

1988 No. 1345

ANIMALS

ANIMAL HEALTH

The Bovine Spongiform Encephalopathy (Amendment)
Order 1988

Made - - - - - 28th July 1988

Coming into force 8th August 1988

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 1, 8(1), 32(2) and 86(1) of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (Amendment) Order 1988 and shall come into force on 8th August 1988.

Amendment

2. The Bovine Spongiform Encephalopathy Order 1988(b) shall be amended as follows:-

(a) in article 3 (interpretation) -

(i) after the definition of "inspector" there shall be inserted the following -

""market" means a market, fairground, sale-yard or any other place where bovine animals are commonly exposed for sale;" , and

(ii) after the definition of "premises" there shall be inserted the following -

""research establishment" means an establishment carrying out research into the disease; ;

"slaughterhouse" means -

(a) in relation to England and Wales, a slaughterhouse or knacker's yard as defined in section 34 of the Slaughterhouse Act 1974(c), and

(b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980(d);";

(b) after article 4 there shall be inserted the following article -

"Application of section 32 of the Act to the disease

4A. Section 32 of the Act, which enables the Minister to cause animals to be slaughtered on account of disease, shall apply to the disease.";

(c) in article 5 (veterinary enquiry as to existence of disease and requirements as respects affected animals) -

(a) 1981 c.22; section 86(1) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which this Order is made. (b) S.I. 1988/1039. (c) 1974 c.3. (d) 1980 c.13.

- (i) for paragraph (4) there shall be substituted the following paragraph –
 “(4) If, on completion of the enquiry, the veterinary inspector is of the opinion that there is an affected or a suspected animal on the premises he shall serve a notice in Form A on the owner or person in charge of that animal.”, and
- (ii) for paragraph (5) there shall be substituted the following paragraph –
 “(5)(a) Subject to sub-paragraph (b) below, a notice in Form A shall remain in force for a period of 28 days from the date specified in the notice unless renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice in writing served by a veterinary inspector on the owner or person in charge of such animal before or on the day on which the notice in Form A was due to expire; and any notice in Form A which has been so renewed may be further renewed from time to time by a veterinary inspector in a similar manner and for a similar period.”;
 (b) A notice in Form A may at any time be withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form A relates.”;
- (d) in article 6(1) (restrictions on movement of other bovine animals) for the words “, other than an affected animal,” there shall be substituted the words “, other than an affected or a suspected animal,”;
- (e) after article 8 there shall be inserted the following article –
 “Notice of intended slaughter
 8A. Where the Minister proposes to cause an affected or suspected animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease a veterinary inspector shall serve a notice of intended slaughter in Form C on the owner or person in charge of the animal.”;
- (f) in article 10 (production of licences) for the words “a police officer” there shall be substituted the words “a member of a police force”; and
- (g) for the Schedule (forms) there shall be substituted the following Schedule –

20.10

“SCHEDULE
FORM A
ANIMAL HEALTH ACT 1981
THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1988
(Article 5)

NOTICE IMPOSING REQUIREMENTS AS RESPECTS AN AFFECTED OR SUSPECTED ANIMAL

To.....
 of.....

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice in accordance with the provisions of the above Order that, as the owner/*person in charge of the bovine animal specified below, you are required –

(a) to detain the said animal on the premises known as (insert description of premises including full postal address)

except that the animal may be-

- (i) slaughtered on such premises,
(ii) moved off such premises direct to a research establishment under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued, or
(iii) in the case of an animal in a slaughterhouse or market, moved direct to its farm of origin under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
(b) in the event of the said animal dying (otherwise than as a result of being slaughtered) on such premises, to immediately inform the Divisional Veterinary Officer of this fact and to retain the carcase of the animal and to surrender it to a veterinary inspector on request;
(c) in the event of the said animal dying or being slaughtered on the premises -
(i) to dispose of the carcase of the animal on the premises if so required by a veterinary inspector, and
(ii) except where it is surrendered to a veterinary inspector in accordance with paragraph (b) above, not to permit the carcase of the animal to be moved off the premises except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
(d) in the event of the said animal being pregnant to ensure -
(i) that is isolated from all other bovine animals on the said premises during the period of calving and for 72 hours afterwards in accommodation which has been approved by a veterinary inspector for this purpose,
(ii) that its placenta, discharges and bedding are buried or burnt, and
(iii) that the accommodation used for its calving is cleansed and disinfected in accordance with the directions of a veterinary inspector.

This notice remains in force for a period of 28 days from19.. but may be renewed by a subsequent notice served by a veterinary inspector.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction.

The bovine animal to which this notice applies is specified in the table below.

Table with 2 columns: Official ear mark, Description of bovine animal to include age, breed and sex

Signed Dated 19 ...

Name in block letters

Official address

*delete as appropriate

FORM B
ANIMAL HEALTH ACT 1981
THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1988

(Article 5)

**WITHDRAWAL OF NOTICE IMPOSING REQUIREMENTS AS RESPECTS
AN AFFECTED OR SUSPECTED ANIMAL**

To.....
of.....
.....

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from this day of19.., the notice in Form A relating to the bovine animal specified below, signed by and served on you on the day of19...

The bovine animal to which the notice in Form A which is withdrawn by this notice applies is specified in the table below.

Official ear mark	Description of bovine animal to include age, breed and sex

Signed Dated 19 ...
Name in block letters
Official address
.....

FORM C
ANIMAL HEALTH ACT 1981
THE BOVINE SPONGIFORM ENCEPHALOPATHY ORDER 1988

(Article 8A)

NOTICE OF INTENDED SLAUGHTER

To.....
of.....
.....

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that the Minister proposes to cause the bovine animal specified below, which is affected/* suspected of being affected with bovine spongiform encephalopathy, to be slaughtered as soon as possible under the powers conferred on him by section 32 of the above Act in its application to that disease.

The bovine animal to which this notice applies is specified in the table below.

Official ear mark	Description of bovine animal to include age, breed and sex
Signed Dated 19 ...	
Name in block letters	
Official address	
.....	

* delete as appropriate

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th July 1988.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

26th July 1988

Sanderson of Bowden
Minister of State, Scottish Office

28th July 1988

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bovine Spongiform Encephalopathy Order 1988. The changes of substance made to that Order are as follows:-

(1) section 32 of the Animal Health Act 1981 (power to slaughter animals) is applied to bovine spongiform encephalopathy (article 2(b));

(2) where a veterinary inspector is of the opinion (following a veterinary enquiry) that a bovine animal is affected, or suspected of being affected, with bovine spongiform encephalopathy, he is required to serve a notice in Form A containing movement restrictions on the owner or person in charge of that animal (article 2(c)(i));

(3) a notice in Form A will remain in force for a period of 28 days from the date specified in the notice unless renewed or withdrawn earlier by a notice in Form B (article 2(c)(ii)); and

(4) a veterinary inspector is required to serve a notice of intended slaughter (in Form C) on the owner of any bovine animal which is affected, or suspected of being affected, with bovine spongiform encephalopathy and which the Minister proposes to cause to be slaughtered under the powers conferred on him by section 32 of the Act in its application to that disease (article 2(e)).