1988 No. 422

ANIMALS

Bovine Spongiform Encephalopathy Order (Northern Ireland) 1988

Made . . . . . *28th November 1988*

Coming into operation . . *29th November 1988*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 10(6), 18(7), 19, 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) 1988 and shall come into operation on 29th November 1988.

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;

"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;

"premises" includes land;

"relevant bovine animals" means commercial grade cows and in-calf heifers both of which are intended for use in the production of milk;

"return" means a document furnished to the Department by the person or persons operating a market at a place listed in Article 11 which shows for a week ending on a Saturday the number of relevant bovine

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17

animals 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.

Notification of disease in bovine animals

3.—(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.

Affected or suspected animals

4.—(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 an order of the Department.

Restrictions on the movement of other bovine animals

5.—(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 issued 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

6.—(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

7.—(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

8. Where an animal is being moved under the authority of a licence issued under this Order the person in charge of the animal 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

9. 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 Diseases of Animals (Northern Ireland) Order 1981, it shall serve a notice of intended slaughter in writing on the owner or person in charge of the bovine animal.

Valuation of bovine animals slaughtered

10.—(1) The market value of a bovine animal which has been or is liable to be slaughtered in accordance with paragraph 10A of Part I of Schedule 2 to the Disease of Animals (Northern Ireland) Order 1981 shall be determined in accordance with the following provisions—

(*a*) by agreement between an inspector and the owner of the bovine animal and such agreement shall be final and binding on the Department and the owner;

(*b*) if the owner and inspector cannot agree, or fail to reach such agreement, by an independent valuer paid by the Department and selected by the owner from a list of at least 3 such independent valuers submitted by the Department to the owner; or

(*c*) if the owner refuses or neglects to select an independent valuer in accordance with sub-paragraph (*b*), by an independent valuer selected by the Department.

(2) An independent valuer selected in accordance with paragraph (1)(*b*) or (*c*) shall give to the Department and the owner a certificate in writing of his valuation and such valuation shall be final and binding on the Department and the owner.

Returns from market operators

11. Persons operating markets in bovine animals at the places listed below are required to furnish returns to the Department within 7 days from the end of the week to which such returns relate:

Ballyclare: 2 Doagh Road, Ballyclare, Co. Antrim BT39 9BG;

Belfast: 56 Oxford Street, Belfast BT1 3LU;

Cookstown: 24 James Street, Cookstown, Co. Tyrone BT80 8LW;

Enniskillen: Fairgreen, Enniskillen, Co. Fermanagh;

Markethill: 6 The Square, Markethill, Co. Armagh BT61 9AW.

Sealed with the Official Seal of the Department of Agriculture on 28th November 1988.

(L.S.) *S. R. Armstrong*
Assistant Secretary