

---

## STATUTORY RULES OF NORTHERN IRELAND

---

**2018 No. 213**

### **ANIMAL HEALTH**

#### **The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018**

*Made* - - - - *13th December 2018*

*Coming into operation* *3rd January 2019*

The Department of Agriculture, Environment and Rural Affairs <sup>F1</sup> under the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972 <sup>F2</sup> makes the following Regulations.

It is designated <sup>F3</sup> for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

It has carried out the consultation required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>F4</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for references to EU instruments referred to in Schedule 1 to be construed as references to those instruments as amended from time to time.

**F1** Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 c.5 (N.I.).

**F2** 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of the European Union (Amendment) Act 2008 (c.7)

**F3** S.I. 1999/2027

**F4** O.J. No. L 31, 1.2.2002, p. 1, as last amended by Commission Regulation (EU) No. 2017/228 (O.J. No. L 35, 10.2.2017, p. 10)

## PART I

### GENERAL PROVISIONS

#### Citation and commencement

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018 and come into operation on 3rd January 2019.

#### Interpretation

2.—(1) In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the same meaning as in the Cattle Passport Regulations (Northern Ireland) 1999<sup>F5</sup>;

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC<sup>F6</sup>;

“cutting plant” (except in Schedule 7, paragraph 9(3)(b)(iii)) has the meaning given to it in paragraph 1(17) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

(a) approved or conditionally approved as such by the Food Standards Agency<sup>F7</sup> under [F8Article 148(3) of Regulation (EU) 2017/625] ; or

(b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“EU TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>F9</sup>, as read with—

(a) Commission Decision 2007/411/EC;

(b) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk<sup>F10</sup>; and

(c) Commission Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes<sup>F11</sup>;

“inspector” means an inspector appointed under regulation 13, and includes a veterinary inspector;

“keeper” in relation to an animal means any natural or legal person responsible for that animal whether on a permanent or temporary basis including during transportation or at a market;

“market value” means—

(a) in the case of a bovine animal, the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not required to be killed under Schedule 3; and

- (b) in the case of an ovine or caprine animal, the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not from a flock or herd affected by a TSE;

“official document” must be construed in accordance with regulation 7(1);

“offal” has the meaning given to it in point 1(11) of Annex I to Regulation (EC) No. 853/2004;

“premises” includes—

- (a) domestic premises if they are being used for any purpose in connection with the EU TSE Regulation or these Regulations;
- (b) land and outbuildings;
- (c) a slaughterhouse;
- (d) a place that is, for the purposes of point 4(1)(a) of Annex V, another place of slaughter; and
- (e) any vehicle, container or structure (moveable or otherwise);

“Regulation (EC) No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>F12</sup>, as read with—

- (a) Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC<sup>F13</sup>;
- (b) Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs<sup>F14</sup>; and
- (c) Commission Regulation (EC) No. 2074/2005 laying down implementation measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004<sup>F15</sup>;

[<sup>F16</sup>“Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;]

“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption as implemented by Commission Regulation EU No. 142/2011<sup>F17</sup>;

“restriction” includes any prohibition under these Regulations;

“slaughterhouse” has the meaning given to it in point 1(16) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is approved or conditionally approved as such by the Food Standards Agency under [<sup>F18</sup>Article 148(3) of Regulation (EU) 2017/625] ;

“specified risk material” has the meaning given to it in Article 3(1)(g);

“third country” means any country which is not a member State of the EU;

“TSE” means transmissible spongiform encephalopathy; and

“veterinary inspector” means a person appointed by the Department as a veterinary inspector.

(2) Expressions that are not defined in these Regulations and occur in the EU TSE Regulation have the same meaning in these Regulations as they have for the purposes of the EU TSE Regulation, and references in these Regulations to Articles or Annexes are to Articles or Annexes of the EU TSE Regulation.

(3) References in these Regulations to the following EU instruments—

(a) The EU TSE Regulation;

(b) Regulation (EC) No. 853/2004;

<sup>F19</sup>(c) . . . . .

(d) Commission Decision 2007/411/EC;

(e) Commission Decision 2007/453/EC;

(f) Commission Decision 2009/719/EC;

(g) Regulation (EC) No. 1069/2009; and

(h) Commission Regulation (EU) No. 142/2011 <sup>F20</sup>;

are references to those EU instruments as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954 <sup>F21</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**F5** S.R. 1999 No. 324 as last amended by S.R. 2012 No. 416

**F6** O.J. No. L 155, 15.6.2007, p. 74

**F7** Established by the Food Standards Act 1999 c. 28

**F8** Words in reg. 2 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, 23(2)(a)

**F9** O.J. No. L 147, 31.5.2001, p. 1, as last amended by Commission Regulation (EU) No. 2018/969 (O.J. No. L 174, 10.7.2018, p. 12)

**F10** O.J. No. L 172, 30.6.2007, p. 84, as last amended by Commission Implementing Decision (EU) No. 2017/1396 (O.J. No. L 197, 28.7.2017, p. 9)

**F11** O.J. No. L 256, 29.9.2009, p. 35, as last amended by Commission Implementing Decision (EU) No. 2016/851 (O.J. No. L 141, 28.5.2016, p. 131)

**F12** O.J. No. L 139, 30.04.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p. 22) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p. 26). Regulation (EC) No. 853/2004 is last amended by Commission Regulation (EU) No. 2017/1981 (O.J. No. L 285, 1.11.2017, p. 10)

**F13** O.J. No. L 157, 30.4.2004, p. 33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (O.J. No. L 195, 2.6.2004, p. 12)

**F14** O.J. No. L 271, 15.10.2005, p. 17, as last amended by Commission Implementing Regulation (EU) No. 1223/2011 (O.J. No. L 314, 29.11.2011, p. 12)

**F15** O.J. No. L 338, 22.12.2005, p. 27, as last amended by Commission Regulation (EU) No 2017/1973 (O.J. No. L 281, 31.10.2017, p. 21)

**F16** Words in reg. 2 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, 23(2)(c)

**F17** O.J. No. L 300, 14.11.2009, p. 1, as last amended by Council Regulation (EU) No. 1385/2013 (O.J. No. L 354, 28.12.2013, p. 86)

**F18** Words in reg. 2 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, 23(2)(b)

**F19** Reg. 2(3)(c) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019 (S.R. 2019/227), regs. 1, 23(2)(d)

**F20** O.J. No. L 54, 26.2.2011, p. 1, as last amended by Commission Regulation (EU) No. 2017/1262 (O.J. No. L 182, 13.7.2017, p. 34)

**F21** [1954 c.33 \(N.I.\)](#)

### Appointment of competent authority

3. The Department is the competent authority for the purposes of the EU TSE Regulation except as otherwise specified in these Regulations.

### Exception for research

4.—(1) The provisions of Schedules 2 to 8 do not apply in relation to an animal, a carcase or a sample kept for the purposes of research in premises approved for that purpose under this regulation by the Department.

(2) If a bovine, ovine or caprine animal, kept in approved research premises under this regulation or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation [\(EC\) No. 1069/2009](#) and failure to do so is an offence.

## PART II

### TSE CONTROLS

#### TSE requirements

5.—(1) For the purposes of Article 11, any person who has in their possession or under their control any animal suspected of being infected with a TSE must immediately notify the Department and detain it on such premises as the Department may specify until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Department.

(3) Any person who examines the carcase of an animal in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Department and retain the carcase until a veterinary inspector has authorised disposal.

(4) Any person must comply with the TSE requirements identified in Schedule 1, and—

- (a) any instructions given by an inspector and co-operate with the Department in delivering the TSE monitoring requirements as set out in Annex III;
- (b) any instructions given by an inspector and co-operate with the Department in taking action to control and eradicate TSE as set out in Annex VII;
- (c) the requirements in Annex IV for the production, use of equipment, packaging, storage and transport of animal feed;
- (d) Annex IV animal feeding requirements;
- (e) the prohibitions concerning animal feeding contained in Article 7, unless the animal feed products are produced using production and manufacturing processes approved by the EU Commission;
- (f) with the requirements for dealing with specified risk material contained in Article 8 and Annex V and Schedule 7;
- (g) the restrictions set down in Schedule 8; and