STATUTORY RULES OF NORTHERN IRELAND

1996 No. 362

ANIMALS

Bovine Spongiform Encephalopathy (Amendment) Order (Northern Ireland) 1996

Made - - - -	*2nd August 1996*
Coming into operation	*5th August 1996*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 10(6), 18(7), 19(*e*), (*f*) and (*k*), 44 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:

Citation and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (Amendment) Order (Northern Ireland) 1996 and shall come into operation on 5th August 1996.

Amendment of the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995

2.—(1) The Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995(**2**) shall be amended as provided in this Article.

(2) In Article 2 (interpretation)—

(a) after the definition of "Divisional Veterinary Officer" there shall be inserted the following definitions:

> ""MBM product" means any product containing mammalian meat and bone meal;
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> "mammalian meat and bone meal" means mammalian protein derived from the whole or part of any dead mammal by rendering;";

(b) for the definition of "premises" there shall be substituted the following definition:

> ""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;".

(c) after the definition of "return" there shall be inserted the following definition:

(**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
(**2**) S.R. 1995 No. 274

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

(3) For Article 10(1) (cleansing and disinfection) there shall be substituted the following paragraph—

"**10.**—(1) The Department may serve on the owner or occupier of any premises, or on the owner or operator of any vehicle or equipment, on or in which there is, or has within 56 days been an affected or a suspected animal or the carcase of such an animal or any mammalian meat and bone meal or any MBM product, 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 or vehicle; and

(b) any equipment, appliance, utensil or other thing used in connection with any such animal or carcase or mammalian meat and bone meal or MBM product.".

(4) After Article 10(2) there shall be inserted the following paragraphs—

"(3) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertilizer that is not for use on agricultural land within the meaning of the Fertilizers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1996(**3**).

(4) Any person who stores or transports mammalian meat and bone meal or an MBM product, or who makes any arrangement for such storage or transport shall ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for such storage or transport as soon as possible after the storage or transport ceases and in any event before they are used for any other purpose.

(5) It shall be a defence for any person charged with an offence under paragraph (4) to prove that at all material times the mammalian meat and bone meal or MBM product that was stored or transported, as the case may be, was securely packaged and that no leakage or spillage took place.

(6) It shall be a defence for any person charged with an offence under paragraph (4) in connection with any arrangement made by him for the storage or transport of mammalian meat and bone meal or an MBM product, to show that he took all reasonable steps to ensure that the premises, equipment or vehicle used for such storage or transport were thoroughly cleaned and disinfected in accordance with that paragraph.".

(**3**) S.R. 1996 No. 165