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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 553**

**Bovine Spongiform Encephalopathy  
Order (Northern Ireland) 1997**

**Part I**

**Introductory**

**Citation and commencement**

1. This Order may be cited as the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1997 and shall come into operation on 1st January 1998.

**Interpretation**

2. In this Order—

“affected” in relation to any animal, means affected with the disease;

“animal” means a bull, cow, steer, heifer or calf;

“carcase” means the carcase of an animal including its intestinal contents;

“cull cows” means adult female 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;

“exposed” in relation to any animal means exposed in any way to the infection of the disease;

“feedingstuff” has the meaning assigned to it by section 66(1) of the Agriculture Act 1970(1);

“fertiliser” has the meaning assigned to it by the Agriculture Act 1970(2);

“livestock” means any creature kept for the production of food, wool, skin or fur or (excluding a dog) for use in the farming of land;

“mammalian meat and bone meal” means mammalian protein derived from the whole or part of any dead mammal by rendering;

“MBM product” means any product containing mammalian meat and bone meal;

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

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

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(1) 1970 c. 40. Section 66 as substituted by regulation 20 of the Feeding Stuffs Regulations (Northern Ireland) 1995 (S.R. 1995 No. 451); regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition

(2) 1970 c. 40. Section 66 as substituted by regulation 20 of the Feeding Stuffs Regulations (Northern Ireland) 1995 (S.R. 1995 No., 451); regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition

“premises” means all contiguous land and buildings occupied by a person together with other land or buildings occupied by that person which use equipment in common with the contiguous land;

“production” includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

“protein” means any protein material which is derived from the carcase of any kind of mammal except man but does not include:

- (a) milk or any milk product;
- (b) dicalcium bone phosphate;
- (c) dried plasma or any other blood product;
- (d) gelatin; or
- (e) amino acids produced from hides and skins by a process which involves exposure of the material to acid of pH lower than 2 followed by alkali of pH greater than 11 and heat treatment at a minimum 140°C for 30 minutes at a pressure of 3 bar;

“rendering plant” has the same meaning as in the Specified Risk Material Order (Northern Ireland) 1997(3);

“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 16 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;

“securely packaged” in relation to any material means that the material is contained in a sealed bag or other container from which no part of it can escape, and which is made of such a material and in such a manner that any damage which may foreseeably be sustained in normal handling and storage operations would not permit the escape of any material from that bag or container;

“sell” includes have in possession for sale or offer or expose for sale;

“slaughter-house” means any building, premises or place including a knackery yard used in connection with the business of killing animals; and

“suspected” in relation to any animal means suspected of being affected.

### **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.

## Part II

### Existence of the Disease

#### Notification of disease in 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 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 an animal or a carcase suspects the presence of the disease in that sample shall, with all practicable speed, notify the fact to the Divisional Veterinary Officer.

(6) Where a notice has been given under paragraph (5) in respect of any sample, a person shall not remove—

- (a) that sample from the laboratory in which it was examined for the presence of disease; or
- (b) any animal or carcase from which it was taken from the place where it is kept, except under and in accordance with a licence granted by the Department.

(7) A person shall, if so required by the Department, supply it with such samples as it may specify of any carcasses to which a notice given under paragraph (5) relates.

(8) Paragraph (5) shall not apply in relation to any sample—

- (a) into which disease was deliberately introduced for research purposes; or
- (b) taken from a carcase or animal into which disease was so introduced.

#### 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 animal or carcase on any premises; and

(b) carry out such tests on or take such samples from, any 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 and exposed animals**

6.—(1) Where, in the opinion of the Department, there is an affected or suspected animal, or the carcase of such an animal, on any premises it may serve a notice in the form set out in Schedule 1, on the owner or person in charge of that animal or carcase.

(2) Where, in the opinion of the Department, there is an exposed animal or the carcase of such an animal, on any premises, it may serve a notice in the form set out in Schedule 2 on the owner or person in charge of that animal or carcase.

(3) Where a notice has been served on any person under paragraph (1) or (2), the requirements and prohibitions set out therein shall have effect and it shall be the duty of that person to ensure that they are complied with.

(4) Subject to paragraphs (5) and (7), a notice served under paragraph (1) or (2) shall remain in force for a period of 28 days beginning on and including the day on which it is served.

(5) The Department may, from time to time, in accordance with paragraph (6) renew or further renew, any notice served under paragraph (1) or (2) for, on each such occasion, a period of 28 days beginning on and including the day after that notice would otherwise have expired.

(6) A notice served on a person under paragraph (1) or (2) shall be renewed, or further renewed, by a notice in writing served on that person before the date on which the notice which it renews, or further renews, would otherwise have expired.

(7) A notice served on a person under paragraph (1) or (2) may be withdrawn at any time by a notice in the form set out in Schedule 3 served on that person.

#### **Restrictions on the movement of other bovine animals**

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

8.—(1) A person shall not remove the carcase of an affected, suspected or exposed 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**

9.—(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, suspected or exposed 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 served under 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.

## **Part III**

### **Controls on Protein etc.**

#### **Milk from affected or suspected animals**

10.—(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) to the feeding to any animal or poultry of any milk for research purposes in a research establishment, or to the sale or supply to any person of milk for such purposes under 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.

#### **Prohibition on sale, supply and use of certain feedingstuffs for feeding to animals and poultry**

11.—(1) Subject to paragraph (5) a person shall not—

- (a) sell or supply for feeding to ruminant animals any protein or any feedingstuffs in which he knows or has reason to suspect any protein has been incorporated;
- (b) feed to a ruminant animal any protein or any feedingstuffs in which he knows or has reason to suspect that any protein has been incorporated;
- (c) sell or supply for incorporation into any feedingstuff for livestock, fish or equine animals any mammalian meat and bone meal;
- (d) sell or supply for feeding to livestock, fish or equine animals any feedingstuff in which he knows or has reason to suspect any mammalian meat and bone meal has been incorporated;

- (e) feed to any livestock, fish or equine animals any feedingstuff in which any mammalian meat and bone meal has been incorporated;
  - (f) use any mammalian meat and bone meal in the production of any feedingstuff for livestock, fish or equine animals.
- (2) A person shall not undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feedingstuff for livestock, fish or equine animals is produced and a person shall not offer any mammalian meat and bone meal or any MBM product for sale there, unless (in either case)—
- (a) the ingredients of the feedingstuff are stored, and the feedingstuff is produced, in a separate building from that in which any mammalian meat and bone meal or any MBM product is stored, used or sold;
  - (b) except as provided by sub-paragraph (d), the feedingstuff is stored in a separate building from that in which any mammalian meat and bone meal or any MBM product is stored, used or sold;
  - (c) any equipment or vehicle used in the production of the feedingstuff does not come into contact with any mammalian meat and bone meal, any MBM product or any ingredient or equipment used with mammalian meat and bone meal or any MBM product; and
  - (d) in any case where mammalian meat and bone meal or any MBM product is sold, any of the feedingstuff stored in the same building as that meal or product is stored there solely for the purpose of being sold in that building and either—
    - (i) the mammalian meat and bone meal or MBM product is stored in a place which is physically separated from any place where the feedingstuff is stored; or
    - (ii) both the feedingstuff on the one hand and the mammalian meat and bone meal or MBM product on the other are securely packaged with no spillage or leakage taking place.
- (3) Subject to paragraph (5), a person shall not have in his possession any mammalian meat and bone meal or any MBM product on any premises where—
- (a) any livestock, fish or equine animals are kept;
  - (b) any feedingstuff for livestock, fish or equine animals is produced other than in accordance with paragraph (2); or
  - (c) any feedingstuff for livestock, fish or equine animals is stored but not produced and no livestock are kept.
- (4) A person shall not transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feedingstuff for livestock, fish or equine animals is being transported.
- (5) Nothing in paragraphs (1) or (3) shall prevent—
- (a) the feeding to any poultry or animal of any feedingstuff for research purposes carried out in a research establishment under the authority of a licence issued by the Department and in accordance with any conditions subject to which the licence is issued; or
  - (b) the sale or supply of any feedingstuff to a research establishment for such purposes; or
  - (c) the possession of any mammalian meat and bone meal or MBM product at such an establishment for such purposes.
- (6) A person shall not be considered to have contravened any prohibitions in paragraphs (1) to (4) which relate to the sale, supply, possession, transport, feeding or use of mammalian meat and bone meal or anything containing it, where he is able to prove—
- (a) that he did not know or have reason to suspect that the material in question was mammalian meat and bone meal or contained mammalian meat and bone meal; and

(b) that he had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.

(7) A person shall not be considered to have contravened any prohibitions in paragraphs (1) to (4) which relate to the sale, supply, possession, transport, feeding or use of protein or any feedingstuff containing it, where he is able to prove—

(a) that he did not know or have reason to suspect that the material in question was protein or any feedingstuff containing such protein; and

(b) that he had taken all reasonable steps to ensure that it was not, and did not contain, protein.

(8) A person shall not be considered to have contravened the prohibitions in paragraph (3)(a) or (c) relating to the possession of mammalian meat and bone meal or any MBM product, where he is able to prove—

(a) that the mammalian meat and bone meal or MBM product, as the case may be, was stored and used in a place which was physically separated from any place where feedingstuff for livestock, fish or equine animals was stored or to which such creatures had access;

(b) in the case of the prohibition in paragraph (3)(a), that the mammalian meat and bone meal or MBM product was in his possession solely for feeding either to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;

(c) in the case of the prohibition in paragraph (3)(c)—

(i) that both the mammalian meat and bone meal or the MBM product, as the case may be, on the one hand, and the feedingstuff for livestock, fish or equine animals on the other were offered for sale on those premises; or

(ii) that adequate precautions were taken to ensure that no equipment used with the mammalian meat and bone meal or the MBM product, as the case may be, was used with the feedingstuff for livestock, fish or equine animals.

(9) A person shall not be considered to have contravened the prohibitions in paragraph (3)(a) or (c) or (4) relating to the possession or transport of any mammalian meat and bone meal or MBM product if he is able to prove that at all material times, both the mammalian meat and bone meal or MBM product, as the case may be, on the one hand and the feedingstuff for livestock, fish or equine animals on the other were securely packaged and that no spillage or leakage took place.

(10) Where a person is found in possession of, or to have transported, any mammalian meat and bone meal or any MBM product in contravention of paragraph (3) or (4), as the case may be, the Department may, without prejudice to any proceedings for an offence arising out of such possession or transport, direct the person (whether or not he falls within paragraph (6)) to dispose of that material and any other material with which it has come into contact within such time and in accordance with such conditions as the Department may direct.

(11) Where a person is found to have sold or supplied any MBM product in contravention of paragraph (1), the Department may direct that person (whether or not he falls within paragraph (6)) to collect at his own expense that product from the person to whom he supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold and to transport it to such place and within such time as the Department may direct.

(12) A person shall comply with any direction given to him under paragraph (10) or (11).

(13) Where any person to whom a direction is given under paragraph (10) or (11) fails to comply with the requirements thereof, the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out those requirements.

## **Records relating to mammalian meat and bone meal**

**12.**—(1) Any person who consigns mammalian meat and bone meal shall keep for two years from the date of consignment (or, in the case of material originating outside Northern Ireland, for two years from the date on which it was introduced into Northern Ireland) a record indicating—

- (a) the date of consignment;
- (b) the weight consigned;
- (c) the destination of the consignment;
- (d) the name and address of the consignee;
- (e) the registration number of the vehicle in which the consignment is transported; and
- (f) the name and address of the operator of that vehicle.

(2) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of receipt of the consignment a record indicating—

- (a) the date on which it was received;
- (b) its weight on receipt;
- (c) the place from which it was consigned;
- (d) the name and address of the person by whom it was consigned;
- (e) the registration number of the vehicle in which it was consigned; and
- (f) the name and address of the operator of that vehicle.

(3) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of any use, disposal or further consignment a record indicating—

- (a) in the case of any use, details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;
- (b) in the case of disposal, the weight so disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and
- (c) in the case of further consignment, the information required by paragraph (1).

(4) Any person who controls a vehicle in which mammalian meat and bone meal is transported shall keep, for two years from the date on which transport of a particular consignment of such material commenced (or, in the case of material originating outside Northern Ireland, from the date on which that material entered Northern Ireland), a record of—

- (a) the person and place from which that consignment was transported;
- (b) the date on which it was collected from that person;
- (c) its weight;
- (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported;
- (e) the person and place to which it was to be or was delivered; and
- (f) the date or intended date of delivery to that person.

(5) The driver of a vehicle in which a consignment of mammalian meat and bone meal is transported shall have a document recording the information required by paragraph (1) in his possession at all times when he is in charge of that vehicle.

(6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraph (1)(e), (2)(e), (3) and (4)(d) shall be a requirement to keep such details as are necessary to permit the identification of the vehicle in question.

(7) A person shall not be required to keep any record relating to the consignment or transport of mammalian meat and bone meal in accordance with the provisions of paragraphs (1) to (6) where the consignment or transport follows the retail sale of the meal, and a person receiving a consignment for the purpose of selling it by retail shall not be required to keep any record other than required by paragraph (2) or (3), provided that in either case—

- (a) the meal is contained in sealed packages each weighing not more than 26 kilogrammes;
- (b) the packages containing the meal are presented as containing a fertiliser solely for a use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1996<sup>(4)</sup>; and
- (c) (in the case of a person receiving a consignment for the purposes of selling it by retail) the consignment consists of not more than 104 kilogrammes of meal.

### **Cleansing and disinfection**

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

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

(3) A person shall not be considered to have contravened the requirements of paragraph (2) if he is able to prove that at all material times the mammalian meat and bone meal or MBM product that was stored or transported, as the case may be, was securely packaged and that no leakage or spillage took place.

(4) A person shall not be considered to have contravened the requirements of paragraph (2) in connection with any arrangement made by him for the storage or transport of mammalian meat and bone meal or an MBM product, if he is able to prove that he took all reasonable steps to ensure that the premises, equipment or vehicle used for such storage or transport were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) The Department may serve on the owner or occupier of any premises on which there is or has within 56 days been—

- (a) any mammalian meat and bone meal; or
- (b) any MBM product,

a notice requiring him to cleanse and disinfect, at his own expense, and in such manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment, appliance, utensil or other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) Where any person on whom the notice served under paragraph (5) 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.

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(4) S.R. 1996 No. 165

## **Samples**

14. Where an inspector has reasonable grounds for suspecting that any person has contravened, is contravening or is likely to contravene any of the provisions of this Part, he may take from any carcase, feedingstuff, fertilizer, mammalian meat and bone meal, MBM product or protein such samples as he considers necessary to establish the correctness of that suspicion.

## **Part IV**

### **Miscellaneous**

#### **Production of licences**

15. 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 movement so authorised 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.

#### **Returns from market operators**

16. A return shall be furnished to the Department within 7 days from the end of the week to which that return relates, by a person or persons operating a market in animals at any of the following places, that is to say—

- Ballyclare: Park Street, Ballyclare, Co. Antrim, BT39 9DQ;
- Cookstown: 24 James Street, Cookstown, Co. Antrim, BT80 8LW;
- Enniskillen: Lackaboy, Enniskillen, Co. Fermanagh, BT74 4RL;
- Magherafelt: 43 Rainey Street, Magherafelt, Co. Londonderry, BT45 5AE;
- Markethill: 6 The Square, Markethill, Co. Armagh, BT60 1RB.

#### **Revocations**

17. The following Orders are hereby revoked—
- (a) the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1995<sup>(5)</sup>;
  - (b) the Bovine Spongiform Encephalopathy (Amendment) Order (Northern Ireland) 1996<sup>(6)</sup>;
  - (c) the Bovine Spongiform Encephalopathy (Amendment No. 2) Order (Northern Ireland) 1996<sup>(7)</sup>.

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(5) S.R. 1995 No. 274  
(6) S.R. 1996 No. 362  
(7) S.R. 1996 No. 593

Sealed with the Official Seal of the Department of Agriculture on

L.S.

29th December 1997.

*R. S. Johnston*  
Assistant Secretary