
STATUTORY INSTRUMENTS

1996 No. 3183

The Bovine Spongiform Encephalopathy (No. 2) Order 1996

PART III

MAMMALIAN PROTEIN AND MAMMALIAN MEAT AND BONE MEAL

Mammalian protein

13.—(1) Subject to paragraph (2) below, no person shall—

- (a) knowingly sell or supply for feeding to ruminant animals any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated; or
- (b) feed to a ruminant animal any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibitions in paragraph (1) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes.

Mammalian meat and bone meal

14.—(1) Subject to paragraphs (5) and (6) below, no person shall—

- (a) sell or supply for incorporation into any feeding stuff for livestock any mammalian meat and bone meal;
- (b) use any mammalian meat and bone meal in the production of any feeding stuff for livestock;
- (c) sell or supply for feeding to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated; or
- (d) feed to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6) below, no person shall undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feeding stuff for livestock is produced, and no person shall sell any mammalian meat and bone meal or MBM product there, unless (in each case)—

- (a) the ingredients of the feeding stuff for livestock are stored, and the feeding stuff is produced, in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (b) (except as provided by sub-paragraph (d) below) all feeding stuff for livestock is stored in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;

- (c) no equipment or vehicle used in the production of the feeding stuff for livestock comes 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 an MBM product; and
 - (d) where mammalian meat and bone meal or an MBM product is sold, any feeding stuff for livestock stored in the same building as the mammalian meat and bone meal or MBM 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 feeding stuff for livestock is stored; or
 - (ii) both the feeding stuff for livestock and the mammalian meat and bone meal or MBM product are securely packaged with no spillage or leakage taking place.
- (3) Subject to paragraphs (5) to (8) below, no person shall have in his possession any mammalian meat and bone meal or any MBM product on any premises where—
- (a) any livestock is kept;
 - (b) any feeding stuff for livestock is produced, except as permitted under paragraph (2) above; or
 - (c) any feeding stuff for livestock is stored but not produced and no livestock are kept.
- (4) Subject to paragraphs (6) and (8) below, no person shall transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feeding stuff for livestock is being transported.
- (5) The prohibitions in paragraphs (1) and (3) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes or to the possession of a feeding stuff at such an establishment for such purposes.
- (6) In any proceedings for an offence under paragraphs (1) to (4) above it shall be a defence for any person charged 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) In any proceedings for an offence under paragraph (3)(a) or (c) above in relation to any MBM product it shall be a defence for any person charged to prove—
- (a) in the case of an offence under paragraph (3)(a), that the MBM product was in his possession solely for feeding 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;
 - (b) in the case of an offence under paragraph (3)(c), that both the MBM product and the feeding stuff for livestock were offered for sale on those premises;
 - (c) that the MBM product was stored and used in a place which was physically separated from any place where feeding stuff for livestock was stored or to which such animals had access; and
 - (d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feeding stuff for livestock.
- (8) In any proceedings for an offence under paragraph (3)(a) or (c) or (4) above it shall be a defence for any person charged to prove that at all material times both the mammalian meat and bone meal or MBM product (as the case may be) and the feeding stuff for livestock were securely packaged and that no spillage or leakage took place.

Cleansing and disinfection

15.—(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 fertiliser that is not for use on agricultural land within the meaning of the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996(1).

(2) Subject to paragraphs (3) and (4) below, 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) It shall be a defence for any person charged with an offence under paragraph (2) above to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence under paragraph (2) above by virtue of any arrangement made by him to show that he took all reasonable steps to ensure that the premises, equipment or vehicle in question were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An inspector may serve on the occupier of any premises or on the owner or operator of vehicle or equipment on or in 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 a manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment or any other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) If any person on whom a notice is served under paragraph (5) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the appropriate Minister or the local authority, as the case may be.

Disposal and recall of mammalian meat and bone meal and MBM products

16.—(1) An inspector may serve on any person in whose possession mammalian meat and bone meal or any MBM product is found in contravention of article 14(3) or (4) above a notice requiring that person to dispose of the material, and any other material with which it has come into contact, in such manner and within such period as may be specified in the notice.

(2) An inspector may serve on any person who has sold or supplied any feeding stuff the sale or supply of which is prohibited by article 14(1) a notice requiring that person 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 may be specified in the notice.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of

(1) S.I.1996/1125, amended by S.I. 1996/2473.

any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the appropriate Minister or the local authority, as the case may be.

Records relating to mammalian meat and bone meal

17.—(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 produced outside the United Kingdom, for two years from the date on which it was imported into the United Kingdom) 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 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) above.

(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 an import, from the date on which that material entered the United Kingdom), 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 (4) above 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 paragraphs (1)(e), (2)(e) and (4)(d) above shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) No person shall be required to keep any record relating to the consignment or transport of mammalian meat and bone meal otherwise required by any of paragraphs (1) to (5) above where the consignment or transport follows the retail sale of the meal, and no person receiving a consignment for the purpose of selling it by retail shall be required to keep any record otherwise required by paragraph (2) or (3) above, provided that in either case—

- (a) the meal is contained in sealed packages each weighing not more than 26 kilograms;
- (b) the packages containing the meal are presented as containing a fertiliser solely for use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996; and
- (c) (in the case of a consignment by retail sale) the consignment consists of not more than 104 kilograms of meal.