STATUTORY RULES OF NORTHERN IRELAND

1998 No. 163

AGRICULTURE

Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998

Made - - - -	*29th April 1998*
Coming into operation	*1st May 1998*

The Department of Agriculture, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998 and shall come into operation on 1st May 1998.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"additional mark" in relation to relevant goods means any mark which conforms to the design set out in Schedule 3 and in relation to eligible goods means any mark which conforms to the design set out in Schedule 4 and which in either case, cannot be confused with the Community health mark;

"bovine animal" includes any animal of the species *bubalis bubalis* and *bison bison*;

"controlled bovine by-product" means—

(a) an amino acid;

(b) a peptide;

(c) tallow;

(d) tallow products; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(e) a product derived by saponification, transesterification or from tallow produced in an establishment which meets the conditions for registration under regulation 4(2),

produced in the United Kingdom from any part of a bovine animal slaughtered in the United Kingdom and which is—

(i) liable to enter the human food chain or animal feed chain; or

(ii) destined for use in cosmetic, medical or pharmaceutical products;

"the Council Decision" means Council Decision 98/256/EC(**4**) concerning emergency measures to protect against bovine spongiform encephalopathy;

"the Department" means the Department of Agriculture;

"eligible animal" means any bovine animal slaughtered in Northern Ireland which satisfies the conditions set out in paragraphs 6 and 7 of Annex II to the Council Decision;

"eligible goods" means any fresh meat, minced meat, meat preparations or meat products where they were derived from eligible animals which originated in eligible herds;

"eligible herd" means a herd of bovine animals in Northern Ireland which satisfies the conditions set out in paragraphs 2 to 5 of Annex II to the Council Decision;

"the Great Britain Regulations" means the Bovines and Bovine Products (Trade) Regulations 1998(**5**);

"inspector" means any person appointed as such by the Department, any veterinary surgeon appointed under regulation 3(7)(*c*) or 8(*b*) or (*d*) or any veterinary inspector;

"member State" means any member State of the European Communities other than the United Kingdom;

"officer" means a person commissioned by the Commissioners of Customs and Excise;

"official seal" means a seal supplied by the Department;

"premises" includes any place, stall or moveable structure;

"prepare" in relation to any goods means the—

(a) manufacture;

(b) production;

(c) processing or treatment (in whatever manner);

(d) presentation, labelling or wrapping;

(e) storage;

(f) handling;

(g) loading or unloading; or

(h) transportation,

of any such goods;

"relevant goods" means—

(a) any fresh meat, minced meat, meat preparation or meat product;

(b) any other product of animal origin within the meaning of Council Directive 77/99/EEC(**6**);

(c) any food for domestic carnivores;

(**4**) O.J. No. L113, 15.4.98, p. 32
(**5**) S.I. 1998/1135
(**6**) O. J. No. L26, 31.1.77, p. 85

(d) any—

(i) gelatin, di-calcium phosphate, tallow, tallow products;

(ii) product derived from tallow by saponification, transesterification or hydrolysis; or

(iii) amino acid, peptide or collagen,

which is liable to enter the human food chain or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products,

obtained from a bovine animal which was not slaughtered in the United Kingdom;

"suspension notice" and "suspension order" shall be construed in accordance with regulation 15;

"third country" means any State which is not a member of the European Communities;

"vertebral column" includes any part thereof;

"XAP number" in relation to any establishment approved under regulation 8(2), means the number given to that establishment by an inspector for the purposes of that approval; and

"XAP relevant goods" means any relevant goods other than those described in paragraph (*d*) of the definition of "relevant goods" in this paragraph.

(3) In these Regulations—

(a) "fresh meat" has the same meaning as in Council Directive 64/433/EEC(**7**);

(b) "minced meat" and "meat preparations" have the same meaning as in Council Directive 94/65/EC(**8**); and

(c) "meat product" and "other products of animal origin" have the same meaning as in Council Directive 77/99/EEC.

(4) In these Regulations other expressions which are also used in Annex I to the Council Decision have the same meaning as in that Decision.

(5) Any reference in these Regulations to an instrument of the European Communities is a reference to that instrument as amended at the date of the coming into operation of these Regulations.

Prohibitions and restrictions on the despatch of live bovine animals and the products derived therefrom

3.—(1) Subject to paragraph (2), a person shall not despatch from Northern Ireland to a member State or a third country, bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) live bovine animal or bovine embryo;

(b) meat meal, bone meal or meat and bone meal derived from any mammal; or

(c) animal feed or fertilisers containing such material.

(2) Nothing in paragraph (1) shall prohibit—

(a) the despatch from Northern Ireland;

(b) the bringing to any place in Northern Ireland for the purposes of such despatch; or

(c) the consignment for the purposes of such despatch,

of any food for domestic carnivores by reason only that such food contains meat meal, bone meal or meat and bone meal derived from any mammal, provided that those materials originate outside the

(**7**) Directive 64/433/EEC has been amended and consolidated by Directive 91/497/EEC (O. J. No. L268, 24.9.91, p. 96)
(**8**) O. J. No. L368, 31.12.94, p. 10

United Kingdom and that each stage of the preparation of the food which takes place in the United Kingdom is carried out in accordance with the relevant provisions of these Regulations.

(3) Subject to paragraphs (4) and (7), a person shall not despatch from Northern Ireland to a member State or third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) meat derived from a bovine animal slaughtered in the United Kingdom;

(b) product obtained from a bovine animal slaughtered in the United Kingdom which is liable to enter the human food or animal feed chain;

(c) material derived from a bovine animal slaughtered in the United Kingdom which is destined for use in medical or pharmaceutical products.

(4) The prohibitions in paragraph (3) shall not apply in relation to any controlled bovine by-product where—

(a) it was produced in accordance with regulation 4(1); and

(b) on a label affixed to the by-product, or in documentation accompanying it, there is a clear indication of the establishment in which it was produced and its suitability for use for human food, animal feed, or cosmetic, medical or pharmaceutical products.

(5) A person shall not despatch from Northern Ireland to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch a controlled bovine by-product of any type produced in an establishment registered under regulation 4(2) unless—

(a) an inspection has been carried out of the system of official controls established in relation to those premises for the purposes of Article 4(5) of the Council Decision; and

(b) in the case of any by-product referred to in paragraphs (*a*) to (*c*) of the definition of "controlled bovine by-product" in regulation 2(2)—

(i) it is accompanied by a health certificate issued by a veterinary inspector stating that it was produced in compliance with the conditions set out in Annex I to the Council Decision and attesting to the frequency of the official controls carried out in relation thereto; and

(ii) the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision for controlled bovine by-products of that type; and

(c) in the case of any by-product referred to in paragraphs (*a*) and (*c*) of the definition of "controlled bovine by-product" in regulation 2(2), the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision.

(6) A person shall not despatch from Northern Ireland to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any controlled bovine by-product referred to in Article 5 of the Council Decision unless, on a label affixed to the by-product, or in documentation accompanying it, there is a clear indication of the establishment in which it was produced and its unsuitability for use for human food, animal feed or cosmetic, medical or pharmaceutical products.

(7) The prohibitions in paragraph (3) shall not apply in relation to any eligible goods where—

(a) the eligible animals from which the goods have been derived were slaughtered in a slaughterhouse registered under regulation 7(1);

(b) each stage of the preparation of those goods which took place in the United Kingdom took place in an establishment in Northern Ireland approved by the Department under regulation 8(2) and in accordance with the requirements of that regulation;

(c) each stage of the preparation of those goods which took place in Northern Ireland took place under the control of a veterinary surgeon appointed for the purpose by the Department;

(d) in the case of fresh meat, they are accompanied by a health certificate issued by the veterinary surgeon in control of their production which—

(i) states that the goods comply with the conditions referred to in Articles 9 to 13 of the Council Decision;

(ii) identifies the establishments in which they were prepared; and

(iii) in the "Identification of Meat" section of the health certificate referred to in Annex IV to Council Directive 64/433/EEC, bears the words "produced in accordance with Council Decision 98/256/EC" and identifies all the labels affixed to the goods and their serial numbers;

(e) in the case of other goods, they are accompanied by a health certificate issued by the veterinary surgeon in control of their production which—

(i) states that the goods comply with the conditions referred to in Articles 9 to 13 of the Council Decision;

(ii) identifies the establishments in which they are were prepared; and

(iii) identifies all the labels affixed to the goods and their serial numbers;

(f) in the case of fresh meat, they are obtained in accordance with Article 6(2) of the Council Decision;

(g) in the case of minced meat, meat preparations and meat products, they are obtained in accordance with Article 6(3) of the Council Decision; and

(h) the goods are dispatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**9**).

(8) A person shall not despatch to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any relevant goods unless—

(a) each stage of the preparation of those goods which took place in the United Kingdom took place in an establishment approved—

(i) by the Department under regulation 8(2); or

(ii) in the case of a stage of preparation taking place in Great Britain, under regulation 7 of the Great Britain Regulations,

and in accordance with the requirements of those regulations;

(b) (except in the case of goods referred to in paragraph (*d*)(ii) of the definition of "relevant goods" in regulation 2(2)), each stage of the preparation of those goods which took place in the United Kingdom was under the control of a veterinary surgeon appointed for the purpose by the Department or, in the case of a stage of preparation taking place within Great Britain, by a Minister of the Crown;

(c) in the case of goods referred to in paragraph (*d*)(ii) of the definition of "relevant goods" in regulation 2(2), each stage of the preparation of those goods which took place in the United Kingdom was under the control of an inspector appointed by the Department or, in the case of a stage of production taking place within Great Britain, by a Minister of the Crown;

(d) in the case of XAP relevant goods, the goods are accompanied by a health certificate issued by a veterinary surgeon appointed by the Department or, in the case of goods prepared in Great Britain, by a Minister of the Crown—

(**9**) S.R. 1993 No. 304

(i) stating that they were prepared in one or more establishments approved by the Department under regulation 8(2) or by a Minister of the Crown under regulation 7 of the Great Britain regulations, as the case may be, and identifying all such establishments;

(ii) stating that, in respect of the goods, the conditions referred to in Articles 9 to 13 of the Council Decision have been complied with;

(iii) identifying all labels, and their serial numbers, which relate to the goods; and

(iv) in the case of fresh meat, stating that the identity of all labels, and their serial numbers, relating to the goods has been stated in the "Identification of Meat" section of the certificate referred to in Annex IV to Council Directive 64/433/EEC relating to the goods and that the words "produced in accordance with Council Decision 98/256/EC" have been added to that and any other health certificate accompanying the goods;

(e) in the case of fresh meat, the health marks on the goods have not been removed;

(f) in the case of any goods referred to in paragraph (*d*) of the definition of "relevant goods" in regulation 2(2), there is a clear indication either on a label fixed to the goods or on their packaging or in documentation accompanying the goods—

(i) of the identity of the establishment in which the goods were produced; and

(ii) that the goods are suitable for use in human food, animal feed, cosmetics or medical or pharmaceutical products; and

(g) the goods are dispatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993.

Production of controlled bovine by-products

4.—(1) A person shall not use any premises for the production of a controlled bovine by-product of any type unless he ensures that it is produced in an establishment registered by the Department under paragraph (2) for the production of by-products of that type.

(2) For the purposes of paragraph (1), the Department shall register an establishment in respect of such types of controlled bovine by-products as are specified in the registration if, and only if, following an inspection of that establishment by a veterinary inspector, it is satisfied that—

(a) any controlled bovine by-products of the type referred to in paragraphs (*a*) to (*c*) of the definition of that term in regulation 2(2) produced there are produced in accordance with the appropriate conditions specified in Annex I to the Council Decision; and

(b) any other controlled bovine by-products produced there are produced using tallow produced in establishments registered under this paragraph.

(3) An application for registration of any establishment under paragraph (2) shall be made in such a form and shall contain such information as the Department may require.

(4) A person shall not produce—

(a) a controlled bovine by-product except in accordance with any conditions specified in the Council Decision which apply to controlled bovine by-products of that type;

(b) any controlled bovine by-product where vertebral column derived from any bovine animal was used in the production; and

(c) any controlled bovine by-product referred to in paragraphs (*d*) and (*e*) of the definition of "controlled bovine by-products" in regulation 2(2), unless it is produced under the control of an inspector appointed by the Department.

(5) In the case of any controlled bovine by-products produced in an establishment registered under paragraph (2)—

(a) the identity of that establishment; and

(b) the method by which that by-product was produced,

shall be clearly indicated, either by means of a label affixed to the by-product on its packaging or in commercial documentation accompanying it.

(6) The operator of an establishment registered under paragraph (2) shall give the Department prior written notice of any material change in the identity of any of the suppliers of materials used by him in the production of controlled bovine by-products or of the facilities or processes used at that establishment in producing such by-products.

(7) The operator of an establishment registered under paragraph (2) shall ensure that—

(a) any person employed by him, or any person invited to the establishment, complies with the provisions of these Regulations relating to the registration of the establishment;

(b) at all stages of the preparation at the establishment of controlled bovine by-products of any type, the provisions of these Regulations relating to the preparation of by-products of that type are complied with; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations and that he is given such reasonable assistance and access to records as he may at any reasonable time require for the purpose.

(8) Where in relation to any establishment registered under paragraph (2)—

(a) the requirements of that paragraph are no longer satisfied; or

(b) the operator has failed to give any notice required of him under paragraph (6),

the Department may withdraw the registration relating to that establishment and, where it does so, it shall give notice to the operator of the fact and the reason for it.

Control of the consignment of bovine material

5.—(1) A person shall not produce any gelatin or collagen derived from a bovine animal slaughtered in the United Kingdom which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products.

(2) A person shall not consign any gelatin or collagen derived from a bovine animal slaughtered outside the United Kingdom, which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products, unless he ensures that it is produced in an establishment approved under regulation 8(2) for the preparation of relevant goods of that type.

(3) A person shall not consign from any place, or bring to any establishment registered under regulation 4(2), material derived from any part of a bovine animal which includes any part of the vertebral column of such animal unless he ensures that—

(a) any such material is contained in an impervious container which is clearly labelled to indicate that it contains bovine vertebral column; and

(b) any other material derived from any part of a bovine animal carried in the same consignment is contained in a separate impervious container which is clearly labelled as not containing bovine vertebral column.

(4) Where fresh meat is dispatched from a border inspection post, or an establishment, on the territory of a member State through Northern Ireland (whether to an establishment approved under regulation 8(2) or otherwise) that meat—

(a) shall be accompanied by a veterinary certificate issued by an official veterinarian or the certificate issued by the competent authority for that border inspection post (including the originals of such certificates); and

(b) shall be transported in an officially sealed vehicle, the seal of which has not been broken except for the purposes of an official inspection.

(5) Where any material referred to in paragraph (*d*) of the definition of "relevant goods" in regulation 2(2) or any other raw material used for the production of such material is dispatched from an establishment on the territory of a member State to an establishment approved under regulation 8(2) the identity of the establishment where that material was produced shall be clearly marked on a label affixed to the material or in the commercial document accompanying it.

(6) A person shall not place on the market in Northern Ireland any fresh meat, minced meat, meat preparations or meat products which bear an additional mark or labelling or packaging which bears such a mark.

(7) For the purposes of paragraph (6) "additional mark" includes the mark set out in Schedule 2 to the Great Britain Regulations.

Use of controlled bovine by-products and other products

6.—(1) Subject to paragraphs (2) and (3), a person shall not use any—

(a) controlled bovine by-products; or

(b) gelatin or collagen derived from any bovine animal (whether slaughtered in the United Kingdom or elsewhere) which has been produced in the United Kingdom,

in the production of any product which is liable to enter the human food or animal feed chain or is destined for use as or in any cosmetic, medical or pharmaceutical product.

(2) A person may use a controlled bovine by-product for the production of a product which is liable to enter the human food or animal feed chain or is destined for use as or in any cosmetic, medical or pharmaceutical product if the controlled bovine by-product was produced in accordance with regulation 4 or, in the case of a controlled bovine by-product produced in Great Britain, in accordance with regulation 5 of the Great Britain Regulations.

(3) A person may use gelatin or collagen derived from any bovine animal which has been produced in the United Kingdom in the production of a product which is liable to enter the human food or animal feed chain or is destined for use as or in any cosmetic, medical or pharmaceutical product if the gelatin or collagen was produced—

(a) in an establishment approved under regulation 8(2) or, in the case of gelatin or collagen produced in Great Britain, in an establishment approved under regulation 7 of the Great Britain Regulations; or

(b) before 1st May 1998 in an establishment in the United Kingdom which complied with the conditions for registration under regulation 8(2) at the time of production and which has subsequently been registered in accordance with that provision or regulation 7 of the Great Britain Regulations.

Slaughter of eligible animals from herds in Northern Ireland

7.—(1) The Department shall register a slaughterhouse for the purposes of regulation 3(7)(*a*) where, following an inspection of the premises by a veterinary inspector it is satisfied that only eligible animals from eligible herds are slaughtered in that slaughterhouse.

(2) An application for the registration of any establishment under paragraph (1) shall be in such form and contain such provisions as the Department may require.

(3) Where, in relation to any establishment registered under paragraph (1) the requirements of that paragraph are no longer satisfied, the Department may withdraw the registration relating to that establishment.

Approval of establishments for the purpose of despatch of eligible and relevant goods

8.—(1) A person shall not use any premises for any steps of the preparation of any—

(a) eligible or relevant goods of any type which are intended for despatch to a member State or third country unless he ensures that they are prepared in an establishment approved under paragraph (2) for the production of eligible or relevant goods of that type;

(b) relevant goods of a type referred to in paragraph (*d*) of the definition of that term in regulation 2(2) which are intended for placing on the market in the United Kingdom,

unless those premises are approved under paragraph (2).

(2) The Department shall approve an establishment for the purposes of paragraph (1) and of regulation 3(7)(*b*) or (8)(*a*)(i) if, and only if, following an inspection of that establishment by a veterinary inspector, it is satisfied that the operator—

(a) has put in place at the establishment a system for tracing through each stage of the preparation of eligible or relevant goods prepared there, the raw material used in their preparation, and that that system is adequate to ensure that it is possible to identify the origin of the raw material (including, in the case of eligible goods, the herd of origin of any animal from which they were derived) contained in the goods despatched from that establishment;

(b) has put in place in the establishment a system for the registration of all incoming and outgoing materials, and that that system is adequate to ensure that it is possible to cross-check consignments entering the establishment against those leaving it;

(c) will ensure that all eligible or relevant goods are unloaded, stored, handled, processed or treated, loaded and transported separately, or at different times, from products derived from bovine animals which do not comply with the conditions set out in Articles 9 to 12 of the Council Decision; or

(d) in the case of any eligible goods or any relevant goods referred to in paragraph (*a*) to (*c*) of the definition of that term in regulation 2(2), will ensure that—

(i) they are unloaded, stored, handled and loaded under official supervision;

(ii) they are stored in cold stores in chambers which are not used at the same time for storing any products derived from bovine animals which do not comply with the conditions set out in Articles 9 to 13 of the Council Decision and are kept locked under the seal of the veterinary inspector when he is not present;

(iii) they are transported in a means of transport sealed by a veterinary inspector or a person acting under his responsibility;

(e) in the case of eligible goods or any relevant goods referred to in paragraph (*a*) or (*b*) of the definition of that term in regulation 2(2), will ensure that they are marked with the additional mark;

(f) in the case of eligible goods, will ensure that they are produced in accordance with the relevant provisions of Article 6(2) and (3) of the Council Decision; and

(g) that any relevant or eligible goods prepared at the establishment which are destined for placing on the market in the United Kingdom do not bear the additional mark or, if they do, that the mark is removed or cancelled in accordance with paragraph (10).

(3) An application for the approval of any establishment under paragraph (2) shall be made in such form and shall contain such particulars as the Department may require.

(4) Any approval given in relation to an establishment under paragraph (2) which relates to the production of relevant goods shall be made subject to the conditions set out in Schedule 1.

(5) Any approval given in relation to an establishment under paragraph (2) which relates to the preparation of eligible goods shall be made subject to the conditions set out in Schedule 2.

(6) The operator of an establishment approved under paragraph (2) shall ensure that all eligible and relevant goods prepared there other than—

(a) goods destined for placing on the market in the United Kingdom; or

(b) goods referred to in paragraph (*c*) or (*d*) of the definition of "relevant goods" in regulation 2(2),

are marked or labelled with the appropriate additional mark at the time they are prepared.

(7) A person, other than a person acting under the responsibility of a veterinary inspector, shall not—

(a) apply any additional mark on any eligible or relevant goods; or

(b) possess or use the instruments or labels intended to be used in connection with any additional mark.

(8) A person shall not sell or otherwise offer, expose or advertise for sale or supply, or deposit with or consign to, any other person for the purpose of sale or supply—

(a) an instrument intended for the application of any additional mark;

(b) any label or packaging bearing any additional mark; or

(c) an official seal,

except in accordance with the instructions of a veterinary inspector.

(9) The operator of an establishment approved under paragraph (2) shall ensure that at any time an instrument, label, packaging or official seal referred to in paragraph (8) is delivered to him or to the establishment, or otherwise to his order, he notifies a veterinary inspector of the fact with a view to enabling that inspector, or a person acting under his responsibility—

(a) to put the instrument, label, packaging or seal into a store at the establishment maintained under the responsibility of the inspector; or

(b) in the case of the instrument, label or packaging to give instructions for the use thereof at the establishment in connection with any additional mark.

(10) The operator of an establishment approved under paragraph (2) shall ensure that, where any relevant goods prepared at that establishment which are destined for placing on the market in the United Kingdom, bear any additional mark, that mark is removed or cancelled at whichever of the following times first occurred, that is to say—

(a) at the time when, for any reason other than the removal of any additional mark, the goods can no longer be despatched from Northern Ireland to a place outside the United Kingdom in accordance with these Regulations; or

(b) at the time when the goods leave the establishment.

(11) The operator of an establishment approved under paragraph (2) shall ensure that—

(a) any person employed by him, or any person invited to the establishment complies with the provisions of this regulation relating to the approval of the establishment;

(b) at each stage of the preparation of eligible or relevant goods of any type at the establishment the provisions of these Regulations relating to the preparation of goods of that type are complied with; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these

Regulations and that he is given such reasonable assistance and access to records as he may at any reasonable time require for the purpose.

(12) The operator of an establishment approved under paragraph (2) shall give the Department written notice of, and shall obtain its agreement to, any material change he intends to make—

(a) in the establishment which relates to the conditions specified in Schedule 1 to the Regulations and subject to which the establishment is approved; or

(b) to the facilities or processes used at the establishment in preparing eligible or relevant goods,

before making such a change.

(13) Where, in relation to any establishment approved under paragraph (2)—

(a) any requirement of that paragraph in relation to the approval of the establishment has not been complied with; or

(b) the operator has failed to give any notice that he was required to give or obtained any agreement he was required to have under paragraph (12),

the Department may withdraw the approval and, where it does so, it shall give notice to the operator of the establishment of that withdrawal and the reason for it.

Fees

9. The Department may charge such reasonable fees as it may determine in respect of any costs reasonably incurred by it in connection with—

(a) the registration of an establishment pursuant to regulation 4(2) or 7(1);

(b) the approval of an establishment pursuant to regulation 8(2);

(c) the control exercised under regulation 3(7)(*c*) or (8)(*b*) or (*c*) by a veterinary surgeon appointed by it; and

(d) the issue of a health certificate by an inspector under regulation 3(5)(*b*)(i), (7)(*d*) or (*e*) or (8)(*d*).

Powers to stop and search vehicles and vessels and detain goods

10.—(1) At any time while a vehicle is—

(a) within the limits of or entering or leaving a port, or any land adjacent to a port which is occupied wholly or mainly for the purposes of activities carried on at the port;

(b) at, or entering or leaving an aerodrome;

(c) at, or entering or leaving an approved wharf, transit shed, customs warehouse or free zone; or

(d) in the vicinity of an international border,

an officer or an inspector may, for the purposes of the enforcement of these Regulations, stop and search the vehicle.

(2) A person in control of any vehicle shall stop it when required to do so under paragraph (1).

(3) Where an officer or an inspector has reasonable grounds to suspect that any vehicle or vessel (whether or not in a place referred to in paragraph (1)) is or may be carrying a consignment of any goods which are—

(a) described in regulation 3(1) to (3) or 5(4) or (5);

(b) eligible goods;

(c) relevant goods;

(d) controlled bovine by-products; or

(e) materials described in regulation 5(3),

and which he reasonably suspects may be illegal, he may search that vehicle or vessel.

(4) Where an officer or an inspector has stopped and searched a vehicle under paragraph (1), or has searched a vehicle or vessel under paragraph (3), he may detain for not more than three working days any goods referred to in paragraph (3) found in the vehicle or vessel and which he reasonably suspects may be illegal.

(5) Any goods detained under this regulation shall be dealt with during the period of their detention in such manner as the person seizing or detaining them may direct.

(6) For the purposes of this regulation, goods are "illegal" if—

(a) they are falsely described on their packaging, wrapping, label or any container in which they are placed, or in any health certificate or documentation accompanying them;

(b) in the case of any goods described in regulation 3(1) to (3) or 5(4) or (5), they were being brought or consigned for despatch in contravention of those provisions;

(c) in the case of eligible goods, they were produced or despatched in contravention of regulation 3(7);

(d) in the case of relevant goods, they were produced or despatched in contravention of regulation 3(8);

(e) in the case of controlled bovine by-products, they were produced in contravention of regulation 4(1); or

(f) in the case of materials described in regulation 5(3), the goods were not in an impervious container clearly labelled in accordance with that regulation.

(7) For the purposes of paragraph (1) a "port", an "aerodrome", an "approved wharf", "transit shed", "customs warehouse" and "free zone" have the meaning respectively consigned to them in the Customs and Excise Management Act 1979(**10**).

Powers of entry

11.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any premises for the purpose of ascertaining whether—

(a) there is or has been on the premises any contravention of any provisions of these Regulations; or

(b) there is on the premises any evidence of any contravention of any provisions of these Regulations.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in paragraph (1) and either—

(a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise the inspector to enter the premises, if need be by reasonable force.

(**10**) 1979 c. 2

Seizure of illegal goods

12.—(1) Where an inspector has a reasonable suspicion that a consignment of any—

(a) goods described in regulation 3(1) to (3) or 5(4) or (5);

(b) eligible goods;

(c) relevant goods;

(d) controlled bovine by-products; or

(e) materials described in regulation 5(3),

is illegal, he may require the person in control of any documentation or health certificate accompanying the consignment to deliver that documentation or certificate, and any copies, to him on demand.

(2) Where an inspector exercises the power conferred on him by paragraph (1) in relation to any consignment or any part of a consignment or where he otherwise suspects that any consignment or part of a consignment may be illegal, he may—

(a) give notice that, until the notice is withdrawn, the consignment or part may not be removed or may not be removed except to some place specified in the notice; or

(b) give notice that that consignment or part must be removed (at the expense of the person who is, or appears to be, in control of it) to such place as may be specified in the notice; or

(c) seize that consignment or part and remove it in order to have it dealt with by a justice of the peace.

(3) Where an inspector exercises the power conferred by paragraph (2) in relation to a consignment or part of a consignment, he shall as soon as is reasonably practicable, and in any event within 21 days, determine whether he is satisfied that the consignment or part is not illegal and—

(a) if he is so satisfied he shall return any health certificate or commercial documentation which has been delivered to him, withdraw any notice given pursuant to paragraph (2)(*a*) relating to the consignment or part and return anything which he has seized; or

(b) if he is not so satisfied, he shall inform the person in charge of the consignment or part of his intention to have it dealt with by a justice of the peace.

(4) Any person who may be liable for prosecution under these Regulations in respect of a consignment or part of a consignment which is intended to be dealt with by a justice of the peace in pursuance of this regulation shall be entitled to attend before the justice of the peace by whom the matter falls to be dealt with and shall be entitled to be heard and to call witnesses.

(5) If it appears to a justice of the peace, on the basis of such evidence as he considers to be appropriate in the circumstances, that a consignment or part of a consignment is illegal, he shall, where he is satisfied that there is a despatch risk in respect of the consignment or part if it is returned to the owner, order—

(a) the consignment or part to be destroyed or otherwise disposed of so as to prevent it from being despatched to another member State or a third country; and

(b) any expenses reasonably incurred in connection with such destruction or disposal and (where the consignment or part was seized pursuant to paragraph (2)(*c*)) in connection with storage prior to destruction, to be defrayed by the owner of the consignment.

(6) Where a justice of the peace is satisfied that there is no despatch risk in respect of a consignment or part of a consignment if it is returned to the owner, he shall order the consignment or part to be so returned.

(7) For the purposes of paragraphs (5) and (6), "despatch risk" in respect of a consignment or part of a consignment means the risk that—

(a) in the case of a consignment or part of any goods described in regulation 3(1) to (3) or 5(4) or (5) or any relevant or eligible goods, the owner will despatch some or all of those goods to another member State or a third country;

(b) in the case of a consignment or part of controlled bovine by-products, the owner will use some or all of those by-products in any product liable to enter the human food chain or animal feed chain or in any cosmetic, medical or pharmaceutical product; or

(c) in the case of a consignment or part of materials described in regulation 5(3), the owner will consign some or all of that material to any establishment registered under regulation 4(2).

(8) For the purposes of this regulation, a consignment or part of a consignment is "illegal" if—

(a) it is falsely described on its packaging, wrapping, label or any container in which it is placed, or in any health certificate or commercial documentation accompanying it;

(b) in the case of a consignment or part of any goods described in regulation 3(1) to (3) or 5(4) or (5), it was brought to a place in Northern Ireland for despatch in contravention of those provisions;

(c) in the case of a consignment or part of eligible goods they were produced or despatched in contravention of regulation 3(7);

(d) in the case of a consignment or part of relevant goods, they were produced or despatched in contravention of regulation 3(8);

(e) in the case of a consignment or part of controlled bovine by-products, it was produced in contravention of regulation 4(1); or

(f) in the case of a consignment or part of materials described in regulation 5(3), it was not consigned in an impervious container clearly labelled in accordance with that paragraph.

Sampling and other checks and examinations

13.—(1) An inspector shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

(2) An inspector may—

(a) take samples (and, if necessary, send the samples for laboratory testing) from any product or material;

(b) examine records, and any information which is contained in a computer, he believes to be relevant to any checks and examinations under these Regulations;

(c) seize, detain and require the production of any such records and information which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations;

(d) take with him any such other person as he considers necessary to carry out any checks and examinations under these Regulations;

(e) require any person who is or appears to be in control of any goods described in regulations 3(1) to (3) or 5(3) or (4), or any relevant goods or controlled bovine by-products or materials described in regulation 5(1) to (3), to arrange, at his own expense, for those goods or products to be removed from any store, vehicle, vessel, container, packing or wrapping;

(f) carry out inspections of any process specified in Annex I to the Council Decision and anything used for the marking and identification of products and materials; and

(g) take with him a representative of the European Commission acting for the purposes of the Commission.

Powers of customs officers to detain vehicles and vessels

14.—(1) An officer may, for the purpose of facilitating the exercise by any inspector of the powers conferred on the inspector by these Regulations, detain any vehicle for such period as may reasonably be necessary for that purpose.

(2) Any vehicle or vessel detained by an officer under this regulation shall be dealt with during the period of its detention in such a manner as the officer may direct.

Suspension notices and orders

15.—(1) If an inspector is satisfied that there is a despatch risk in relation to any consignment or part of a consignment on business premises of any goods or materials to which regulation 12(1) relates, he may, by a notice served on the proprietor of the business (a "suspension notice"), suspend the use of the premises for—

(a) the despatch of those goods; and

(b) the receipt or despatch of any other goods described in those paragraphs.

(2) If a Magistrates' Court is satisfied, on the application of an inspector, that there is a despatch risk in relation to a consignment or part of a consignment on business premises of any goods or materials to which regulation 12(1) refers, the Court shall, by an order (a "suspension order"), suspend the use of the premises for—

(a) the despatch of those goods; and

(b) the receipt or despatch of any other goods described in those paragraphs.

(3) An inspector shall not apply for a suspension order under paragraph (2) in relation to any business premises unless, at least one day before the date of the application, he has served notice on the proprietor of the business concerned of his intention to apply for the order.

(4) As soon as practicable after the service of a suspension notice, an inspector shall affix a copy of the notice in a conspicuous position in the premises to which it relates and any person who knowingly contravenes such a notice shall be guilty of an offence.

(5) As soon as reasonably practicable after the making of a suspension order in relation to any business premises, an inspector shall—

(a) serve a copy of the order on the proprietor of the business concerned; and

(b) affix a copy of the notice in a conspicuous position on the premises,

and any person who knowingly contravenes such a notice shall be guilty of an offence.

(6) A suspension notice shall cease to have effect—

(a) if an application for a suspension is not made under paragraph (2) within the period of three days beginning with the service of the notice, at the end of that period; and

(b) if such an application is so made, on the final determination of whether or not to grant that application or the abandonment of the application.

(7) A suspension notice or suspension order relating to any business premises shall cease to have effect on the issue by the Department of a certificate to the effect that it is satisfied that the proprietor of the business concerned has taken sufficient measures to ensure that there is no longer despatch risk in relation to any consignment or part of a consignment on, or likely to be on, the premises.

(8) The Department shall issue a certificate under paragraph (7) within three days of its being satisfied as mentioned in that paragraph; and on an application by the proprietor of any business which would thereby be affected by such a certificate, the Department shall—

(a) determine, as soon as reasonably practicable, and in any event within 14 days, whether or not it is so satisfied; and

(b) if it determines that it is not so satisfied, give notice to the proprietor of the business of the reasons for that determination.

(9) Where a suspension notice is served on the proprietor of a business, the Department shall compensate him in respect of any loss suffered by reason of his complying with the notice unless—

(a) an application for a suspension order is made under paragraph (2) within the period of three days beginning with the service of the notice; and

(b) the Court which finally determines the application declares itself satisfied, on the hearing of the application, that there was a despatch risk in relation to any consignment or part of a consignment on the business premises at the time when the notice was served,

and any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by arbitration.

(10) For the purposes of this regulation, "despatch risk" in respect of a consignment or part of a consignment of goods on any business premises is the risk that the proprietor of the business will despatch some or all of those goods to another member State or third country.

Obstruction

16.—(1) A person shall not—

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(*b*) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences and penalties

17.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) Any person guilty of an offence under these Regulations shall be liable—

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;

(b) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.

(3) Article 19 of the Food Safety (Northern Ireland) Order 1991(**11**) shall apply to the commission by any person of an offence under these Regulations, and Article 20(1), (5) and (6) of that Order shall apply in any proceedings for an offence under these Regulations, as if, in all of those provisions, the references to "any of the preceding provisions of this Part" were references to these Regulations.

Enforcement

18. These Regulations shall be enforced and executed by the Department or, in relation to its district, by any district council.

(**11**) 1991 No. 762 (N.I. 7) as amended by S.I. 1996 No. 1633 (N.I. 12)

Amendments

19. The following paragraph shall be substituted for paragraph (5) at the end of regulation 6 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and for paragraph (6) at the end of regulation 5 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995—

> "This regulation shall apply without prejudice to the requirements of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998.".

Revocation of the Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997

20. The Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997(**12**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

Liam McKibben
29th April 1998. Assistant Secretary

(**12**) S.R. 1997 No. 379

SCHEDULE 1 Regulations 3(8) and 8(13)

Conditions of approval of establishments for the production of relevant goods

CONDITIONS OF APPROVAL

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
1. All raw materials for use in production for despatch to another member State or third country must be identifiable to species of origin. Materials of bovine origin must be traceable to non-UK place of origin.		
2. There must be a system at the establishment to ensure it is possible to identify the origin of bovine raw material contained in any relevant goods for despatch and to trace that raw material through each stage of preparation.		
3. There must be a system for recording all amounts of incoming bovine raw materials which meet the conditions for despatch to another member State or third country and such outgoing bovine raw materials or products containing them, which ensures that it is possible to cross check consignments entering or leaving the establishment.		
4. All relevant goods which meet the conditions for despatch to another member State or third country must be unloaded, processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which do not meet those conditions.		
5. For *cold stores* there must be chambers for storage of		

THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT FIRST HAVING GIVEN WRITTEN NOTICE TO YOUR SUPERVISING VETERINARY SURGEON AND THE DIVISIONAL VETERINARY MANAGER AND HAVING OBTAINED THEIR AGREEMENT TO THE INTENDED CHANGE.

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
relevant goods which meet the conditions for despatch to another member State or third country which can be locked and sealed so that products cannot be added or removed without breaking the seal (lockable rails in chillers are not sufficient). For *other stores*, there must be clear and effective segregation (though this need not take the form of a chamber locked under seal) between relevant goods which are eligible for despatch to another member State or third country and any bovine products which are not. 6. Fresh meat, minced meat, meat preparations, meat products and other products of bovine animal origin which meet the conditions for despatch to another member State or third country must be marked with the appropriate additional mark in the form prescribed in Schedule 3. 7. The appropriate additional mark must be removed from fresh meat, minced meat, meat preparations, meat products and other products of animal origin when they cease to meet the conditions for despatch to another member State or third country or are despatched for sale onto the UK market. 8. Instruments or labels for applying the appropriate additional mark may be ordered only with the authorisation of an inspector. All new supplies of instruments or labels		

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
for applying the appropriate additional mark must be delivered into the control of an inspector. 9. Instruments for applying the appropriate additional mark, labels bearing the appropriate additional mark, serially numbered healthmark labels and official seals must be maintained and applied under official control. 10. There must be unique identification of XAP relevant goods for despatch to allow a full description of the goods to be provided on certificates required for the purposes of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998. 11. XAP relevant goods must be transported in means of transport sealed with an official seal. 12. There must be adequate facilities to enable an inspector to carry out his functions under the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998.		

THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT FIRST HAVING GIVEN WRITTEN NOTICE TO YOUR SUPERVISING VETERINARY SURGEON AND THE DIVISIONAL VETERINARY MANAGER AND HAVING OBTAINED THEIR AGREEMENT TO THE INTENDED CHANGE.

SCHEDULE 2 Regulations 3(8) and 8(13)

Conditions of approval of establishments for the production of eligible goods

CONDITIONS OF APPROVAL

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
1. All raw materials for use in production for despatch to another member State or third country must be identifiable to species of origin.		
2. There must be a system at the establishment to ensure it is possible to identify the origin of bovine raw material contained in any eligible goods for despatch and to trace that raw material through each stage of preparation.		
3. There must be a system for recording all amounts of incoming bovine raw materials and outgoing bovine raw materials and products containing them which ensures that it is possible to cross-check consignments entering or leaving the establishment.		
4. Eligible goods must be: — unloaded — processed — stored — handled — loaded — transported separately from, or at different times from, other bovine products.		
5. For *cold stores* there must be chambers for storage of eligible goods which meet the conditions for despatch to another member State or third country which can be locked and sealed so that		

THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT THE PRIOR AGREEMENT OF YOUR SUPERVISING VETERINARY SURGEON AND FOOD POLICY DIVISION, DANI, DUNDONALD HOUSE.

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
products cannot be added or removed without breaking the seal (lockable rails in chillers are not sufficient). For *other stores*, there must be clear and effective segregation (though this need not take the form of a chamber locked under seal) between relevant goods which are eligible for despatch to another member State or third country and any bovine products which are not. 6. There must be sufficient storage space for eligible goods. 7. Chambers used for the storage of eligible goods must not be used for the storage of any other bovine products. 8. Official seals on cold stores or any transport must not be broken without official supervision. 9. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin of bovine origin which meet the conditions for despatch to another member State or third country must be marked with the additional mark in the form prescribed in Schedule 4. 10. The additional mark must be removed from fresh meat, minced meat, meat preparations, meat products and other products of animal origin when they cease to meet the conditions for despatch to another member State or third country or are despatched for sale onto the UK market.		

THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT THE PRIOR AGREEMENT OF YOUR SUPERVISING VETERINARY SURGEON AND FOOD POLICY DIVISION, DANI, DUNDONALD HOUSE.

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
11. Instruments or labels for applying the additional mark may be ordered only with the authorisation of an inspector. All new supplies of instruments or labels for applying the additional mark must be delivered into the control of an inspector.		
12. Instruments for applying the additional mark, labels bearing the appropriate additional mark, serially numbered healthmark labels and official seals must be maintained and applied under official control.		
13. There must be adequate facilities to enable an inspector to carry out his functions under Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998.		
14. Appropriate information must be made available to enable the inspector to list on certificates or other accompanying docu-mentation all establishments approved under regulation 8(2) in the production chain of the eligible goods.	Include details of any other necessary controls.	
15. Despatch of eligible goods for export/export production must be under supervision of an inspector.		
16. Consignments of eligible goods for despatch must be assembled in such a way as to enable identity and physical checks to be carried out.		

THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT THE PRIOR AGREEMENT OF YOUR SUPERVISING VETERINARY SURGEON AND FOOD POLICY DIVISION, DANI, DUNDONALD HOUSE.

Condition	*Description of facility or control procedure by which the condition will be met*	*Staff member(s) responsible for supervision*
17. Eligible goods for export must be transported under official seal.		
18. There must be unique identification of eligible goods for despatch to allow a full description to be provided on certificates.		
THE ABOVE DETAILS MUST NOT BE CHANGED WITHOUT THE PRIOR AGREEMENT OF YOUR SUPERVISING VETERINARY SURGEON AND FOOD POLICY DIVISION, DANI, DUNDONALD HOUSE.		

SCHEDULE 3

Regulations 2(2) and 8(7), (8), (9), (10) and (11)

Additional mark for the export of relevant goods

1. The additional mark for application to meat using a marking instrument shall consist of an elongated hexagonal mark, with two parallel straight sides of 4·5 cm length, 4·5 cm apart and joined by two shorter sides of equal length to form a point at each end, so that the mark is 8·5 cm long from point to point; bearing on the upper part the initials XAP and in the lower part the XAP number of the establishment at which the mark is applied, e.g. 25/1, the letters and figures being at least 1·0 centimetres high, legible and indelible.

An example follows:

2.—(1) The additional mark to be borne on labels to be applied to bulk packaging shall consist of a mark in the form described in paragraph 1 of this Schedule together with the following statement "the contents of this package/box were produced in accordance with Council Decision 98/256/EC"; and each such label shall have a unique sequential serial number.

(2) An additional mark to be borne on labels or be applied on bulk packaging must be applied in such a way that they are destroyed when the package is opened or the packaging must be constructed so that it may not be re-used once opened.

3.—(1) The additional mark to be borne on labels to be applied to packaging of goods intended for supply direct to the final consumer shall, subject to the following provisions of this paragraph,

consist of a mark in the form described in paragraph 1 of this Schedule; and each such label shall have a unique sequential serial number.

(2) The dimensional requirements described in paragraph 1 do not apply and the additional statement required for bulk packaging is not required.

(3) An additional mark to be borne on labels to be applied to the packaging must be applied in such a way that it is destroyed when the package is opened, or the packaging must be constructed so that it may not be re-used once opened.

4.—(1) The additional mark to be applied to the wrapper of an individually wrapped product, or the packaging of an individually wrapped and packaged product, by pre-printing, ink stamping or branding, shall, subject to the following provisions of this paragraph, consist of a mark in the form described in paragraph 1 of this Schedule.

(2) The dimensional requirements described in paragraph 1 of this Schedule do not apply, the additional statement required for bulk packaging is not required and the sequential serial numbering referred to in paragraphs 2 and 3 of this Schedule is not required; but the mark must be applied in such a way that it is destroyed when the wrapper or package is opened, or the wrapper or packaging must be constructed so that it may not be re-used once opened.

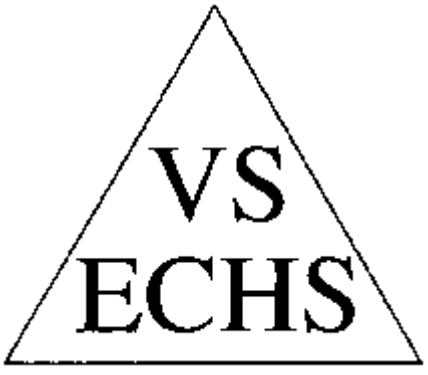
(3) An individually wrapped and packaged product marked with an additional mark which does not bear a sequential serial number shall be despatched in bulk packaging which is sealed with serially numbered health mark labels and an additional mark as described in paragraph 2 of this Schedule.

SCHEDULE 4

Regulations 2(2) and 8(7), (8), (9), (10) and (11)

Additional mark for the export of eligible goods

Additional mark for carcases



Equilateral triangle, side dimensions 5.5 cms. In the upper part the letters VS and in the lower part the letters ECHS. The letters will be at least 1 cm high.

ECHS label— for standard 25kg box should be 15 × 18 cm printed on green paper.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect to Council Decision 98/256/EC on emergency measures to protect against bovine spongiform encephalopathy, in relation to the despatch to other member States and third countries of bovine animals and embryos and meat and other products from bovine animals. The Regulations revoke and replace the Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997. The principle changes of substance are that the Regulations—

(a) make provision for derogations from the prohibition on the export of meat and meat products which are eligible under the Export Certified Herds Scheme;

(b) revise the conditions for the export of meat products and by-products produced in Northern Ireland from imported beef; and

(c) make further provision in relation to the existing controls on products and by-products produced from United Kingdom slaughtered bovine animals.

Regulation 3(1) prohibits the despatch from Northern Ireland to another member State or a third country of bovine animals or bovine embryos, meat meal, bone meal or meat and bone meal derived from mammals. Regulation 3(2) provides that the prohibitions do not apply in respect of food for domestic carnivores containing mammalian meat meal, bone meal and meat and bone

meal originating outside the United Kingdom which has been prepared in accordance with the requirements of the Regulations applicable to the preparation of that food.

Regulation 3(3) prohibits, subject to exceptions, the despatch from Northern Ireland to a member State or third country of meat derived from bovine animals slaughtered in the United Kingdom or products obtained from such animals which are liable to enter the human food or animal feed chains, or material derived from animals slaughtered in the United Kingdom which is destined for use in cosmetic products, medical products or pharmaceutical products. Regulations 3(4) to (6) and 4 make provision in relation to the despatch of "controlled bovine by-products" (as defined) and the registration of establishments used for their production. Regulations 3(7) and 7 make provision for the export of those "eligible goods" (as defined) which satisfy the requirements of the Council Decision.

Regulations 3(8) and 8 make provision in relation to the despatch from Northern Ireland of "relevant goods" (as defined) and the approval of establishments used for their production.

Regulation 5(1) and (2) prohibits the production of gelatin or collagen for the human food or animal feed chain or for cosmetic, pharmaceutical or medical use unless it is produced from animals slaughtered outside the United Kingdom and in premises registered for the production of controlled bovine by-products.

Regulation 5(3) prohibits the consignment of material containing bovine vertebral column to establishments registered under regulation 4(2). Regulation 5(4) contains prohibitions in relation to the despatch to another member State or third country of imported fresh meat, and its consignment and movement for that purpose without an official veterinary certificate. Regulation 5(5) provide prohibitions in relation to the despatch, consignment and movement of imported products and by-products referred to in Article 8(*e*) of the Council Decision without the label or an accompanying documentary indication of the establishment where they were manufactured. Regulation 5(6) prohibits the placing on the market in Northern Ireland of fresh meat, minced meat and meat preparations or meat products which bear or are labelled with an additional mark.

Regulation 9 enables the Department to charge fees in respect of costs reasonably incurred by it in connection with the registration or approval of certain establishments, the control exercised in relation to those establishments by veterinary surgeons appointed by it and the issue of health certificates.

Regulation 10 confers on inspectors and customs officers powers to stop and search vehicles and vessels reasonably suspected or carrying goods the despatch of which to other member States or third countries is prohibited. Regulation 11 provides powers of entry to premises. Regulation 12 provides powers to seize goods. It makes provision for the destruction of goods, the despatch of which to other member States or third countries, is prohibited, where a justice of the peace is satisfied there is a risk of despatch to another member State or third country. Regulation 14 confers power on customs officers to detain vehicles and vessels. Regulation 15 makes provision for suspension notices and orders, suspending the use of business premises for the receipt or despatch of certain goods. Regulations 16 and 17 make provision for offences and penalties and for the punishment of obstruction.