

2009 No. 347

ANIMAL HEALTH

**The Transmissible Spongiform Encephalopathies (Amendment)
Regulations (Northern Ireland) 2009**

Made - - - - - *16th October 2009*

Coming into operation - - - - - *9th November 2009*

The Department of Agriculture and Rural Development(a) is designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

The Department of Agriculture and Rural Development makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972

Citation and commencement and interpretation

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2009; and come into operation on 9th November 2009.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008

2.—(1) The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008(e) are amended in accordance with this Regulation.

(2) In regulation 2(1) (Interpretation)

(a) “Commission Decision 2008/908/EC” means Commission Decision 2008/908/EC authorising certain member States to revise their annual BSE monitoring programme; shall be substituted by —

““Commission Decision 2009/719/EC” means Commission Decision 2009/719/EC authorising certain member States to revise their annual BSE monitoring programme(f);”

(b) in the definition of “Community TSE Regulation” paragraph (c) shall be substituted by—

(a) Formerly the Department of Agriculture; S.I. 1999/283 (N.I. 1), Article 3(4)

(b) S.I. 1999/2027

(c) 1972 c.68

(d) 1954 c. 33 (N.I.)

(e) S.R. 2008 No. 508

(f) O.J. No. L 256, 29.9.2009, p. 35

“(c) Commission Decision 2009/719/EC;”

(3) For paragraph 1 of Part I of Schedule 2 (Monitoring for TSE) substitute—

“Notification of the body of a goat for the purpose of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession, or under their control, the body of a goat aged 18 months or over at death, must—

- (a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the death of the animal to a person approved by the Department to receive the notification; and
- (b) detain it until it has been collected by that person approved by the Department in accordance with paragraph 1(1)(a),

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Arrangements in respect of the body of a bovine animal for the purpose of monitoring under Article 6 of the Community TSE Regulation

1A.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their control the body of a bovine animal that must be tested for BSE in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation as read with Commission Decision 2009/719/EC^(a) must within 24 hours, unless directed otherwise by the Department, identify an approved TSE sampling site that will carry out sampling for the test and either—

- (a) make arrangements with the operator of the sampling site to have it collected and detain the body of the bovine animal until it has been collected; or
- (b) agree with the operator of the sampling site that it can be taken to that site and ensure its arrival at the site within the timeframe stipulated by the operator in accordance with the official document relating to the site approved by the Department under paragraph 4A,

and failure to do so is an offence.

(2) The period of 24 hours referred to in sub-paragraph (1) runs from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of paragraph 1A(1)(a) or (b) apply.

Persons collecting and delivering the body of a bovine animal

1B. The operator of an approved TSE sampling site with whom an arrangement has been made in accordance with paragraph 1A(1)(a) must, unless otherwise directed by the Department, ensure that it is collected and delivered to that site in accordance with the official document relating to the site approved by the Department under paragraph 4A and failure to do so is an offence.

Brain stem sampling of the body of a bovine animal

1C. The operator of an approved TSE sampling site to which the body of a bovine animal has been delivered must—

(a) O.J. No. L 256, 29.9.2009, p. 35

- (a) take a sample comprising the brain stem for testing in accordance with point 1 Chapter C of Annex X of the Community TSE Regulation as read with Commission Decision 2009/719/EC;
- (b) ensure that the bovine animal from which the sample is taken can be identified; and
- (c) prepare the sample for delivery to an approved testing laboratory,

and failure to do so is an offence.

Destruction without sampling

1D. Any person who destroys the body of a bovine animal to which paragraph 1A applies before it has undergone sampling at an approved TSE sampling site, except in accordance with a direction of the Department, commits an offence.

Retention and Disposal of the body of a bovine animal pending test results

1E. The operator of an approved TSE sampling site at which the body of a bovine animal has been sampled in accordance with this Part must comply with point 6(3) of Chapter A of Annex III of the Community TSE Regulation and failure to do so is an offence.”

(4) In paragraph 4(1) of Part I of Schedule 2 (Monitoring for TSE) for the words “under paragraph 3” substitute the words “in accordance with this Part”.

(5) After paragraph 4 of Part I of Schedule 2 (Monitoring for TSE) insert—

“Approved TSE sampling sites

4A.—(1) The Department must, on written application, approve a sampling site to sample animals to which paragraph 1A applies if it is satisfied that the operator has adequate control procedures and facilities to carry out the sampling.

(2) An “approved TSE sampling site” in this Part means a sampling site approved by the Department under this paragraph to carry out TSE sampling.”

(6) In paragraph 3(1) (brain stem sampling of bovine animals) of Part I of Schedule 2 (Monitoring for TSE), for Commission Decision 2008/908/EC substitute—

“Commission Decision 2009/719/EC”

(7) In paragraph 5(1)(b) and (c) and paragraph 5(3) (slaughter of bovine animals) of Part I of Schedule 2 (Monitoring for TSE), for Commission Decision 2008/908/EC substitute—

“Commission Decision 2009/719/EC”

(8) In paragraph 1(1)(c), (d) and (e) (animal identification and separation) of Part II of Schedule 2 (Contents of a RMOP), for Commission Decision 2008/908/EC substitute—

“Commission Decision 2009/719/EC”

(9) In paragraph 4(1)(b) (identification and restriction of offspring and cohorts) of Schedule 3 (Control and eradication of TSE in bovine animals), for Commission Decision 2008/908/EC substitute—

“Commission Decision 2009/719/EC”

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 16th October 2009
(L.S.)

C. McMaster
A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008 (S.R. 2008 No.508) which enforce Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (O.J. No. L 147, 31.5.2001, p.1) as amended.

Schedule 2 (TSE monitoring) is amended to place a duty on those in possession of a body of a bovine animal required for TSE testing to identify an approved TSE sampling site that will carry out brain stem sampling. They must make an arrangement with the operator of the site to have the bovine animal body collected and detain it until it has been collected. Alternatively they may, by prior agreement with the operator of the site, take the bovine animal body to that site within agreed timeframes. The operator of the approved TSE sampling site with whom an arrangement has been made for collection of a body of a bovine animal required for TSE testing must ensure that it is collected and delivered to the site in accordance with the official document relating to the site and must take a sample of brainstem material from it. Failure to comply with these provisions is an offence.

Schedule 2 is also amended to create new offences of destroying a carcase to which these provisions apply before it has been sampled and of failing to comply with point 6(3) of Chapter A of Annex III of Regulation (EC) 999/2001. Provision is also made for the approval of TSE sampling sites by the Department.

Offences are punishable in accordance with regulation 18 of the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008 by—

- (a) on summary conviction, a fine not exceeding the statutory maximum or imprisonment for a term of three months or both; or
- (b) on conviction on indictment, a fine or imprisonment for a term not exceeding two years or both.

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