1995 No. 274

ANIMALS

Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995

Made	*3rd July 1995*
Coming into operation . .	*1st August 1995*

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(**a**) 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 Order (Northern Ireland) 1995 and shall come into operation on 1st August 1995.

Interpretation

2. In this Order—

"affected animal" means a bovine animal which is affected with the disease;

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

"carcase" means the carcase of a bovine animal and includes part of a carcase, and the meat, blood, bones, hair, hide, horn, hooves, offal or other part of a bovine animal, separately or otherwise, or any portion thereof and the intestinal contents of a bovine animal;

"cull cows" means adult female bovine 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;

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

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

"premises" includes land;

(a) 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

''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 14 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;

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

''suspected animal'' means a bovine animal which is suspected of being affected with the disease.

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.

Notification of disease in bovine 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 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 bovine 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 a carcase suspects the presence of the disease in that sample shall, with all practicable speed, give notice of the fact in accordance with paragraph (1).

(6) A person shall not remove the sample and the remainder of the carcase in respect of which notice has been given under paragraph (5) from the laboratory where they were examined except under the authority of a licence issued by the Department and in accordance with any conditions subject to which the licence is issued.

(7) A person shall, if so required by the Department, supply it with any samples of carcases in respect of which notice has been given under paragraph (5).

(8) Paragraph (5) shall not apply to any bovine spongiform encephalopathy which has been deliberately introduced into an animal, a carcase, or a sample in a laboratory.

Veterinary enquiry as to existence of disease

5.—(1) If an inspector, on reasonable grounds, suspects that the disease exists or has within 56 days 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 bovine animal or carcase on any premises; and

(*b*) make such tests on or take such samples from, any bovine 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 animals

6.—(1) The Department may serve a notice in the form prescribed in Schedule 1 on the owner or person in charge of an affected or suspected animal and upon service of such notice the requirements contained within it shall have effect.

(2) Subject to paragraph (3), a notice in the form prescribed in Schedule 1 shall remain in force for a period of 28 days from the date specified in the

notice unless renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice in writing served by the Department on the owner or person in charge of such animal before or on the day on which the notice in the form prescribed in Schedule 1 was due to expire, and any notice which has been so renewed may be further renewed from time to time by the Department in a similar manner and for a similar period.

(3) A notice in the form prescribed in Schedule 1 may at any time be withdrawn by a notice in the form prescribed in Schedule 2 served by the Department on the owner or person in charge of the animal to which the notice in the form prescribed in Schedule 1 relates.

(4) The Department may seize and detain an affected or suspected animal which has been exposed, carried, kept or otherwise dealt with in contravention of the requirements of a notice under this Article.

Milk from affected or suspected animals

7.—(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.

(3) The prohibitions in paragraphs (1) and (2) shall not apply—

(*a*) to the feeding to its own calf of any milk produced by a cow; or

(*b*) (i) to the sale or supply for feeding for research purposes in a research establishment to animals or poultry of any milk; or

(ii) to the feeding to an animal or poultry of any milk, for research purposes in a research establishment,

under the authority of and in accordance with the conditions of a licence granted by the Department.

(4) A person shall not remove any milk, which he knows or has reason to suspect has come from an affected or suspected animal, from the premises on which that animal was milked except under the authority of and in accordance with the conditions of a licence granted by the Department.

Restrictions on the movement of other bovine animals

8.—(1) If the Department has reasonable grounds for supposing that the movement of any bovine animal, other than an affected or suspected animal, from any premises may give rise to the risk of the spread of disease 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 or suspected animals

9.—(1) A person shall not remove the carcase of an affected or suspected 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

10.—(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 or a suspected 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 prescribed in 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.

Production of licences

11. Where an animal, carcase or any milk from an affected or suspected animal is being moved under the authority of a licence granted under this Order the person in charge of the animal, carcase or milk being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a constable produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Notice of intended slaughter

12. Where the Department proposes to cause a bovine animal to be slaughtered in accordance with paragraph 10A of Part I of Schedule 2 to the 1981 Order(**a**), it shall serve a notice of intended slaughter in writing on the owner or person in charge of the bovine animal.

(a) As modified by S.R. 1990 No. 135