratory in which it was examined for the presence of disease; or

(b) any animal or carcase from which it was taken from the place where it is kept, except under and in accordance with a licence granted by the Department.

(7) A person shall, if so required by the Department, supply it with such samples as it may specify of any carcases to which a notice given under paragraph (5) relates.

(8) Paragraph (5) shall not apply in relation to any sample—

(a) into which disease was deliberately introduced for research purposes; or

(b) taken from a carcase or animal into which disease was so introduced.

Veterinary enquiry as to existence of disease

5.—(1) If an inspector, on reasonable grounds, suspects that the disease exists or has at any time existed on any premises he shall, with all practicable speed, conduct any enquiry and take such further steps as may be necessary to establish the correctness of that suspicion.

(2) For the purposes of an enquiry conducted under paragraph (1) an inspector may, without prejudice to the generality of that paragraph or to his powers under Article 4—

(a) examine any animal or carcase on any premises; and

(b) carry out such tests on or take such samples from, any animal or carcase on any premises, as he may consider necessary for the purpose of diagnosis.

(3) The occupier of the premises on which an enquiry is conducted or any other steps taken by an inspector under paragraph (1), the employees of that occupier, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall provide such reasonable facilities for, and comply with such reasonable requirements of, the inspector as are necessary for the purposes of any such enquiry or further steps.

Affected or suspected and exposed animals

6.—(1) Where, in the opinion of the Department, there is an affected or suspected animal, or the carcase of such an animal, on any premises it may serve a notice in the form set out in Schedule 1, on the owner or person in charge of that animal or carcase.

(2) Where, in the opinion of the Department, there is an exposed animal or the carcase of such an animal, on any premises, it may serve a notice in the form set out in Schedule 2 on the owner or person in charge of that animal or carcase.

(3) Where a notice has been served on any person under paragraph (1) or (2), the requirements and prohibitions set out therein shall have effect and it shall be the duty of that person to ensure that they are complied with.

(4) Subject to paragraphs (5) and (7), a notice served under paragraph (1) or (2) shall remain in force for a period of 28 days beginning on and including the day on which it is served.

(5) The Department may, from time to time, in accordance with paragraph (6) renew or further renew, any notice served under paragraph (1) or (2) for, on each such occasion, a period of 28 days beginning on and including the day after that notice would otherwise have expired.

(6) A notice served on a person under paragraph (1) or (2) shall be renewed, or further renewed, by a notice in writing served on that person before the date on which the notice which it renews, or further renews, would otherwise have expired.

(7) A notice served on a person under paragraph (1) or (2) may be withdrawn at any time by a notice in the form set out in Schedule 3 served on that person.

Restrictions on the movement of other bovine animals

7.—(1) If the Department has reasonable grounds for supposing that—

(a) the movement from any premises of any bovine animal (other than an affected, suspected or exposed animal) may give rise to the risk of the spread of the disease; or

(b) any bovine animal on any premises may have been exposed to the disease through the agency of any feedingstuff,

it may, by notice in writing served on the owner or person in charge of the animal, prohibit the movement of the animal off the premises, except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) A notice served under paragraph (1) shall continue in force until withdrawn by a further notice in writing served by the Department on the owner or person in charge of the animal to which that notice relates.

Carcases of affected, suspected or exposed animals

8.—(1) A person shall not remove the carcase of an affected, suspected or exposed animal from the premises where it died or was slaughtered except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) The carcase of an affected or suspected animal shall be buried or burnt.

Cleansing and disinfection

9.—(1) The Department may serve on the owner or occupier of any premises on which there is or has within 56 days been an affected, suspected or exposed animal or the carcase of such an animal, a notice requiring him to cleanse and disinfect, at his own expense, and in such manner and within such period as may be specified in the notice—

(a) all or any part of the premises; and

(b) any equipment, appliance, utensil or other thing used in connection with any such animal or carcase.

(2) Where any person on whom the notice served under paragraph (1) fails to comply with the requirements thereof the Department may, without prejudice to any proceedings for an offence arising out of such default, carry out or cause to be carried out such cleansing and disinfection as is required in the notice.

PART III

Controls on Protein Etc.

Milk from affected or suspected animals

10.—(1) Subject to paragraph (3) a person shall not knowingly—

(a) sell or supply for feeding to animals or poultry; or

(b) use in the manufacture of any product for sale or supply for feeding to animals or poultry,

any milk which he knows or has reason to suspect has been produced by an affected or a suspected animal.

(2) Subject to paragraph (3), a person shall not feed to any animal or poultry any milk which he knows or has reason to suspect has been produced by an affected or suspected animal.