

**2002 No. 843**

**ANIMALS, ENGLAND**  
**ANIMAL HEALTH**

**The TSE (England) Regulations 2002**

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The Secretary of State for Environment, Food and Rural Affairs, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, and of all other powers enabling her in that behalf, makes the following Regulations—

## PART I

### Introductory provisions

#### Title, extent and commencement

- 1.—(1) These Regulations may be cited as the TSE (England) Regulations 2002.
- (2) These Regulations extend to England.
- (3) These Regulations come into force on 19th April 2002.

#### Application

2.—(1) Subject to paragraph (2) below, these Regulations do not apply to the production or placing on the market of the products, medical devices, starting materials, intermediate products and live animals referred to in Article 1(2) of the Community TSE Regulation.

(2) In so far as is necessary to avoid the cross-contamination or substitution referred to in Article 2 of the Community TSE Regulation, these Regulations apply to the use of specified risk material in the production or placing on the market of any product, medical device, starting material or intermediate product referred to in Article 1(2) of the Community TSE Regulation.

(3) Part III of these Regulations applies in relation to mammalian protein, mammalian meat and bone meal and processed animal protein intended for the feeding of animals (excluding humans).

- (4) Part III of these Regulations does not apply in relation to—
  - (a) catering waste; or
  - (b) eggs and egg products.

#### Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

“ABPO approved”, in relation to premises, means approved under article 7, or registered under article 12, of the Animal By-Products Order 1999(c); and “ABPO approval” shall be construed accordingly;

“the Agency” means the Food Standards Agency;

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(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.I. 1999/646.

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodlands, and horticulture (except the propagation of plants and the growing of plants within greenhouses and glass or plastic structures);

“animal by-product” has the same meaning as in the Animal By-Products Order 1999;

“catering waste” has the same meaning as in the Animal By-Products Order 1999;

“the Commission Decision” means Commission Decision 2001/9/EC(a) concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“the Community TSE Regulation” means Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(b);

“the Community Transitional Measures” means—

(a) Commission Regulation (EC) No 1248/2001 of 22 June 2001 amending Annexes III, X and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies(c);

(b) Commission Regulation (EC) No 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to Regulation (EC) No 999/2001 of the European Parliament and of the Council for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation(d); and

(c) Commission Regulation (EC) No 270/2002 of 14 February 2002 amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof(e);

“the Council Decision” means Council Decision 2000/766/EC(f) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“cutting premises” means premises used for the purpose of cutting up fresh meat intended for sale for human consumption;

“the Divisional Veterinary Manager” means the veterinary inspector appointed for the time being by the Secretary of State to receive information in relation to animals suspected of being affected by a TSE or animals affected by a TSE, or the carcasses of such animals, for the area in which such animals or carcasses are;

“farmed animal” means any creature, including a fish, which is kept, fattened or bred for the production of food;

“feedingstuff” has the meaning given to it by section 66(1) of the Agriculture Act 1970(g), save that it shall apply to products and substances for oral feeding to any creature except a human being, and section 66(2)(b) of that Act shall have effect for the purposes of these Regulations as it does for the purposes of that Act;

“food” has the same meaning as in the Food Safety Act 1990(h);

“inspector” means—

(a) a person appointed as such for the purposes of these Regulations by the Secretary of State, including a veterinary inspector;

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(a) OJ No. L2, 5.1.2001, p. 32.

(b) OJ No. L147, 31.5.2001, p. 1.

(c) OJ No. L173, 27.6.2001, p. 12.

(d) OJ No. L177, 30.6.2001, p. 61.

(e) OJ No. L45, 15.2.2002, p. 4.

(f) OJ No. L306, 7.12.2000, p. 32.

(g) 1970 c. 40.

(h) 1990 c. 16.

- (b) a person appointed as such for the purposes of these Regulations by the Agency including, in relation to Part IV of these Regulations, a person—
  - (i) designated as an OVS in accordance with regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995(a); and
  - (ii) appointed as an inspector in accordance with regulation 8(2) of those Regulations; and
- (c) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations.

“listed premises” means those premises listed by the Agency as being listed premises for the purposes of these Regulations and published by notice in the London Gazette;

“livestock” means—

- (a) any creature, including a fish, kept, fattened or bred for the production of food, wool, skin or fur;
- (b) any creature other than a dog kept for use in the farming of land; and
- (c) any equine animal;

“local authority” means—

- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994(b), a unitary authority for that local government area, that authority;
- (b) in any part of England where there is no such unitary authority—
  - (i) in a metropolitan district, the council of that district;
  - (ii) in a non-metropolitan county, the council of that county; or
  - (iii) in each London borough, the council of that borough;
- (c) as respects the City of London, the Common Council;
- (d) as respects the Isles of Scilly, the Council of the Isles of Scilly; or
- (e) where there is a Port Health Authority, that authority in addition to the authority specified in paragraphs (a), (b) or (c) above;

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

“mammalian meat and bone meal” means—

- (a) mammalian protein (including greaves), other than processed animal protein, derived from the whole or part of any dead mammal by—
  - (i) the process of rendering; or
  - (ii) in the case of a product or material originating outside England, by an equivalent process; or
- (b) any material derived from mammalian protein,

and for this purpose “protein” means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;

“monitoring notification”, in respect of any category of notifiable animal, means a notification of the death of the animal to the Secretary of State;

“a notifiable animal” means any TSE susceptible animal in relation to which the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation applies;

“OVS” means an official veterinary surgeon designated as such in accordance with regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995;

“occupier”, in relation to any premises, means any person carrying on a business there;

“premises” means any place, including any land, building, structure (moveable or otherwise), tent or vehicle,—

- (a) in which TSE susceptible animals may be bred, grazed, handled, held, kept, marketed or shown to the public;
- (b) in which processed animal protein or mammalian meat and bone meal may be handled, kept or disposed of;

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(a) S.I. 1995/539, as amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074; and as amended in relation to England by S.I. 2000/225 and in relation to England and Wales by S.I. 2000/656.

(b) S.I. 1994/867 to which there are amendments not relevant to these Regulations.

- (c) in which specified risk material may be removed from a carcase of an animal, handled, kept or disposed of; or
- (d) any place where blood, carcasses or parts of the carcasses derived from any creature except man may be kept,

and includes any such place occupied as a private dwelling;

“processed animal protein” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatin and any other similar products, and includes mixtures, feedingstuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;

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

“rendering” means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures mentioned in Schedule 2 to the Animal By-Products Order 1999;

“ruminant animal” means a bovine animal, a sheep or a goat;

“scheme animal” means a bovine animal—

- (a) which has been slaughtered pursuant to the purchase scheme introduced under Commission Regulation (EC) No 716/96 adopting exceptional support measures for the beef market in the United Kingdom; or
- (b) which the Secretary of State has caused to be slaughtered under the Animal Health Act 1981(a) for the prevention of bovine spongiform encephalopathy;

“sealed vehicle” means a vehicle sealed in accordance with regulation 41(3) below;

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“slaughterhouse” means any premises for slaughtering animals the flesh of which is intended for sale for human consumption;

“specified risk material” includes—

- (a) any part of—
  - (i) a bovine animal, other than a carcase of a bovine animal containing vertebral column which has been imported in accordance with the Specified Risk Material Order 1997(b);
  - (ii) a sheep or a goat,
    - remaining attached to specified risk material after dissection of the carcase of the animal;
- (b) any animal material which comes into contact with specified risk material after it has been removed from the carcase; and
- (c) specified solid waste;

“specified solid waste” means any solid matter resulting from the slaughter or death of a bovine animal, sheep or goat, or from the subsequent processing of the carcase of a bovine animal, sheep or goat, which is collected in any part of the drainage system draining any place where specified risk material is handled;

“stained blue” has the meaning given in regulation 39 below;

“stained yellow” has the meaning given in regulation 39 below;

“TSE susceptible animal” means any animal (whether it is a farmed animal or not) which is capable of being affected by a TSE;

“tallow” means fat derived from animal tissues by a process of rendering;

“UK specified risk material” means specified risk material derived from an animal which has died or was slaughtered in the United Kingdom;

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(a) 1981 c. 22.

(b) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234, S.I. 2000/3377 and S.I. 2001/2650.



“vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;

“veterinary inspector” means a person appointed by the Secretary of State as a veterinary inspector; and

“young lamb stamp” means the stamp described in regulation 38(2) below.

(2) Expressions in these Regulations which are not defined in paragraph (1) above and which appear in the Community TSE Regulation or in the Community Transitional Measures have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation or the Community Transitional Measures.

(3) Expressions in Part III of these Regulations which are not defined in paragraph (1) above and which appear in the Council Decision or the Commission Decision have the same meaning in these Regulations as they have for the purposes of those Decisions.

(4) For the purposes of these Regulations, material shall be treated as a feedingstuff whether it is used or intended to be used as a feedingstuff by itself or as an ingredient in something which is so used or intended for such use.

## PART II

### TSE MONITORING

#### **TSE monitoring**

4.—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcass of any TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any TSE susceptible animal, or the carcass of such an animal, as he considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcass of such an animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcass of such an animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcass of such an animal;
- (i) seize any TSE susceptible animal or the carcass of such an animal;
- (j) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (k) slaughter any TSE susceptible animal;
- (l) examine any record, in whatever form the record may be held, and take copies of the record;
- (m) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him

such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

- (n) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied to a TSE susceptible animal or the carcass of such an animal under paragraph (2)(f) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and that either—

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

he may issue a warrant to authorise an inspector to enter the premises for that purpose, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any animal or carcass which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation; and  
(b) if required by an inspector, give such information as he possesses as to—  
(i) any animal or carcass which is or has been on the premises;  
(ii) any other animal or carcass with which any animal or carcass which is or has been on the premises may have come into contact; and  
(iii) the location and movement of any animal or carcass which is or has been in his possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and  
(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Movement prohibitions and restrictions of TSE susceptible animals**

5.—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal from or to any premises.

(2) By notice in writing served on the owner or person in charge of the animal an inspector may prohibit or restrict the movement of the animal or carcase from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force an inspector may renew it subject to such requirements or conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase from premises on the authority of a licence issued by an inspector, an inspector may issue a licence for this purpose subject to such requirements or conditions as he considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

### **Slaughter of TSE susceptible animals at slaughterhouses**

6.—(1) This regulation and regulation 7 below apply where the Secretary of State is satisfied it is necessary to slaughter any TSE susceptible animal for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) Where the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at a slaughterhouse an inspector shall so inform the occupier of the slaughterhouse concerned and direct the occupier to slaughter the animal in such manner and period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the requirements as to hygiene, specified risk material or animal welfare with which the occupier must comply at the slaughterhouse in relation to—

- (a) the slaughter of the animal; and
- (b) any related operation, including—
  - (i) the handling of the animal before and at slaughter, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must—

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and within such period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to—

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given except where the Secretary of State is satisfied that it is not proportionate for that person to bear some or all of that expense.

(7) Where the Secretary of State is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with it she shall give notice to that person of the proportion of the expense, if any, which she is satisfied the person should bear.

(8) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

#### **Slaughter of TSE susceptible animals at other premises**

7.—(1) Where the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at premises other than a slaughterhouse a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him of that intention; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After the expiry of that period the Secretary of State, after considering any representations received during this period from the owner or person in charge of the animal, shall either—

- (a) withdraw the notice of intended slaughter; or
- (b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

#### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals**

8.—(1) This regulation applies where the Secretary of State is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation it is necessary—

- (a) to require an occupier of premises to retain on the premises under the direction of the Secretary of State a carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part; or
- (b) to seize from any premises the carcass of a TSE susceptible animal, any part of such a carcass or any blood derived from any such carcass or part.

(2) For any such purpose an inspector may—

- (a) direct the occupier of the premises to retain on the premises a carcass of a TSE susceptible animal on the premises, any part of such a carcass or any blood derived from any such carcass or part; or
- (b) seize or dispose of—
  - (i) any carcass of a TSE susceptible animal from any premises, or any part of such a carcass, whether or not it is a carcass or part of a carcass which the occupier has been required to be retained under the direction of an inspector; or
  - (ii) any blood derived from a carcass of a TSE susceptible animal or any part of such a carcass, whether or not the carcass or part of the carcass from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcass, part of a carcass or blood derived from any carcass or part may include directions in relation to the treatment, storage and disposal of the carcass, part or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given except where the Secretary of State is satisfied that it is not proportionate for that person to bear some or all of that expense.

(5) Where the Secretary of State is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with it she shall give notice to that person of the proportion of the expense, if any, which she is satisfied the person should bear.

(6) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

### **Compensation for slaughtered TSE susceptible animals**

9.—(1) Where a TSE susceptible animal is slaughtered under regulation 6 or 7 above the Secretary of State shall pay compensation to the owner of the animal in accordance with the provisions of Part I of Schedule 1 below.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part II of Schedule 1 below to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 8 above.

### **Notifications**

10.—(1) For any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation, the Secretary of State may certify in respect of any category of notifiable animal that a monitoring notification in respect of animals in that category is required and may appoint an agent to receive such a notification on her behalf.

(2) Where—

- (a) in respect of a category of notifiable animal the Secretary of State certifies that a monitoring notification is required; or
- (b) the Secretary of State appoints an agent for the purposes of receiving notifications under this regulation on her behalf,

the Secretary of State shall publish by such means as she thinks fit, including by notice in the London Gazette, the details of the certificate or the name of the agent, the address of the agent and other relevant contact information and the date on and after which notifications under this regulation shall be made to the agent instead of to the Secretary of State.

(3) Where in respect of a category of notifiable animal the Secretary of State has certified that a monitoring notification in respect of animals in that category is required and has published the certification under paragraph (2) above—

- (a) a person who has in his possession or under his charge an animal of that category, or the carcase of an animal of that category, shall, within 24 hours from the time when the animal dies or was killed or the carcase comes into his possession or charge, notify the fact, and such other information as may be required by virtue of the monitoring notification, to the Secretary of State or, where the Secretary of State has appointed an agent to receive notifications under this regulation on her behalf, to that agent; and
- (b) any veterinary surgeon or other person who, in the course of his duties examines or inspects an animal of that category which dies during the course of those duties, or examines or inspects the carcase of a such an animal, shall within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify the fact, and such other information as may be required by virtue of the monitoring notification, to the Secretary of State or, where the Secretary of State has appointed an agent to receive notifications under this regulation on her behalf, to that agent.

(4) A person who has in his possession or under his charge on any premises any animal or carcase in respect of which the Secretary of State has certified that a monitoring notification is required shall detain it on the premises until it has been collected by or on behalf of the Secretary of State.

## PART III

### ANIMAL FEEDING

#### *Mammalian protein and mammalian meat and bone meal*

##### **Mammalian protein**

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

- (a) knowingly sell or supply for feeding to ruminant animals; or
- (b) feed to a ruminant animal,

any feedingstuff 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 feedingstuff for research purposes in 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 to the sale or supply of any feedingstuff to a research establishment for such purposes.

##### **Mammalian meat and bone meal for use in feedingstuffs for livestock**

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

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

(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 feedingstuff for livestock is produced; or
- (c) any feedingstuff 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 feedingstuff 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 feedingstuff for research purposes in 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 to the sale or supply of any feedingstuff to a research establishment for such purposes or to the possession of a feedingstuff 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 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) 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 feedingstuff 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 feedingstuff for livestock was stored or to which livestock had access; and
- (d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feedingstuff for livestock.

(8) In any proceedings for an offence under paragraph (3) 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 feedingstuff for livestock were securely packaged and that no spillage or leakage took place.

(9) No person shall transport from or to any premises, or store in bulk at any premises, any mammalian meat and bone meal the sale or supply of which is prohibited by paragraph (1)(a) above, unless he and the premises are registered by the Secretary of State for the purpose and the premises are not used for the preparation of feedingstuffs for livestock.

(10) The Secretary of State shall register premises under this regulation where the occupier declares the premises are capable of being used in accordance with this Part of these Regulations.

#### **Mammalian meat and bone meal for use in fertilisers on agricultural land**

**13.—(1)** No person shall sell or have in his possession with a view to sale, for use as a fertiliser on agricultural land, any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal to any extent.

(2) No person shall use on agricultural land as a fertiliser any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal to any extent.

(3) Subject to paragraph (4) below, no person shall—

- (a) sell or have in his possession with a view to sale, for use as a fertiliser on any land other than agricultural land; or
- (b) use as a fertiliser on any such land,

any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal unless the mammalian meat and bone meal concerned was manufactured in accordance with paragraph (5) below.

(4) Nothing in paragraph (3) above shall prevent—

- (a) the sale for use on any land other than agricultural land;
- (b) the possession with a view to such sale; or
- (c) the use on any such land,

of any fertiliser consisting solely of mammalian meat and bone meal or derived from or containing mammalian meat and bone meal if that mammalian meat and bone meal was manufactured before the date of coming into force of the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998(a), and the contract for its purchase by the manufacturer of that fertiliser was made before that date.

(5) No person shall manufacture mammalian meat and bone meal for use as or in any fertiliser except by a rendering process in which—

- (a) the particle size of the raw material prior to processing is reduced so that the maximum dimension of no particle exceeds 50 mm; and
- (b) the material is heated to a core temperature of more than 133°C for at least 20 minutes at a pressure of at least 3 bar.

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(a) S.I. 1998/954; the Regulations came into force on 30th April 1998.

- (6) In this regulation—
- (a) mammalian meat and bone meal does not include any mammalian meat and bone meal derived solely from blood; and
  - (b) the references to mammalian meat and bone meal being “manufactured” are references to the rendering process by which the mammalian meat and bone meal concerned was derived.

*Processed animal protein*

**Feeding of processed animal protein to farmed animals**

**14.**—(1) Subject to paragraph (2) below, no person shall feed any processed animal protein to a farmed animal.

- (2) The prohibition in paragraph (1) above shall not apply to—
- (a) the feeding to farmed animals other than ruminants of fishmeal—
    - (i) produced in England in premises approved under regulation 16 below, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 below;
    - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;
    - (iii) produced in another Member State in premises approved by the competent authority of that Member State in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or
    - (iv) produced in a third country and which—
      - before being sold or supplied in England, has been analysed in accordance with Commission Directive 98/88/EC(a);
      - is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 2 below; and
      - is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;
  - (b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive 70/524/EEC(b) concerning additives in feedingstuffs;
  - (c) the feeding to farmed animals other than ruminants of dicalcium phosphate—
    - (i) produced in England in premises approved and used as mentioned in regulation 17(1) and (3) below;
    - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
    - (iii) produced in another Member State in premises approved by the competent authority of that Member State in accordance with the Commission Decision and used in accordance with that approval;
  - (d) the feeding to farmed animals other than ruminants of hydrolysed protein—
    - (i) produced in England in premises approved and used as mentioned in regulation 17(2) and (3) below;
    - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or

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(a) OJ No. L318, 27.11.1988, p. 45.

(b) OJ No. L270, 14.12.1970, p. 1, as last amended by Directive 1999/70/EC (OJ No. L80, 25.3.1999, p. 20).



- (iii) produced in another Member State in premises approved by the competent authority of that Member State in accordance with the Commission Decision and used in accordance with that approval; or
- (e) the feeding to farmed animals of milk and milk products.

#### **Sale or supply of processed animal protein intended for the feeding of farmed animals**

**15.—**(1) Subject to paragraph (2) below, no person shall sell or supply any processed animal protein intended for the feeding of any farmed animal.

- (2) The prohibitions in paragraph (1) above shall not apply to the sale or supply of—
  - (a) fishmeal referred to in regulation 14(2)(a) above for feeding to farmed animals other than ruminants;
  - (b) gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive 70/524/EEC concerning additives in feedingstuffs;
  - (c) dicalcium phosphate referred to in regulation 14(2)(c) above for feeding to farmed animals other than ruminants;
  - (d) hydrolysed protein referred to in regulation 14(2)(d) above for feeding to farmed animals other than ruminants; or
  - (e) milk and milk products.

#### **Production of fishmeal for feeding to farmed animals other than ruminants**

**16.—**(1) No person shall use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are approved for this purpose by the Secretary of State under this regulation; and
- (b) fishmeal produced at the premises—
  - (i) is not transported from the premises otherwise than in accordance with the conditions specified in paragraphs 1 and 2 of Schedule 2 below; and
  - (ii) is not intermediately stored otherwise than in accordance with the condition specified in paragraph 3 of Schedule 2 below.

(2) On an application made to her under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the Secretary of State shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, she is satisfied that—

- (a) the premises will be dedicated only to fishmeal production;
- (b) the premises are ABPO approved; and
- (c) the occupier of the premises will be able to ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 below.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—

- (a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of this regulation subject to which the approval is granted;
- (b) any person employed by him, and any person invited to the premises, complies with those provisions; and
- (c) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

#### **Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants**

**17.—**(1) No person shall use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless—

- (a) the premises—

- (i) are approved for this purpose by the Secretary of State under this regulation; and
    - (ii) are used for this purpose in accordance with the conditions specified in Schedule 3 below; and
  - (b) transport of dicalcium phosphate to the premises is in accordance with the conditions specified in paragraph 4 of Schedule 3 below.
- (2) No person shall use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless—
- (a) the premises—
    - (i) are approved for this purpose by the Secretary of State under this regulation; and
    - (ii) are used for this purpose in accordance with the conditions specified in Schedule 4 below; and
  - (b) transport of hydrolysed protein to the premises is in accordance with the conditions specified in paragraph 3 of Schedule 4 below.
- (3) On an application made to her for the approval of premises for the production of dicalcium phosphate or hydrolysed protein the Secretary of State shall approve the premises for the production concerned if, following an inspection of the premises by a veterinary inspector, she is satisfied that—
- (a) the premises are ABPO approved;
  - (b) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval;
  - (c) in respect of an application for approval of the premises for production of dicalcium phosphate, the occupier of the premises will be able to comply with the conditions specified in Schedule 3 below; and
  - (d) in respect of an application for approval of the premises for production of hydrolysed protein, the occupier of the premises will be able to comply with the conditions specified in Schedule 4 below.
- (4) The occupier of premises approved under this regulation shall ensure that—
- (a) in respect of the production of dicalcium phosphate at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 3 below subject to which the approval is granted;
  - (b) in respect of the production of hydrolysed protein at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 4 below subject to which the approval is granted;
  - (c) any person employed by him, and any person invited to the premises, complies with those provisions; and
  - (d) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

### **Transport and storage of processed animal protein**

**18.—**(1) No person shall transport from or to any premises, or store in bulk at any premises, any processed animal protein the sale or supply of which is prohibited by regulation 15 above, unless he and the premises are registered by the Secretary of State for the purpose and the premises are not used for the preparation of feedingstuffs for ruminant animals.

(2) The Secretary of State shall register premises under this regulation where the occupier declares the premises are capable of being used in accordance with the Commission Decision.

(3) Where a vehicle used for the transport of any dicalcium phosphate, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other product, the person using the vehicle for the transport of such dicalcium phosphate or hydrolysed protein shall ensure the vehicle is thoroughly cleaned and inspected before and after the transport of such dicalcium phosphate or hydrolysed protein.

## *Approvals of premises*

### **Applications for approvals and approvals of premises**

**19.—(1)** An application for approval of premises under regulation 16 or 17 above shall be made in writing to the Secretary of State by or on behalf of the person carrying on or proposing to carry on the business at the premises to which the application relates.

(2) The Secretary of State shall notify the applicant in writing of her decision on an application made to her in accordance with this regulation; and, if she refuses to approve the premises in respect of which an application is made, she shall notify the applicant in writing of her reasons for the refusal.

- (3) An approval of premises under regulation 16 or 17 above shall specify—
- (a) the name and address of the person to whom the approval is granted and the address of the approved premises;
  - (b) the use of the premises for the description of production for which the approval is granted; and
  - (c) the conditions subject to which the approval is granted.
- (4) If the Secretary of State refuses to approve the premises or grants an approval subject to any condition she shall give to the applicant a statement of—
- (a) the reasons for the refusal or the condition; and
  - (b) the right of the applicant under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person or tribunal to whom an appeal may be made.

### **Suspension and withdrawal of approvals**

**20.—(1)** The Secretary of State may suspend or withdraw an approval of any premises approved under this Part of these Regulations if it appears to her that—

- (a) the premises are being used otherwise than in accordance with these Regulations or the approval;
  - (b) any condition specified in a Schedule to these Regulations which relate to the approval of the premises has not been complied with;
  - (c) the premises are not ABPO approved;
  - (d) inspection of the premises for the purposes of these Regulations is being hampered or denied;
  - (e) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and—
    - (i) the Secretary of State is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required; and
    - (ii) as a result there is a risk that the premises will be used otherwise than in accordance with the approval, any condition specified in the approval will not be complied with or inspection of the premises for the purposes of these Regulations will be hampered or denied;
  - (f) the person using the premises for the use for which they are approved no longer wishes to carry on that use of the premises; or
  - (g) the premises are not being used for the use for which they are approved.
- (2) Before suspending or withdrawing an approval the Secretary of State shall—
- (a) give notice of the intended suspension or withdrawal to the occupier of the premises (or, in the case of a suspension or withdrawal under paragraph (1)(g) above, to the person known to the Secretary of State as the last person to use the premises for the use for which they are approved and to any other person who appears to her to be in current occupation of the premises); and
  - (b) have regard to any representations made to her by that person in relation to the intended suspension or withdrawal.

(3) A notice of suspension or withdrawal of an approval shall include the following information—

- (a) a summary of the decision of the Secretary of State to suspend or withdraw the approval and a description of the use of the premises for which the approval is suspended or withdrawn;
- (b) the reason for the suspension or withdrawal;
- (c) the time from which the suspension or withdrawal takes effect, which—
  - (i) in respect of a suspension, may be any time after the notice is given; and
  - (ii) in respect of a withdrawal, must be at least 21 days after the date on which the notice is given;
- (d) in respect of a suspension, the matters which must be remedied for the suspension to be lifted;
- (e) a statement of the right of the person to whom the notice is given to appeal under this Part of these Regulations against the suspension or withdrawal and the period within which and the person or tribunal to whom an appeal may be made; and
- (f) in respect of a withdrawal, any conditions for the protection of public or animal health to which any continued use of the premises for an approved use after the withdrawal takes effect is subject pending an appeal.

(4) Where a suspension of an approval of premises under this regulation has taken effect the premises shall be treated as if they were not approved for the use for which the approval is suspended.

(5) The Secretary of State shall lift a suspension of an approval where—

- (a) she is satisfied that—
  - (i) the reason for the suspension no longer applies; and
  - (ii) the person who would use the premises for the use for which they are approved will use the premises in accordance with the approval and the conditions of the approval; or
- (b) the determination of an appeal under this Part of these Regulations against the suspension is that the approval should not have been suspended.

(6) Where the Secretary of State lifts a suspension she shall give notice of this to the person to whom she gave notice of the suspension.

(7) Premises may continue to be used by the occupier for a use for which an approval is withdrawn during the period of 21 days after the notification to the occupier of the withdrawal.

(8) After the expiry of this period the premises may not be used for the use for which the approval is withdrawn unless before the period expired an appeal was made in accordance with regulation 21 below and the appeal has not been finally disposed of or abandoned.

(9) Where the Secretary of State has given notice of a decision to withdraw the approval of premises the occupier of the premises shall not use the premises for that use except in accordance with any conditions for the protection of public or animal health included in the notice of withdrawal.

## **Appeals**

**21.—**(1) Where in respect of any premises the Secretary of State has given notice of a decision under this Part of these Regulations—

- (a) to refuse to approve any premises; or
- (b) to grant an approval of any premises subject to conditions;
- (c) to suspend the approval of any premises; or
- (d) to withdraw the approval of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person or tribunal specified in the notice.

(2) An appeal under this regulation shall be made by written statement given to the person or tribunal specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as the notice may specify.

(3) Where on an appeal under this regulation the person or tribunal hearing the appeal determines that—

- (a) the grant of an approval should not have been refused; or
- (b) unreasonable conditions have been attached to the grant of an approval; or
- (c) an approval should not have been suspended or withdrawn,

the Secretary of State shall give effect to that determination.

### *Feedingstuffs*

#### **Manufacture of feedingstuffs containing processed animal protein**

**22.**—(1) Subject to paragraph (2) below, no person shall manufacture any feedingstuff, including petfood, which is destined for animals other than farmed animals, and which contains processed animal protein, in premises which prepare feed for farmed animals.

(2) If any feedingstuff is produced with no processed animal protein other than fishmeal, dicalcium phosphate or hydrolysed protein, it may be manufactured in premises which prepare feed for farmed animals other than ruminants.

#### **Production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants**

**23.**—(1) Subject to paragraph (3) below, no person shall use any premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 6 of Annex I to the Commission Decision by the Secretary of State.

(2) The Secretary of State shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants in accordance with paragraph 6 of Annex I to the Commission Decision.

(3) The prohibition in paragraph (1) above shall not apply to the use of premises for the production of feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants and for the preparation of feedingstuffs for ruminant animals if—

- (a) the fishmeal satisfies the requirements of regulation 14(2)(a) above;
- (b) the transport to or from the premises, or the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
- (c) the storage, manufacturing and packaging facilities at the premises, and the transport to or from the premises, of compound feedingstuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and
- (d) the person using the premises for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing fishmeal for feeding to other animal species carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above is not present in those feedingstuffs.

(4) No person shall produce any feedingstuff containing fishmeal for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “this feedingstuff contains fishmeal—cannot be fed to ruminant animals”.

(5) No person shall use any vehicle for the transport to or from any premises of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(6) Where a vehicle used for the transport of bulk feedingstuffs containing fishmeal for feeding to farmed animals other than ruminants is subsequently used for the transport of other products, the person using the vehicle for the transport of such bulk feedingstuffs shall ensure it is thoroughly cleaned before and after the transport of those bulk feedingstuffs.

**Production of feedingstuffs containing dicalcium phosphate or hydrolysed protein for feeding to farmed animals other than ruminants**

24.—(1) Subject to paragraph (4) below, no person shall use any premises for the production of feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 3 of Annex II to the Commission Decision by the Secretary of State.

(2) Subject to paragraph (4) below, no person shall use any premises for the production of feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 2 of Annex III to the Commission Decision by the Secretary of State.

(3) The Secretary of State shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of—

- (a) feedingstuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants in accordance with paragraph 3 of Annex II to the Commission Decision; or
- (b) feedingstuffs containing hydrolysed protein for feeding to farmed animals other than ruminants in accordance with paragraph 2 of Annex III to the Commission Decision.

(4) The prohibitions in paragraphs (1) and (2) above shall not apply to premises used for the preparation of feedingstuffs for ruminant animals which are used for the production of feedingstuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for other animal species, if—

- (a) in respect of dicalcium phosphate, it satisfies the requirements of regulation 14(2)(c) above;
- (b) in respect of hydrolysed protein, it satisfies the requirements of regulation 14(2)(d) above;
- (c) the transport to or from the premises, or the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
- (d) the storage, manufacturing and packaging facilities at the premises, and the transport to or from the premises, of compound feedingstuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and
- (e) the occupier of the premises carries out routine tests on the feedingstuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above are not present in those feedingstuffs.

(5) No person shall produce any feedingstuff containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “this feedingstuff contains dicalcium phosphate from defatted bones—cannot be fed to ruminant animals”.

(6) No person shall produce any feedingstuff containing hydrolysed protein for feeding to farmed animals other than ruminants unless the packaging of the feedingstuff is labelled clearly to indicate the words “this feedingstuff contains hydrolysed protein—cannot be fed to ruminant animals”.

(7) No person shall use any vehicle for the transport to or from any premises of bulk feedingstuffs for feeding to farmed animals other than ruminants containing dicalcium phosphate from defatted bones or hydrolysed protein at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(8) Where a vehicle used for the transport of bulk feedingstuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of other products, the person using the vehicle for the transport of such bulk feedingstuffs shall ensure the vehicle is thoroughly cleaned before and after the transport of those bulk feedingstuffs.

#### **Use and storage of feedingstuffs containing fishmeal, dicalcium phosphate or hydrolysed protein**

**25.**—(1) Subject to paragraph (2) below, no person shall use or store any feedingstuff, other than petfood referred to in Chapter 4 of Annex I to Council Directive 92/118/EEC(a), containing any—

- (a) fishmeal;
- (b) dicalcium phosphate derived from defatted bones; or
- (c) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(2) Paragraph (1) above shall not apply to the use or storage of any feedingstuff containing any fishmeal, dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm sufficient to prevent the feedingstuff being fed to those ruminant animals.

#### *Administration and enforcement*

#### **Records relating to mammalian meat and bone meal and processed animal protein**

**26.**—(1) Any person who consigns mammalian meat and bone meal or processed animal protein shall keep for two years from the date of consignment (or, in the case of mammalian meat and bone meal or processed animal protein 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 and nature of the material consigned;
- (b) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is 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 or processed animal protein shall keep for two years from the date of receipt of the consignment a record indicating—

- (a) the date on which it was received and the nature of the material received;
- (b) its weight on receipt and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;
- (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.

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(a) OJ No. L62, 15.3.1993, p. 49.

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

- (a) in the case of any use, the nature of the material used and 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 or processed animal protein is transported shall keep, for two years from the date on which transport of a particular consignment of such protein commenced (or, in the case of an import, from the date on which that material entered England), a record of—

- (a) the person and place from which that consignment was transported and the nature of the material consigned;
- (b) the date on which it was collected from that person;
- (c) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is consigned;
- (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported and, if the vehicle includes a trailer, the number of the trailer;
- (e) the person and place to which it was or was to be 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 or processed animal protein 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) Where a vehicle is used for the transport of bulk feedingstuffs for feeding to farmed animals other than ruminants containing—

- (a) fishmeal for feeding to farmed animals other than ruminants;
- (b) dicalcium phosphate from defatted bones; or
- (c) hydrolysed protein,

the person using the vehicle for the transport of such bulk feedingstuffs shall keep, for two years from the date of such transport, a record of each cleaning of the vehicle carried out as required by regulation 23(6) or 24(8) above.

### **Cleansing and disinfection**

27.—(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.

(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 any vehicle or equipment on or in which there is, or has 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 authority on whose behalf the inspector served the notice.

### **Powers of inspectors**

**28.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of the provisions of this Part of these Regulations.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
  - (i) TSE susceptible animal; or
  - (ii) any mammalian meat and bone meal or processed animal protein, or any feed or feedingstuff,is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
  - (i) any mammalian meat and bone meal or processed animal protein;
  - (ii) any feedingstuff;
  - (iii) any production, storage, transport or other operation carried out under this Part of these Regulations and anything used for the marking and identification of any mammalian meat and bone meal or processed animal protein or feedingstuff; or
  - (iv) the carcase of a TSE susceptible animal;
- (e) make such tests and take such samples from any mammalian meat and bone meal, processed animal protein, feedingstuff, or TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
- (f) mark for identification purposes any mammalian meat and bone meal, processed animal protein, feedingstuff or TSE susceptible animal, or the carcase of such an animal;
- (g) serve a notice to restrict or prohibit the movement of any mammalian meat and bone meal, processed animal protein, feedingstuff or TSE susceptible animal or the carcase of such an animal;
- (h) serve a notice under regulation 29(2) or (3) below or carry out or cause to be carried out the requirements of such a notice under regulation 29(4) below;
- (i) issue a licence in connection with the movement of any mammalian meat and bone meal or processed animal protein, feedingstuff or TSE susceptible animal or the carcase of such an animal;
- (j) seize any mammalian meat and bone meal or processed animal protein, feedingstuff or TSE susceptible animal or the carcase of such an animal;
- (k) serve any notice in connection with the seizure;

- (l) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;
  - (m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
  - (n) examine any record, in whatever form the record may be held, and take copies of the record;
  - (o) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
  - (p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.
- (4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either—
- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier; or
  - (b) 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 is absent,
- he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.
- (5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises, shall—
- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
  - (b) if required by an inspector, give such information as he possesses as to—
    - (i) any mammalian meat and bone meal or processed animal protein, or any animal or carcase which is or has been on the premises;
    - (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises may have come into contact; and
    - (iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been in his possession or charge.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—
- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures; and
- (7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.
- (8) Any notice under this regulation shall be complied with at the expense of the person on whom the notice is served.
- (9) If a notice under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.

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

- 29.**—(1) Paragraph (2) below applies where an inspector finds—
- (a) any mammalian meat and bone meal or any MBM product possessed or transported in contravention of regulation 12(3) or (4) above; or
  - (b) any processed animal protein sold or supplied in contravention of regulation 15(1) above.

(2) Where this paragraph applies an inspector may serve a notice on the person in possession of the mammalian meat and bone meal, MBM product or processed animal protein requiring that person to dispose of it, and any other mammalian meat and bone meal, MBM product or processed animal protein with which it has come into contact, in such manner and within such period as may be specified in the notice.

- (3) An inspector may serve on any person who has sold or supplied—
- (a) any feedingstuff the sale or supply of which is prohibited by regulation 11(1) or 12(1) above or which he reasonably suspects of being so prohibited; or
  - (b) any processed animal protein the sale or supply of which is prohibited by regulation 15(1) above or which he reasonably suspects of being so prohibited,

a notice requiring that person to collect at his own expense that feedingstuff or processed animal protein 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.

(4) If any person on whom a notice is served under paragraph (2) or (3) 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 authority on whose behalf the inspector served the notice.

## **PART IV**

### **SPECIFIED RISK MATERIAL**

#### *Introductory provisions*

#### **Interpretation of expressions used in this Part**

**30.**—(1) For the purposes of this Part of these Regulations material shall be treated as a cosmetic, pharmaceutical or medical product whether it is used or intended for use as such by itself or as an ingredient or additive in something which is so used or intended for such use.

(2) In this Part of these Regulations the expression “mechanical means” does not include the use of hand held powered knives which do not use powered pressure or suction.

(3) In this Part of these Regulations, the word “whole” in each of the phrases “intended for export whole” and “exporting it whole” means without having been longitudinally split through the middle of its vertebral column.

(4) The provisions of this Part of these Regulations shall apply to specified risk material from scheme animals, save that the provisions appearing in column 1 of the table in Part I of Schedule 5 below shall apply only to the extent, and subject to the modifications, specified in Column 2 of that table.

#### **Extended meaning of sale etc.**

**31.**—(1) For the purposes of this Part of these Regulations the supply in the course of a business, otherwise than on sale, of—

- (a) food;
- (b) feedingstuffs;
- (c) cosmetic, pharmaceutical or medical products; or

(d) specified risk material,  
shall be deemed to be a sale of the food, feedingstuff, product or material, and references to purchasers and purchasing shall be construed accordingly.

- (2) This Part of these Regulations shall apply—
- (a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment, including any social gathering, amusement, exhibition, performance, game, sport or trial of skill, to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
  - (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
  - (c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in sub-paragraph (a) or (b) above, as if the food were, or had been, exposed for sale by the occupier of the premises.

### **Presumption that food is intended for human consumption**

**32.**—(1) For the purposes of this Part of these Regulations any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption.

- (2) The following, namely—
- (a) any food commonly used for human consumption which is found on premises used for the preparation, storage or sale of that food; and
  - (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,

shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption.

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

### *Carcases and specified risk material*

#### **Removal of specified risk material from carcases in slaughterhouses**

**33.**—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that all specified risk material is removed from the rest of the carcass as soon as is reasonably practicable after the animal was slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below.

(2) When a sheep or goat is slaughtered in a slaughterhouse, or slaughtered elsewhere but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that—

- (a) subject to regulation 37 below, all specified risk material is removed from the rest of the carcass at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below; or
- (b) in the case of a sheep or goat with one or more permanent incisor teeth erupted, the head, spleen and tonsils are removed at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below, and the rest of the carcass is consigned to a licensed slaughterhouse or licensed cutting premises.

(3) Subject to the following provisions of this regulation and to regulation 36 below, the occupier of the slaughterhouse shall ensure that the specified risk material which has been removed is stained blue immediately after removal from the carcass.

(4) Without prejudice to the storage requirements of regulation 52 below, the occupier of the slaughterhouse shall ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of a TSE which is required to be disposed of as if it were specified risk material) while in the slaughterhouse and that it is disposed of in accordance with this Part of these Regulations.

(5) An occupier of a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(6) Material which is not specified risk material may be separated from intestines which have been removed from the carcase before the intestines are stained.

(7) In the case of specified risk material which is intended to be examined by or on behalf of an inspector or a veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(8) In the case of scheme animals, the occupier of the slaughterhouse shall ensure that, once the specified risk material has been removed, the remainder of the carcase (excluding the hide), is immediately stained yellow.

(9) Nothing in paragraph (2) above shall require the removal of a spinal cord, being specified risk material, from the carcase of a sheep which has been slaughtered in a slaughterhouse if—

- (a) the carcase is intended for export whole direct to listed premises;
- (b) the occupier of the slaughterhouse concerned provides a written declaration to an OVS—
  - (i) indicating that he believes that the carcase is intended for export whole direct to listed premises; and
  - (ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and
- (c) the carcase has been marked in accordance with regulation 16A of the Specified Risk Material Regulations 1997(a).

(10) Nothing in paragraph (1) above shall require the removal of the vertebral column from the carcase of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls)(No 2) Regulations 1996 if the carcase is consigned to a licensed cutting premises.

#### **Removal of specified risk material from carcasses elsewhere**

**34.—**(1) Subject to the following provisions of this regulation, when specified risk material is removed from the carcase of a ruminant animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified risk material is removed shall ensure that it is removed as soon as is reasonably practicable after the death of the animal and that it is stained blue immediately.

(2) The occupier of those premises shall ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of TSE which is required to be disposed of as if it were specified risk material) while on the premises and that it is disposed of in accordance with this Part of these Regulations.

(3) In the case of specified risk material which is intended to be examined by or on behalf of an inspector, the specified risk material shall not be stained until after the completion of the examination.

(4) An occupier of premises other than a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

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(a) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672, 2000/3381 and 2001/817.

(5) The provisions of this regulation shall not apply in the case of a post-mortem examination carried out by a veterinary surgeon at a farm, provided that he makes arrangements for the disposal of the whole of the carcase by burial there.

#### **Inspection and marking of carcasses in a slaughterhouse**

**35.**—(1) The occupier of any slaughterhouse shall permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect the carcase of any ruminant animal slaughtered there, so that he can check whether the requirements of this Part of these Regulations have been complied with; and
- (b) mark each carcase which has been so checked and found to comply with the requirements of this Part of these Regulations.

(2) The occupier of any slaughterhouse shall give to any inspector, or a person acting under the responsibility of an inspector, such reasonable assistance as he may require.

(3) The occupier of a slaughterhouse or cutting premises shall permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any sheep or goat consigned there so that he can check whether the specified risk material has been removed from the carcase in accordance with this Part of these Regulations; and the occupier shall give to any such person such reasonable assistance as he shall require.

#### **Removal of vertebral column of bovine animals in cutting premises**

**36.**—(1) Where a carcase of a bovine animal containing vertebral column which is specified risk material—

- (a) is consigned as referred to in regulation 33(10) above to licensed cutting premises; or
- (b) is imported and transported in accordance with the Community TSE Regulation or the Community Transitional Measures to licensed cutting premises,

the occupier of that cutting premises shall ensure that the vertebral column is removed from the rest of the carcase at the premises as soon as is practicable after the arrival of the carcase there.

(2) The occupier of licensed cutting premises shall permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any bovine animal consigned there so that it can be checked whether the specified risk material has been removed from the carcase in accordance with these Regulations; and the occupier shall give to an inspector such reasonable assistance as he shall require.

(3) The occupier of cutting premises at which vertebral column is removed in accordance with this regulation shall ensure that it is—

- (a) stained in accordance with regulation 33(3) above; and
- (b) disposed of as specified risk material in accordance with these Regulations.

(4) If the vertebral column which is specified risk material is removed at any premises other than a slaughterhouse or cutting premises for the purposes of veterinary or scientific examination, after that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations

(5) In this regulation, “carcase” means any whole carcase, half carcase or quarter carcase.

#### **Removal of SRM spinal cord of bovine animals, sheep and goats**

**37.**—(1) Where a carcase of a bovine animal, sheep or goat, or bone-in carcase meat from a bovine animal, sheep or goat, is consigned to a slaughterhouse or cutting premises licensed for the purpose of this Part of these Regulations the occupier of that slaughterhouse or cutting premises shall ensure that the spinal cord which is specified risk material is removed from the rest of the carcase or meat.

(2) If the spinal cord which is specified risk material is removed in a slaughterhouse or at cutting premises licensed for the purpose of this Part of these Regulations, the occupier shall ensure that it is stained in accordance with regulation 33(3) above, and disposed of as specified risk material in accordance with this Part of these Regulations.

(3) If the spinal cord which is specified risk material is removed at any premises, other than a licensed slaughterhouse or licensed cutting premises, for the purposes of veterinary or scientific examination, after that examination the spinal cord shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

### **Young lamb stamp**

**38.**—(1) Where a sheep or goat is slaughtered in a slaughterhouse, and at the time of slaughter there was no permanent incisor tooth erupted or it was aged not more than 12 months, the carcase of the animal shall be marked with the young lamb stamp.

(2) The young lamb stamp shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high the words “MHS” and “YL”, and shall be applied by an OVS, or an inspector or a meat technician acting under the responsibility of an OVS, and no other person shall apply the young lamb stamp or possess the equipment for applying the stamp.

(3) No person shall use any stamp so resembling the young lamb stamp, or in such a way, as to be likely to suggest that any carcase other than a carcase of a sheep or goat in which there was no permanent incisor erupted, is such a carcase.

(4) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as are necessary to assist the OVS and inspectors in carrying out their functions under paragraph (2) above.

### **Staining of specified risk material**

**39.**—(1) In this Part of these Regulations “stained blue” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No 42051(a)) in such a way that the colouring is clearly visible—

- (a) in the case of specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and majority of the head,

except that, if the tongue is to be removed, this shall be done immediately after slaughter and the head shall be stained immediately after the removal of the tongue.

(2) In this Part of these Regulations “stained yellow” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Tartrazine (E102, Colour Index No 19140) in such a way that the colouring is clearly visible over the whole surface of the material.

(3) The requirement in regulations 33 and 34 above to stain specified risk material shall not apply—

- (a) if the specified risk material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or
- (b) to specified risk material which is intended to be used at premises licensed under regulation 57 below.

(4) Where specified risk material has been stained in accordance with regulations 33 or 34 above, the occupier of any premises at which such material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, shall take appropriate measures to ensure that colouring remains visible—

- (a) in the case of stained specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and the majority of the head,

until the stained specified risk material is incinerated or rendered.

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(a) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(5) Where specified risk material is required to be stained in accordance with regulation 33 or 34 above but has not been so stained, the occupier of any premises at which such material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, shall, as soon as practicable after he becomes aware that the specified risk material was required to be stained in accordance with regulation 33 or 34 above, inform the Secretary of State and detain the specified risk material until it has been inspected or collected on behalf of the Secretary of State or the Secretary of State has informed him that it may be disposed of in accordance with the requirements of this Part of these Regulations.

#### **Consignment of specified risk material after removal from carcasses**

**40.** Once specified risk material has been removed from the carcase and treated in accordance with this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery shall, without unreasonable delay, send it directly to—

- (a) a licensed collection centre;
- (b) a licensed rendering plant;
- (c) a licensed incinerator;
- (d) premises licensed under regulation 57 below; or
- (e) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes.

#### **Presence of an OVS**

**41.—(1)** An OVS, or an inspector or meat technician acting under the responsibility of an OVS, shall be present at any slaughterhouse where any carcase of a sheep or goat that is not marked with a young lamb stamp is being loaded for delivery to licensed cutting premises, and he shall supervise the loading.

(2) An OVS, or an inspector or meat technician acting under the responsibility of an OVS, shall be present at any cutting premises where any carcase of a sheep or goat that is not marked with a young lamb stamp is being unloaded, and he shall supervise the unloading.

(3) Immediately after the loading referred to in paragraph (1) above the delivery vehicle shall be sealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may seal such a vehicle.

(4) On arrival at licensed cutting premises a sealed vehicle shall be unsealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may unseal such a vehicle.

(5) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as are necessary to assist the OVS and inspectors in carrying out their functions under this regulation.

#### *Prohibitions: slaughter and carcasses*

#### **Pithing**

**42.—(1)** Any person who contravenes or fails to comply with point 4 of Part A of Annex XI to the Community TSE Regulation shall be guilty of an offence.

(2) No person shall use any meat which is derived from a bovine, ovine or caprine animal that has been pithed in the preparation of any food for sale for human consumption or any feedingstuff.

#### **Prohibition on sale of non-compliant carcasses for human consumption**

**43.** No person shall sell the carcase of any bovine animal, sheep or goat for human consumption unless it has been inspected as required by this Part of these Regulations and on such inspection found to comply with these requirements.



#### **Prohibition on the removal of brain and eyes**

- 44.—(1) Subject to paragraph (2) below, no person shall remove the brain or eyes—
- (a) from the carcase of a bovine animal which was slaughtered or has died at an age greater than six months; or
  - (b) from a carcase of a sheep or goat which at the time it was slaughtered or died had one or more permanent incisor teeth erupted through the gum or was aged more than 12 months.

(2) The prohibitions in paragraph (1) above shall not apply to brain or eyes removed from such carcasses in premises for the purposes of veterinary or scientific examination or research, providing that the part of the premises in which the examination or research is carried out is kept free from food, feedingstuffs, any cosmetic, pharmaceutical or medical product and their starting materials or intermediate products.

#### **Prohibition on the removal of spinal cord**

45.—(1) No person shall remove the spinal cord or any part of it from the vertebral column of a sheep or goat in which there was at least one permanent incisor tooth erupted or which was aged more than 12 months at the date of slaughter, except—

- (a) in a licensed slaughterhouse or at licensed cutting premises by—
  - (i) longitudinally splitting the whole vertebral column; or
  - (ii) removing a longitudinal section of the whole vertebral column containing the spinal cord; or
- (b) in premises for the purposes of veterinary or scientific examination.

(2) No person shall remove the spinal cord or any part of it from the vertebral column of a bovine animal aged six months or more, or longitudinally split the vertebral column of such an animal, except—

- (a) in a slaughterhouse; or
- (b) in premises used for the purposes of veterinary or scientific examination.

#### **Transport of unmarked carcasses of sheep and goats**

46.—(1) No person shall transport from a slaughterhouse a carcase of a sheep or goat suitable for human consumption that is not marked with a young lamb stamp, except—

- (a) to cutting premises that are co-located with the slaughterhouse;
- (b) a carcase which has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations 1995 and which is moved in a sealed vehicle;
- (c) when all specified risk material has been removed from the carcase; or
- (d) in the case of a sheep carcase, one which—
  - (i) contains its spinal cord (that cord being specified risk material);
  - (ii) is intended for export whole direct to listed premises; and
  - (iii) is moved in a sealed vehicle.

(2) No person shall transport a carcase in accordance with paragraph (1) above unless the carcase is accompanied by a document indicating—

- (a) the name, address and licence number of the slaughterhouse from which the carcase is being transported;
- (b) where the carcase is being transported to cutting premises, the name, address and licence number of those premises; and
- (c) in the case of a sheep carcase transported under sub-paragraph (d) of paragraph (1) above, the name and address of the listed premises to which it is intended the carcase will be exported.

#### **Possession of unmarked carcasses of sheep and goats**

47.—(1) No person shall have in his possession elsewhere than in a licensed slaughterhouse, in a sealed vehicle or at licensed cutting premises a carcase of a sheep or goat intended for sale for human consumption containing spinal cord, unless it is stamped with a young lamb stamp.

(2) No person shall transport a sheep carcase—  
(a) intended for export whole direct to listed premises; and  
(b) containing its spinal cord, that cord being specified risk material,  
unless he has in his possession, in addition to the document required by regulation 46(2) above, a copy of the declaration required by regulation 33(9)(b) above and the carcase has been marked with the export mark required by regulation 16A of the Specified Risk Material Regulations 1997.

(3) Where an inspector certifies that any sheep carcase has been possessed in contravention of paragraph (1) above or transported in contravention of paragraph (2) above that carcase shall be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

*Prohibitions on sale and use of specified risk material*

**Prohibition on sale of specified risk material for human consumption**

**48.**—(1) No person shall sell or supply any specified risk material, or any food containing specified risk material, for human consumption.

(2) No person shall use any specified risk material in the preparation of food for sale for human consumption.

(3) No person shall sell or supply any specified risk material for use in the preparation of any food for sale for human consumption.

(4) For the purposes of this regulation “specified risk material” includes anything derived from it.

**Prohibition on feeding specified risk material to animals**

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

(a) sell or supply any specified risk material for use in the preparation of any feedingstuff; or

(b) use any specified risk material in the preparation of any feedingstuff.

(2) Paragraph (1) above shall not apply to—

(a) the sale or supply of any specified risk material; or

(b) the use of any specified risk material,

in the preparation of any feedingstuff for feeding to any animal for research purposes in a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(3) Subject to paragraph (4) below, no person shall sell or supply any specified risk material, or any feedingstuff which he knows or has reason to suspect contains any specified risk material, for feeding to any animal.

(4) Paragraph (3) above shall not apply to the sale or supply of any feedingstuff to a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(5) Subject to paragraph (6) below, no person shall feed to any animal—

(a) any specified risk material;

(b) any feedingstuff which he knows or has reason to suspect contains any specified risk material; or

(c) a whole carcase or any part of a sheep, goat or bovine animal from which specified risk material has not been removed in accordance with these Regulations.

(6) Paragraph (5)(a) and (b) above shall not apply to the feeding to any animal of any specified risk material or feedingstuff for research purposes in a research establishment licensed under these Regulations and in accordance with any conditions subject to which the licence is issued; or

(7) For the purposes of this regulation—

(a) “specified risk material” includes anything derived from it;

- (b) a feedingstuff shall be treated as containing specified risk material if it contains anything derived from it; and
- (c) “animal” does not include a human being.

(8) It shall be a defence for any person charged with an offence under this regulation to prove that he did not know or have any reason to believe that the material or the feedingstuff in relation to which he is charged comprised or contained, specified risk material.

### **Specified risk material for use in cosmetic, pharmaceutical and medical products**

**50.**—(1) No person shall sell any UK specified risk material for use in the preparation or manufacture of any cosmetic, pharmaceutical or medical product.

(2) No person shall use any UK specified risk material in the preparation or manufacture of any ingredient to be sold for use in the preparation or manufacture of a cosmetic, pharmaceutical or medical product.

(3) The prohibitions in paragraphs (1) and (2) above shall apply to anything derived from UK specified risk material as if it were UK specified risk material.

(4) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove that he did not know or have any reason to believe that the material was, or was derived from, UK specified risk material.

### **Mechanically recovered meat**

**51.**—(1) Any person who contravenes or fails to comply with point 3 of Part A of Annex XI to the Community TSE Regulation in the production of mechanically recovered meat shall be guilty of an offence.

(2) No person shall use any mechanically recovered meat which has been derived from any bone of a bovine, ovine or caprine animal in the preparation of any food for sale for human consumption or any feedingstuff.

*Prohibitions on collection, transport, rendering, incineration etc. and storage of specified risk material*

### **Use of premises for collection, rendering, incineration etc. of specified risk material**

**52.** No person shall use any premises for any purpose in connection with—

- (a) the collection of specified risk material;
- (b) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material,

unless the premises are licensed for the purpose under this Part of these Regulations by the Licensing Authority.

### **Storage of specified risk material**

**53.**—(1) Subject to paragraph (2) below, no person shall store specified risk material in the same room on any premises as any food, feedingstuff or any cosmetic, pharmaceutical or medical product.

(2) The requirement in paragraph (1) above shall not apply where an inspector has approved the storage of specified risk material in the same room as any food, feedingstuff or any cosmetic, pharmaceutical or medical product, on being satisfied that the arrangements for storage will ensure the adequate separation of the specified risk material from the food, feedingstuff or product.

(3) No person shall store specified risk material otherwise than in an impervious container which—

- (a) contains nothing but specified risk material;
- (b) is labelled as containing specified risk material;
- (c) is not left uncovered when containing specified risk material; and
- (d) after use for such storage is thoroughly washed and disinfected before being used for any other purpose.

### **Transport of specified risk material**

- 54.**—(1) No person shall transport specified risk material unless—
- (a) the specified risk material is in a container marked with the words “specified risk material”, the place of destination and the name of the person to whom it is being sent; and
  - (b) he provides a written statement to the person to whom it is sent of the premises from which the specified risk material was collected for delivery.
- (2) No person shall transport specified risk material unless—
- (a) it is transported in a container which—
    - (i) is not being used at the same time to transport any material other than specified risk material; and
    - (ii) is impervious; and
  - (b) it is kept covered at all times while in the container except when necessary for loading into the container or examination by an inspector.
- (3) Any person transporting specified risk material shall ensure that the container in which the specified risk material is transported is thoroughly washed and disinfected before being used for any other purpose.

### **Procedure for bringing in specified risk material from Scotland, Wales or Northern Ireland**

- 55.**—(1) No person shall bring specified risk material into England from Scotland, Wales or Northern Ireland unless—
- (a) it is stained in accordance with legislation having effect in, as the case may be, Scotland, Wales or Northern Ireland and corresponding to the provisions of this Part of these Regulations relating to staining;
  - (b) it is exempt from the requirement to stain under that legislation by virtue of provisions corresponding to regulation 39(3) above; or
  - (c) it is transported in a sealed vehicle in accordance with the provisions of legislation having effect in, as the case may be, Scotland, Wales or Northern Ireland corresponding to the provisions of regulation 46 above.
- (2) Any person bringing specified risk material into England from Scotland, Wales or Northern Ireland shall immediately transport it to one of the destinations specified in regulation 40 above.

### *Licensing*

#### **Licensing**

- 56.**—(1) The Licensing Authority may—
- (a) licence any occupier of premises to use the premises for any use in connection with—
    - (i) the collection or transport of specified risk material; or
    - (ii) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material; and
  - (b) license any occupier of a slaughterhouse or cutting premises to use the slaughterhouse or cutting premises in connection with—
    - (i) the removal referred to in regulation 36(1) above of vertebral column or regulation 37 above of spinal cord; or
    - (ii) the removal referred to in regulation 45(1)(a) above of the spinal cord, or any part of the spinal cord, from the vertebral column of a sheep or goat,
- subject to such conditions as the Authority believes are necessary to ensure the occupier of the slaughterhouse or cutting premises is able to comply with the requirements of Part A of Annex XI to the Community TSE Regulation and these Regulations which apply to the use concerned.
- (2) On an application made by an occupier of any premises to the Licensing Authority for a licence under this regulation, the Authority shall grant the occupier a licence if it is satisfied that—
- (a) the occupier has in place facilities, procedures and methods of operation sufficient for him to be able to comply with such of the requirements the observance of which

Member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the use of the premises to which the application relates;

- (b) in respect of an application for a licence to use premises in connection with rendering of specified risk material, the premises have the facilities specified in Part I of Schedule 5 below sufficient to enable the occupier of the premises to render the specified risk material at the premises by one of the methods specified in Part II of that Schedule; and
- (c) there is no significant risk that inspection on behalf of the Authority of the use of the premises will be hampered or denied.

(3) In considering applications for a licence for the purposes of this regulation the Licensing Authority may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this Part of these Regulations.

(4) In this Part of these Regulations—

- (a) in relation to premises licensed under—
  - (i) the Fresh Meat (Hygiene and Inspection) Regulations 1995;
  - (ii) premises which are licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(a);
  - (iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(b);
  - (iv) combined premises as defined in the Meat Products (Hygiene) Regulations 1994(c); and
  - (v) combined premises as defined in the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(d),

“the Licensing Authority” is the Agency or the Secretary of State;

- (b) in relation to any other premises, “the Licensing Authority” is the Secretary of State;
- (c) “licensed collection centre” means premises used for any use in connection with the collection or transport of specified risk material which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations;
- (d) “licensed incinerator” and “licensed rendering plant” means an incinerator or, as the case may be, a rendering plant, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations; and
- (e) “licensed slaughterhouse” and “licensed cutting premises” means a slaughterhouse or, as the case may be, cutting premises, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations.

### **Licensing for the use of specified risk material in production or research**

**57.—(1)** The Secretary of State may licence the occupier of any premises to use the premises for—

- (a) the use of specified risk material in relation to the production referred to in Article 2 of the Community TSE Regulation; or
- (b) the use of specified risk material or other source of TSE infectivity in relation to keeping live animals used in or intended for research,

subject to such conditions as she believes are necessary to ensure the occupier of the premises is able to comply with these separation requirements of that Article which apply to the production or the keeping concerned.

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(a) S.I. 1995/540 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.

(b) S.I. 1995/2148 as amended by S.I. 1995/3205.

(c) S.I. 1994/3082 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1996/1499.

(d) S.I. 1995/3205 as amended by S.I. 1996/3124.

(2) On an application made to her under this regulation for a licence the Secretary of State shall grant the licence if she is satisfied that—

- (a) the occupier of the premises has in place facilities and procedures for tracing through the production or keeping to which the application relates to trace all specified risk material delivered to the premises sufficient to be able to show that—
  - (i) all specified risk material delivered to the premises is used for the purpose for which it was delivered or is disposed of in accordance with such conditions as she may specify in the licence; or
  - (ii) no product produced at the premises is used as, or in connection with or in the production of, any food or feedingstuff or any cosmetic, pharmaceutical or medical product; and
- (b) the use of the specified risk material in the production or keeping concerned does not give rise to risk—
  - (i) to human health; or
  - (ii) with the exception of the health of the animals for whose keeping the licence is required, to animal health.

(3) The occupier of premises licensed under this regulation shall—

- (a) ensure that the use of the premises for the licensed purpose is in accordance with—
  - (i) the conditions of the licence; and
  - (ii) the provisions of this Part of these Regulations and Schedule 5 below relating to that use; and
- (b) ensure that any person employed by him, and any person invited to the premises, complies with these conditions.

(4) The occupier of any premises licensed under this regulation shall permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and
- (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,

and shall give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as he may require.

(5) No person shall carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with any conditions specified in the licence and with the provisions of this Part of these Regulations and Schedule 5 below relating to that operation.

### **Applications for licences**

**58.**—(1) An application for a licence under this Part of these Regulations shall be made in writing to the Licensing Authority by or on behalf of the occupier of the premises to which the application relates.

(2) The Licensing Authority shall notify the applicant in writing of the Authority's decision on an application made to it in accordance with this regulation.

(3) A licence under this Part of these Regulations shall specify—

- (a) the name and address of the person to whom the licence is granted and the address of the licensed premises;
- (b) the use of the premises for which the licence is granted; and
- (c) the conditions subject to which the licence is granted.

(4) If the Authority refuses to licence the premises or grants a licence subject to any condition it shall give to the applicant a statement of—

- (a) the reasons for the refusal or the condition; and

- (b) his right under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person or tribunal to whom an appeal may be made.

#### **Requirements of use of licensed premises**

- 59.**—(1) An occupier licensed to use premises under this Part of these Regulations shall—
- (a) ensure that the use of the premises for the licensed use is in accordance with the requirements of these Regulations and the conditions of the licence;
  - (b) ensure that any person employed by him, and any person invited to the premises, complies with these requirements and conditions.
- (2) An occupier licensed to use premises under this Part of these Regulations shall permit an inspector, or a person acting under the responsibility of an inspector, to—
- (a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which Member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and
  - (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which Member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,
- and shall give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as he may require.
- (3) No person shall carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with the requirements of these Regulations and any conditions specified in the licence.

#### **Suspension of licences**

- 60.**—(1) The Licensing Authority may suspend a licence under this Part of these Regulations if it appears to the Authority that—
- (a) the premises are being used otherwise than in accordance with—
    - (i) the licence; or
    - (ii) this Part of these Regulations or Schedule V to these Regulations;
  - (b) any condition specified in the licence has not been complied with;
  - (c) inspection of the premises for the purposes of these Regulations is being hampered or denied; or
  - (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;
- (2) Before suspending a licence the Licensing Authority shall—
- (a) give notice of the intended suspension to the occupier of the premises; and
  - (b) have regard to any representations made to the Authority by that person in relation to the intended suspension.
- (3) A notice of suspension of a licence shall include the following information—
- (a) a summary of the decision of the Licensing Authority to suspend the licence and a description of the use of the premises for which the licence is suspended;
  - (b) the reason for the suspension;
  - (c) the date on which the suspension takes effect (which may be the same date as the date on which the notice is issued);
  - (d) the matters which must be remedied for the suspension to be lifted; and
  - (e) a statement of the right of the person to whom the notice of suspension is given to appeal under this Part of these Regulations against the suspension and the period within which and the person or tribunal to whom an appeal may be made.

(4) Where a suspension of a licence of premises under this regulation has taken effect the premises shall be treated as if they were not licensed for the use for which the licence is suspended.

(5) The Licensing Authority shall lift a suspension of a licence where—

(a) it is satisfied that—

(i) the reason for the suspension no longer applies; and

(ii) the person who would use the premises for the use for which they are licensed will use the premises in accordance with the licence, and the conditions of the licence, and this Part of these Regulations and Schedule V to these Regulations; or

(b) the determination of an appeal under this Part of these Regulations against the suspension is that the licence should not have been suspended.

(6) Where the Licensing Authority lifts a suspension it shall give notice of this to the person to whom it gave notice of the suspension.

### **Revocation of licences**

**61.**—(1) The Licensing Authority may revoke a licence under this Part of these Regulations if it appears to the Authority that—

(a) the premises are being used otherwise than in accordance with—

(i) the licence; or

(ii) this Part of these Regulations or Schedule V to these Regulations;

(b) any condition specified in the licence has not been complied with;

(c) inspection of the premises for the purposes of these Regulations is being hampered or denied;

(d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;

(e) the person using the premises for the use for which they are licensed no longer wishes to carry on that use of the premises; or

(f) the premises are not being used for the use for which they are licensed;

(2) Before revoking a licence the Licensing Authority shall—

(a) give notice of the intended revocation to the occupier of the premises (or, in the case of a revocation under paragraph (1)(f) above, to the person known to the Authority as the last person to use the premises for the use for which they are licensed and to any other person who appears to the Authority to be in current occupation of the premises); and

(b) have regard to any representations made to the Authority by that person in relation to the intended revocation.

(3) A notice of revocation of a licence shall include the following information—

(a) a summary of the decision of the Licensing Authority to revoke the licence and a description of the use of the premises for which the licence is revoked;

(b) the reason for the revocation;

(c) the date on which the revocation takes effect, which may not be before the period of 21 days after the date on which the notice is given;

(d) a statement of the right of the person to whom the notice of revocation is given to appeal against the revocation; and

(e) a statement—

(i) that, for the protection of public or animal health pending an appeal, continued use of the premises for the use for which the licence is revoked is prohibited; or

(ii) of any conditions for the protection of public or animal health to which the continued use of the premises for a licensed use is subject pending an appeal.

(4) Subject to paragraph (7) below, where a statement under paragraph (3)(e)(ii) above is included in a notice of revocation of a licence, premises may continue to be used by the occupier for a use for which a licence is revoked during the period of 21 days after the notification to the occupier of the revocation.



(5) After the expiry of this period the premises may not be used for the use for which the licence is revoked unless before the period expired an appeal was made in accordance with regulation 62 below and the appeal has not been finally disposed of or abandoned.

(6) Where the licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph (3)(e)(i) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked.

(7) Where the licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph (3)(e)(ii) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked except in accordance with the conditions specified in the statement.

### **Appeals against suspension and revocation of licences**

**62.**—(1) Where in respect of any premises the Licensing Authority has given notice of a decision under this Part of these Regulations—

- (a) to refuse to license any premises; or
- (b) to grant a licence of any premises subject to conditions;
- (c) to suspend the licence of any premises; or
- (d) to revoke the licence of any premises,

the occupier may, within 21 days of being notified of the decision, appeal against the decision to the person or tribunal specified in the notice.

(2) An appeal under this regulation shall be made by written statement given to the person or tribunal specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as may be so specified.

(3) Where on an appeal under this regulation the person or tribunal hearing the appeal determines that—

- (a) the grant of a licence should not have been refused; or
- (b) unreasonable conditions have been attached to the grant of a licence; or
- (c) a licence should not have been suspended or revoked,

the Licensing Authority shall give effect to that determination.

### *Collection centres and incinerators*

#### **Collection centres**

**63.**—(1) Any person delivering specified risk material to a licensed collection centre shall state in writing to the operator of the collection centre concerned the place from which that specified risk material was collected for delivery to that collection centre.

(2) No person shall take delivery of specified risk material at a collection centre, or operate a collection centre for specified risk material, unless it has been licensed and has sufficient facilities for storing and handling specified risk material in a manner which keeps it separate from other animal material.

(3) The operator of a licensed collection centre shall ensure that—

- (a) without prejudice to the storage requirements of regulation 52 above, all specified risk material in the collection centre is kept separate from all other animal material; and
- (b) all equipment used in relation to the collection or storage of specified risk material that comes into contact with such material is thoroughly washed and disinfected before he uses the equipment or allows it to be used in relation to the collection or storage of any other material.

(4) No person shall consign specified risk material from a licensed collection centre except to a licensed incinerator or a licensed rendering plant.

#### **Incinerators**

**64.**—(1) Any person delivering specified risk material to a licensed incinerator shall state in writing to the operator of the incinerator concerned the place from which that specified risk material was collected for delivery to that incinerator.

- (2) No person shall operate an incinerator incinerating specified risk material unless—
- (a) the incinerator has been licensed as having suitable facilities to incinerate specified risk material in accordance with paragraphs (3) and (4) below;
  - (b) he disposes of the ash by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990<sup>(a)</sup> or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000<sup>(b)</sup> or the Pollution Prevention and Control (Scotland) Regulations 2000<sup>(c)</sup>;
  - (c) the incinerator is equipped with a refractory lining.
- (3) The occupier of a licensed incinerator shall incinerate all specified risk material delivered to him to a standard specified in the licence and in such a way that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the licence.
- (4) No person shall remove specified risk material from a licensed incinerator unless it has been completely incinerated.

### *Rendering plants*

#### **Delivery of specified risk material to rendering plants**

**65.**—(1) Any person delivering specified risk material to a licensed rendering plant shall state in writing to the operator of the rendering plant concerned the place from which that specified risk material was collected for delivery to that rendering plant.

(2) No person shall take delivery of specified risk material at a rendering plant, or operate a rendering plant for specified risk material, unless at the time of the delivery the plant is licensed under this Part of these Regulations as having the facilities specified in Part I of Schedule 5 to these Regulations sufficient to enable it to render the specified risk material by one of the methods specified in Part II of that Schedule.

(3) The occupier of a licensed rendering plant shall ensure that all containers, receptacles and vehicles which have been used for the transport of specified risk material are cleaned, washed and disinfected before they leave the premises.

#### **Storage etc. of specified risk material at rendering plants**

**66.**—(1) Subject to paragraph (2) below, and without prejudice to the storage requirements of regulation 52 above, the operator of a licensed rendering plant shall ensure that all specified risk material in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(2) The operator of a licensed rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided—

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for two years of the exact quantity of the specified risk material and the exact quantity of the other material together with which the specified risk material is kept, handled, stored and rendered.

(3) For the purposes of this Part of these Regulations, references to specified risk material shall include references to any—

- (a) specified risk material kept, handled, stored or rendered together with other material; and
- (b) any other material together with which the specified risk material is kept, handled, stored or rendered.

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(a) 1990 c. 43.  
(b) S.I. 2000/1973.  
(c) S.S.I. 2000/323.

### **Rendering of specified risk material**

67.—(1) The operator of a licensed rendering plant shall ensure that specified risk material is processed without undue delay and in any event within seven days of delivery using one of the methods described in Part II of Schedule 5 below.

(2) No person shall move from the unclean section of a licensed rendering plant, as so specified by the occupier in accordance with paragraph 3 of Part I of Schedule 5 to the Regulations, into the clean section as so specified without first changing his working clothes and footwear and disinfecting the latter.

(3) The operator of an approved rendering plant shall ensure (except as provided by paragraph (4) below) that any equipment used for processing specified risk material is used only for that purpose.

(4) Subject to paragraph (5) below, the Secretary of State may, on application by the operator of a licensed rendering plant, consent to the use for other purposes of equipment previously used for processing specified risk material.

(5) No consent given under paragraph (4) above shall be effective until the Secretary of State has indicated in writing that she is satisfied that the equipment concerned has been cleaned in accordance with any conditions specified in that consent.

(6) No person shall take equipment or utensils from the unclean section of into the clean section of a licensed rendering plant unless they are first washed and disinfected.

(7) The occupier of a licensed rendering plant shall ensure that systematic measures are taken to control birds, rodents, insects and other vermin on the premises.

(8) The occupier of a licensed rendering plant shall ensure that the premises and equipment on the premises are kept in a good state of repair and that measuring equipment is regularly calibrated.

### **Rendered material**

68.—(1) After any specified risk material has been rendered at a licensed rendering plant the operator of the plant shall ensure that the rendered material is placed in a container labelled “specified risk material” and disposed of—

- (a) by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990 or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000;
- (b) as specified in the licence; or
- (c) by sending to a licensed incinerator.

(2) An operator of an approved rendering plant shall ensure that rendered material produced from any specified risk material—

- (a) is consigned from the plant for disposal by burial; or
- (b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 5 below.

(3) Material rendered from animal material, other than specified risk material from scheme animals, shall be disposed of by burning in a manner which has been authorised under the Environmental Protection Act 1990, the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000.

### *Administration and Enforcement*

#### **Records**

69.—(1) Any person who consigns any specified risk material for transport from any premises shall make on consignment a record of each consignment showing—

- (a) the date on which the specified risk material was consigned from the premises;
- (b) the quantity, weight and description of the material;
- (c) the destination to which it was consigned; and

(d) the name of the haulier transporting it.

(2) Any person who transfers any specified risk material from any part of any premises licensed for the removal, collection, disposal or destruction of any specified risk material to another part of the premises shall make on transfer a record of each transfer showing the date on which the specified risk material was transferred and the quantity and description of the material transferred.

(3) A person who collects any specified risk material from any premises for the purpose of transporting it shall make on collection a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material was collected;
- (c) the quantity, weight and description of the material; and
- (d) the destination to which it is to be taken,

and shall ensure this record accompanies the specified risk material during transport.

(4) A person who receives any specified risk material collected from any premises shall make on receipt a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material is received;
- (c) the quantity, weight and description of the material; and
- (d) name and address of the person who transported it.

(5) In addition to any records he is required to make under paragraph (1) and (4) above, an occupier of rendering premises shall make a record of any specified risk material he renders at the premises showing—

- (a) the quantity and weight rendered and the date of rendering;
- (b) the temperature of the material achieved during rendering;
- (c) in a batch system, the time for which the material was rendered;
- (d) the particle size to which the material was reduced before rendering;
- (e) if appropriate, the pressure to which the by-products is subjected during rendering;
- (f) if appropriate, the feed rate of the material;
- (g) if appropriate, the fat re-cycling rate;
- (h) the quantity, weight and description of rendered material produced;
- (i) in the case of all rendered material -
  - (i) the method of disposal;
  - (ii) the quantity and weight disposed of;
  - (iii) the date of disposal;
  - (iv) the name of the person transporting it for disposal; and
  - (v) the address of the disposal premises.

(6) Any record required to be made under this regulation shall be kept by or on behalf of the person who is required to make it for a period of two years from the date on which the record is made.

### **Cleansing and disinfection**

**70.**—(1) If an inspector suspects that any vehicle, container or premises constitute a disease risk he may serve a notice on the person in charge of the vehicle or container, or on the occupier of the premises, requiring that person to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice,—

- (a) all or any part of the vehicle, container or premises; or
- (b) any equipment or any other thing used in connection with any such vehicle, container or premises.

(2) The notice may—

- (a) specify the method of disposal of any specified risk material remaining in the vehicle, container or premises; and
- (b) prohibit the movement of specified risk material into the vehicle or container or on to the premises until such time as the required cleansing and disinfection has been satisfactorily completed.

(3) If any person on whom a notice is served under paragraph (1) 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 authority on whose behalf the inspector served the notice.

### **Powers of inspectors**

**71.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations.

(2) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
  - (a) TSE susceptible animal; or
  - (b) any specified risk material, is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
  - (i) specified risk material; or
  - (ii) the carcase of any TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any—
  - (i) TSE susceptible animal;
  - (ii) carcase of such an animal;
  - (iii) specified risk material or any other material appearing to him to be derived from an animal;
  - (iv) food or feedingstuff;
  - (v) cosmetic, pharmaceutical or medical product,as he considers necessary;
- (f) mark for identification purposes any specified risk material or TSE susceptible animal, or the carcase of such an animal;
- (g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any such animal or in possession of any specified risk material, a notice—
  - (i) to restrict or prohibit the movement of the TSE susceptible animal, carcase or specified risk material; or
  - (ii) in respect of any such carcase or specified risk material, to require the person to dispose of the carcase or specified risk material in the manner and period specified in the notice;
- (h) issue a licence in connection with the movement of any specified risk material, TSE susceptible animal or the carcase or such an animal;
- (i) seize any specified risk material, TSE susceptible animal or the carcase of such an animal;
- (j) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (k) serve any notice—
  - (i) in connection with the seizure of any specified risk material, TSE susceptible animal or the carcase of such an animal; or
  - (ii) under regulation 72(1) or (2) below;
- (l) inspect—
  - (i) any part of the premises; or

- (ii) any equipment at the premises;
- (m) inspect any facility, operation or procedure at the premises, including—
  - (i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or
  - (ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;
- (n) serve any licence, suspension of a licence, withdrawal of a licence or revocation of a licence under this Part of these Regulations;
- (o) give any direction under regulation 73 below;
- (p) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;
- (q) examine any record, in whatever form the record may be held, and take copies of the record;
- (r) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
- (s) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or Schedule V to these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either—

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

he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any specified risk material, or any animal or carcase, which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
- (b) if required by an inspector, give such information as he possesses as to—
  - (i) any specified risk material, or any animal or carcase which is or has been on the premises;
  - (ii) any animal or carcase with which any specified risk material, or any animal or carcase, which is or has been on the premises may have come into contact; and
  - (iii) the location, transport and movement of any specified risk material, or any animal or carcase, which is or has been in his possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures; and

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

#### **Recall, seizure and destruction of feedingstuffs**

72.—(1) An inspector may serve on any person in whose possession is found any feedingstuff containing specified risk material, except a feedingstuff prepared for use at premises licensed for that use under regulation 56 above, a notice requiring that person to dispose of the feedingstuff, and any other feedingstuff or 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 feedingstuff containing specified risk material a notice requiring that person to collect that feedingstuff at his own expense 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 dispose of it 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.

(4) The amount of any expenses reasonably incurred by or on behalf of an inspector acting pursuant to paragraph (3) above shall be recoverable as a debt from the person in default by the authority on whose behalf the inspector served the notice.

#### **Directions**

73.—(1) If the Secretary of State or the Agency is satisfied that specified risk material cannot be disposed of under the provisions of these Regulations, whether for reasons of mechanical breakdown of equipment or otherwise, the Secretary of State or the Agency respectively may give written directions to the owner or person in control of the specified risk material for its disposal in a safe manner.

(2) In the event of any person not complying with such a direction given by the Secretary of State, the Secretary of State may make arrangements for the disposal of the specified risk material.

(3) In the event of any person not complying with such a direction given by the Agency, the Agency may make arrangements for the disposal of the specified risk material.

(4) The expenses of the Secretary of State or the Agency under paragraph (2) or (3) above shall be recoverable as a debt from the person who has failed to comply with the direction.

#### **Compliance with notices**

74.—(1) Any notice served under this Part of these Regulations shall be complied with at the expense of the person on whom the notice is served.

(2) If a notice under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the notice.

#### **Slaughterhouse staff training**

75. The occupier of any slaughterhouse where specified risk material is removed from carcasses pursuant to this Part of these Regulations shall arrange or establish in consultation with an OVS a staff training programme to train staff to comply with those requirements of this Part of these Regulations which they perform at the slaughterhouse.

## **Occupier's duty and offences**

**76.**—(1) An occupier of any premises used for the purposes of a business in course of which any commercial operation with respect to food or food sources is carried out shall take all practicable steps to secure compliance by any of his employees with the provisions of these Regulations which apply to those operations in relation to those premises.

(2) If any person contravenes or fails to comply with—

- (a) paragraph (1) above;
- (b) a direction of the Secretary of State or the Agency under regulation 73 above;
- (c) a notice under regulation 74 above; or
- (d) any other prohibition or requirement imposed by or under this Part of these Regulations,

he shall be guilty of an offence.

(3) A person guilty of an offence under this regulation shall be liable—

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

(4) No prosecution for an offence under any of the provisions referred to in paragraph (2) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

(5) In this regulation “commercial operation” and “food source” have the same meanings as in the Food Safety Act 1990.

## **Inspection and seizure of suspected food**

**77.**—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of this Part of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to this Part of these Regulations—

- (a) section 9 (inspection and seizure of suspected food), subject to the modification that it shall apply to an inspector as it applies to an authorised officer of a food authority;
- (b) section 30(8) (evidence of certificate of analysis or examination); and
- (c) section 44 (protection of officers acting in good faith), subject to the modifications that it shall apply to a person—
  - (i) appointed as an inspector for the purpose of these Regulations by a local authority or the Agency; or
  - (ii) designated as an inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995, andas it applies to an authorised officer of a food authority.

(2) On an inspection for the purposes of this Part of these Regulations of any food intended for human consumption an inspector may certify that the food fails to comply with a provision of this Part.



(3) Where any food is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

## PART V

### CONTROL AND ERADICATION OF TSES: CHAPTER IV OF THE COMMUNITY TSE REGULATION

#### **Notifications for the purposes of Chapter IV of the Community TSE Regulation**

**78.**—(1) A person who has in his possession or under his charge an animal suspected of being affected by a TSE, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal, shall, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his possession or under his charge on any premises an animal suspected of being affected by a TSE, shall detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of an animal, reasonably suspects the presence of a TSE, shall—

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;
- (b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

(4) Paragraph (3) above shall not apply to any TSE which has been introduced deliberately into an animal, a carcase or a sample—

- (a) in any laboratory; or
- (b) on any premises, whether or not a laboratory, licensed by the Secretary of State under regulation 56 above.

#### **Measures for the purposes of Chapter IV of the Community TSE Regulation**

**79.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of such an animal;
- (e) make such tests and take such samples from any TSE susceptible animal, or the carcase of such an animal, as he considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcase of such an animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;
- (g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of such an animal;

- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase or such an animal;
- (i) seize any TSE susceptible animal, the carcase of such an animal, any part of such a carcase or any blood, and serve any notice in connection with the seizure;
- (j) give any direction under regulation 83 below;
- (k) serve any notice in connection with the slaughter of any TSE susceptible animal;
- (l) slaughter any TSE susceptible animal;
- (m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (n) examine any record, in whatever form the record may be held, and take copies of the record;
- (o) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
- (p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied to a TSE susceptible animal or the carcase of such an animal under paragraph (2)(f) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either—

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

he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to—
  - (i) any animal or carcase which is or has been on the premises;
  - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
  - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures; and

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

#### **Movement prohibitions and restrictions of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**80.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal, whether or not the animal is suspected of being affected by a TSE, from or to any premises.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force a veterinary inspector may renew it subject to such requirements or conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by a veterinary inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal suspected of being affected by a TSE from premises on the authority of a licence issued by a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to such requirements or conditions as he considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

#### **Slaughter of TSE susceptible animals at slaughterhouses for the purposes of Chapter IV of the Community TSE Regulation**

**81.**—(1) This regulation and regulation 82 below apply where the Secretary of State is satisfied it is necessary to slaughter any TSE susceptible animal for the purposes of Chapter IV of the Community TSE Regulation.

(2) Where the Secretary of State is satisfied that it is necessary for these purposes to slaughter a TSE susceptible animal at premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 an inspector shall so inform the occupier of the premises concerned and direct the occupier to slaughter the animal in such manner and period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to—

- (a) the slaughter of the animal; and
- (b) any related operation, including—
  - (i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must—

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to—

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and
- (c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Slaughter of TSE susceptible animals at other premises for the purposes of Chapter IV of the Community TSE Regulation**

**82.**—(1) Where the Secretary of State is satisfied that it is necessary for the purposes of Chapter IV of the Community TSE Regulation to slaughter a TSE susceptible animal at premises other than premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him of that intention; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Secretary of State shall either—

- (a) withdraw the notice of intended slaughter; or
- (b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

### **Retention, seizure and disposal of carcasses etc. of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**83.**—(1) This regulation applies where the Secretary of State is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary—

- (a) to require an occupier of premises to retain on the premises under the direction of the Secretary of State a carcase of a TSE susceptible animal, any part of such a carcase or any blood derived from any such carcase or part; or
- (b) to seize from any premises the carcase of a TSE susceptible animal, any part of such a carcase or any blood derived from any such carcase or part.

(2) For any such purpose an inspector may—

- (a) direct the occupier of the premises to retain on the premises a carcase of a TSE susceptible animal on the premises, any part of such a carcase or any blood derived from any such carcase or part; or
- (b) seize or dispose of—
  - (i) any carcase of a TSE susceptible animal from any premises, or any part of such a carcase, whether or not it is a carcase or part of a carcase which the occupier has been required to be retained under the direction of an inspector; or

- (ii) any blood derived from a carcase of a TSE susceptible animal or any part of such a carcase, whether or not the carcase or part of the carcase from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcase, part of a carcase or blood derived from any carcase or part may include directions in relation to the treatment, storage and disposal of the carcase, part or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Compensation for slaughtered TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation**

**84.**—(1) Where a TSE susceptible animal is slaughtered under regulation 81 or 82 above the Secretary of State shall pay compensation to the owner of the animal in accordance with the provisions of Part III of Schedule 1 below.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part IV of Schedule 1 below to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 82 above.

### **Prohibition of sale, supply and use of milk from affected or suspected animals**

**85.**—(1) Subject to paragraph (2) below, no person shall knowingly—

- (a) sell or supply for human consumption or for feeding to a farmed animal or poultry;
- (b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or
- (c) feed to an animal or poultry,

any milk which he knows or has reason to suspect has been produced by a bovine animal suspected of being affected by bovine spongiform encephalopathy, a bovine animal in which the presence of bovine spongiform encephalopathy has been officially confirmed or any bovine animal referred to in Article 13 of, and point 1(a) of Annex VII to, the Community TSE Regulation as being at risk of being affected by bovine spongiform encephalopathy.

(2) The prohibitions in paragraph (1) above shall not apply—

- (a) to the feeding to its own calf of any milk produced by a cow; or
- (b) to the feeding to an animal or poultry of—
  - (i) any milk for research purposes in a research establishment under the authority of a licence granted by the Secretary of State and in accordance with any conditions subject to which the licence is granted; or
  - (ii) to the sale or supply of any milk to such a research establishment for those purposes.

### **Cleansing and disinfection**

**86.**—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, a TSE susceptible animal, or the carcase of such an animal, 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,—

- (a) all or any part of the premises; or
- (b) any equipment or any other thing used in connection with any such animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) 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 authority on whose behalf the inspector served the notice.

## PART VI

### ARTICLE 15(2) OF AND CHAPTER B OF ANNEX VIII TO THE COMMUNITY TSE REGULATION

#### **Notification of progeny of certain TSE suspect and confirmed animals**

**87.**—(1) A person who has in his possession or under his charge any—

- (a) first generation progeny of—
  - (i) a female bovine animal infected with a TSE;
  - (ii) a BSE-confirmed ovine or caprine animal; or

(b) any semen, embryos or ova derived from any such bovine, ovine or caprine animal, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such progeny, semen, embryos or ova shall, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his possession or under his charge on any premises any animal he reasonably suspects is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal shall detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcass of an animal, or any semen, embryos or ova derived from an animal, reasonably suspects it is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, shall—

- (a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;
- (b) retain the sample examined and the remainder of the carcass until its disposal has been authorised in writing by a veterinary inspector; and
- (c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

#### **Measures to administer and enforce Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation**

**88.**—(1) An inspector may make such enquiries and carry out such investigations as he considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

(2) For any such purpose an inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal is being or has been kept on the premises;
- (b) collect, pen, inspect and examine any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (c) inspect and examine, and make such tests and take such samples as he considers necessary from, any—
  - (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (iv) carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
- (d) mark for identification purposes, or administer or otherwise attach an electronic identification device to, any—

- (i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (iv) carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (e) serve a notice to restrict or prohibit the movement, or issue a licence in connection with the movement, of—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
  - (iv) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (f) seize or dispose of—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryo, ovum or blood derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
  - (iv) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal;
- (g) serve any notice in connection with the slaughter, or slaughter,—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; or
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (h) give a direction under regulation 92 below
  - (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
  - (j) examine any record, in whatever form the record may be held, and take copies of the record;
  - (k) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
  - (l) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied to any animal or carcase under paragraph (2)(d) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and that either—

- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier of the premises; or
- (b) an application for admission, or the giving of such a notice, would defeat the object of entering the premises, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,

he may issue a warrant authorising an inspector to enter the premises for that purpose if necessary using reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to—
  - (i) any animal or carcase which is or has been on the premises;
  - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; or
  - (iii) any semen, embryos or ova derived from any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal; and
  - (iv) the location and movement of any animal or carcase, or any semen, embryos or ova derived from a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal, which is or has been in his possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.

(7) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

#### **Movement prohibitions and restrictions**

**89.**—(1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation it is necessary to prohibit or restrict the movement from or to any premises of—

- (a) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (b) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal.

(2) For any such purpose an inspector may, by notice in writing served on the owner or person in charge of any animal, prohibit or restrict the movement of the animal or carcase, or semen, embryos or ova, from or to any premises described in the notice for such period, and subject to such requirements or conditions, as he considers necessary for that purpose and specifies in the notice.



(3) During the period in which the notice is in force a veterinary inspector may renew it subject to such requirements or conditions as he considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by a veterinary inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase, or semen, embryos or ova, from premises on the authority of a licence issued by a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to such requirements or conditions as he considers necessary.

(6) Where an animal or carcase, or semen, embryos or ova, is being or are being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase or semen, embryos or ova being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

### **Slaughter at slaughterhouses**

**90.**—(1) This regulation and regulation 91 below apply where, for the purposes of the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation, the Secretary of State is satisfied it is necessary to slaughter—

- (a) any female bovine animal infected with a TSE or any BSE-confirmed ovine or caprine animal; or
- (b) any animal of first generation progeny of—
  - (i) a female bovine animal infected with a TSE; or
  - (ii) a BSE-confirmed ovine or caprine animal.

(2) Where the Secretary of State is satisfied that for these purposes it is necessary to slaughter an animal of a description referred to in paragraph (1) above at premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 an inspector shall so inform the occupier of the premises concerned and direct the occupier to slaughter the animal in such manner and period as the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to—

- (a) the slaughter of the animal; and
- (b) any related operation, including—
  - (i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or
  - (ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must—

- (a) slaughter any other animal at the slaughterhouse; or
- (b) carry out any such related operation,

the inspector shall direct the occupier to slaughter the other animal or carry out the related operation in such manner and period as the inspector directs.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to—

- (a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;
- (b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and

- (c) the treatment, storage and disposal of the carcass of any animal slaughtered at the slaughterhouse or any part of the carcass or any blood derived from the carcass or any part of the carcass.

(6) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Slaughter at other premises**

**91.**—(1) Where the Secretary of State is satisfied it is necessary to slaughter an animal of a description referred to in regulation 90(1) above at premises other than premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 a veterinary inspector shall serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him of that intention; and
- (b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Secretary of State shall either—

- (a) withdraw the notice of intended slaughter; or
- (b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of Article 15(2) of, and Chapter B of Annex VIII to the Community TSE Regulation.

### **Retention, seizure and disposal of carcasses etc.**

**92.**—(1) This regulation applies where for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to the Community TSE Regulation, the Secretary of State is satisfied it is necessary—

- (a) to require an occupier of premises to retain on the premises under the direction of the Secretary of State—
  - (i) any female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
  - (iii) any carcass of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal;
  - (iv) any carcass of an animal of first generation progeny of a female bovine animal infected with a TSE or carcass of a BSE-confirmed ovine or caprine animal; or
  - (v) any part of such a carcass or any blood derived from any such carcass or part; or
- (b) to seize from any premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood.

(2) For any such purpose an inspector may—

- (a) direct the occupier of the premises to retain on the premises any such animal, semen, embryos, ova, carcass, part of a carcass or blood; or
- (b) seize or dispose of any such animal, semen, embryo, ovum, carcass, part of a carcass or blood, whether or not it is an animal, semen, embryo, ovum, carcass, part of a carcass or blood which the occupier has been required to be retained under the direction of an inspector.

(3) Directions from an inspector to an occupier under this regulation may include directions in relation to the treatment, storage and disposal of the animal, semen, embryo, ovum, carcase, part of a carcase or blood.

(4) Any direction under this regulation shall be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

### **Compensation for slaughtered animals**

**93.**—(1) Where an animal is slaughtered under regulation 90 or 91 above the Secretary of State shall pay compensation to the owner of the animal in accordance with the provisions of Part V of Schedule 1 below.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part VI of Schedule 1 below to the owner of any animal, semen, embryo, ovum, carcase, part of a carcase or blood seized or disposed of under regulation 92 above.

### **Offspring slaughter**

**94.** Schedule 7 below shall have effect for the purpose of continuing the implementation of Council Decision 98/256/EC(a) (concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC) in relation to offspring of bovine animals.

### **Cleansing and disinfection**

**95.**—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, any—

- (a) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (b) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;
- (c) any carcase of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal; or
- (d) any carcase of an animal of first generation progeny of a female bovine animal infected with a TSE or carcase of a BSE-confirmed ovine or caprine animal

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 any equipment or any other thing used in connection with any such animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) 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 authority on whose behalf the inspector served the notice.

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(a) OJ No. L113, 15.4.98, p. 32 as amended by Commission Decision 98/564/EC (OJ No. L273, 9.10.98, p. 37) and Commission Decision 98/692/EC (OJ No. L328, 4.12.98, p. 28. Council Decision 98/256/EC remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No. 1326/2001 and section D of annex XI to the Community TSE Regulation (added by article 3(3) of, and annex IV to, Commission Regulation (EC) No. 1326/2001).

## PART VII

### SAMPLING AND LABORATORY METHODS

#### **Sampling and laboratory methods**

96. No person shall use any premises for the sampling and laboratory testing for the presence of a TSE unless the premises are used for these purposes in accordance with the methods and protocols laid down in Chapter C of Annex X to the Community TSE Regulation.

## PART VIII

### COMMUNITY CONTROLS, OFFENCES, PENALTIES AND ENFORCEMENT

#### **Community controls: powers of inspectors**

97.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (1) above and either—

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

he may issue a warrant authorising an inspector to enter the premises for that purpose if need be by reasonable force.

(3) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, any animal or carcase which is or has been on the premises, or any specified risk material which is or has been on the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation; and
- (b) if required by an inspector, give such information as he possesses as to—
  - (i) any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been on the premises;
  - (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been on the premises may have come into contact; and
  - (iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been in his possession or charge.

(4) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him—

- (a) such other persons as he considers necessary to give him such assistance as he considers necessary; and
- (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures; and

(5) If an inspector enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

### **Obstruction**

**98.**—(1) No person shall—

- (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) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences**

**99.**—(1) If any person contravenes or fails to comply with any prohibition or requirement imposed by or under these Regulations, and the contravention or failure is not made an offence by any other provision of these Regulations, he shall be guilty of an offence.

(2) A person guilty of an offence under this regulation shall be liable—

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

(3) No prosecution for an offence under any of the provisions referred to in paragraph (2) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

(4) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) For the purposes of paragraph (4) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Offences due to fault of another person and defence of due diligence**

**100.**—(1) Where the commission by any person of an offence under any of the provisions of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this paragraph of this regulation whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under any of the provisions of these Regulations, it shall, subject to paragraph (3) below, be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(3) If in any case the defence provided by paragraph (2) above involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless—

- (a) at least seven clear days before the hearing; and

(b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,  
he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(4) In paragraph (3) above any reference to appearing before a court shall be construed as including a reference to being brought before a court.

### **Enforcement**

**101.**—(1) Part II and Part IV of these Regulations shall be enforced—

(a) in relation to premises which are—

- (i) licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (ii) licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(a);
- (iii) licensed under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(b);
- (iv) combined premises as defined in the Meat Products (Hygiene) Regulations 1994(c); and
- (v) combined premises as defined in the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(d),  
by the Agency or by the Secretary of State; and

(b) in relation to any other premises, by the local authority.

(2) The other Parts of these Regulations shall be enforced by the local authority.

(3) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this regulation shall be discharged by the Secretary of State and not by the local authority.

## **PART IX**

### **SUPPLEMENTARY PROVISIONS**

#### **Service of notices and other documents**

**102.**—(1) Any notice or other document to be given or served on any person under or in relation to these Regulations may be given or served either—

- (a) by delivering it to that person;
- (b) in the case of an incorporated body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it by post to him at that office; or
- (c) in the case of any other person, by leaving it, or sending it by post to him, at his usual or last known address.

(2) Where a notice or other document is to be given or served on the owner, proprietor, operator or occupier of any premises and it is not practicable after reasonable enquiry to ascertain the name and address of the person to or on whom it should be given or served, or the premises are unoccupied, the document may be given or served by addressing it to the person concerned by the description of “owner”, “proprietor”, “operator” or “occupier” of the premises (naming them) and—

- (a) by delivering it to some person on the premises; or
- (b) if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

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(a) S.I. 1995/540 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.

(b) S.I. 1995/2148 as amended by S.I. 1995/3205.

(c) S.I. 1994/3082 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1996/1499.

(d) S.I. 1995/3205 as amended by S.I. 1996/3124.

## Amendments

**103.**—(1) The Specified Risk Material Order 1997(**a**) is amended in accordance with the provisions of Part I of Schedule 8 below.

(2) The Specified Risk Material Regulations 1997(**b**) are amended in accordance with the provisions of Part II of Schedule 8 below.

## Revocations and savings

**104.**—(1) Subject to the savings referred to in the remaining provisions of this regulation, the provisions of the Regulations and Orders specified in an entry in the first column of Part I of Schedule 9 below are revoked to the extent specified in the corresponding entry in the second column of that Part of Schedule 9.

(2) Part II of Schedule 9 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy (No. 2) Order 1996(**c**) having effect at the coming into force of these Regulations.

(3) Part III of Schedule 9 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Order 1997(**d**) having effect at the coming into force of these Regulations.

(4) Part IV of Schedule 9 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Regulations 1997(**e**) having effect at the coming into force of these Regulations.

(5) Part V of Schedule 9 has effect for the purpose of making savings in respect of things done under the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998(**f**) having effect at the coming into force of these Regulations.

(6) Part VI of Schedule 9 has effect for the purpose of making savings in respect of things done under the Sheep and Goats Spongiform Encephalopathy Order 1998(**g**), and the Sheep and Goats Spongiform Encephalopathy Regulations 1998(**h**), having effect at the coming into force of these Regulations.

(7) Part VII of Schedule 9 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999(**i**) having effect at the coming into force of these Regulations.

(8) Part VIII of Schedule 9 has effect for the purpose of making savings in respect of things done under the BSE Monitoring (England) Regulations 2001(**10**) having effect at the coming into force of these Regulations.

(9) Part IX of Schedule 9 has effect for the purpose of making savings in respect of things done under the Processed Animal Protein (England) Regulations 2001(**11**) having effect at the coming into force of these Regulations.

*Elliot Morley*

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

27th March 2002

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(a) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234, S.I. 2000/3377 and S.I. 2001/2650.

(b) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672, 2000/3381 and 2001/817.

(c) S.I. 1996/3183, as amended by S.I. 1997/2387, S.I. 1998/3071 and S.I. 1999/921.

(d) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234, S.I. 2000/3377 and S.I. 2001/2650.

(e) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672, 2000/3381 and 2001/817.

(f) S.I. 1998/955.

(g) S.I. 1998/1645.

(h) S.I. 1998/1646.

(i) S.I. 1999/882.

(10) S.I. 2001/1644, as amended by S.I. 2001/3960.

(11) S.I. 2001/2376.

SCHEDULE 1  
COMPENSATION

regulations 9, 84 and 93

PART I

Compensation for TSE Susceptible Animals Slaughtered under Regulation 6 or 7

1. The compensation payable for a TSE susceptible animal slaughtered under regulation 6 or 7 above shall be an amount equal to the market value of the animal.
2. The market value of the animal shall be determined—
  - (a) by agreement between the Secretary of State and the owner of the animal; or
  - (b) by a valuer appointed by the Secretary of State.
3. A valuer appointed for the purpose of this regulation shall be paid by the Secretary of State.
4. The valuer shall give to the Secretary of State and the owner a certificate in writing of the value he has determined.
5. Where an animal was certified by a veterinary surgeon before slaughter as—
  - (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
  - (b) not fit for human consumption by virtue of its condition; and
  - (c) having no market value as a consequence,there shall be no compensation payable for the animal.

PART II

**Compensation for Carcasses, Parts of Carcasses or Blood of TSE Susceptible Animals Seized or Disposed of under Regulation 8**

1. Subject to paragraph 5 below, the compensation for any carcass, part of any carcass or any blood seized or disposed of under regulation 8 shall be compensation to the owner of the carcass, part or blood of an amount equal to the value of the carcass, part or blood at the time it was seized or disposed of.
2. The value of any carcass, part or blood seized or disposed of under regulation 8 shall be determined—
  - (a) by agreement between the Secretary of State and the owner of the carcass, part or blood seized or disposed of; or
  - (b) by arbitration.
3. The owner of a carcass, part of a carcass or blood seized or disposed of under regulation 8 shall pay any reasonable costs or expenses incurred by the Secretary of State in connection with the seizure or disposal.
4. These costs or expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcass, part or blood seized or disposed of.
5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Secretary of State.
6. The owner shall pay to the Secretary of State the amount of the excess within the period specified in the notice.
7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the Secretary of State from the owner.

PART III

**Compensation for TSE Susceptible Animals Slaughtered under Regulation 81 or 82**

**Compensation for sheep and goats**

1. The compensation payable for a sheep or goat slaughtered under regulation 81 or 82 above shall be as specified in paragraphs 2 and 3 below.



2. Where an examination at a veterinary laboratory of the Secretary of State of tissues taken from the carcase of the sheep or goat confirms that it was an animal affected with a TSE, the compensation shall be—

- (a) in the case of an animal at the end of its productive life, the amount of £30; and
- (b) in the case of any other such animal, the amount of £90.

3. Where an examination at a veterinary laboratory of the Secretary of State of tissues taken from the carcase of the sheep or goat does not confirm that it was an animal affected with a TSE, the compensation shall be whatever is the greater of—

- (a) the amount which would be payable under the preceding paragraph if the examination had confirmed it was an animal affected with a TSE; and
- (b) such sum as appears to the Secretary of State, having regard to any information provided by the owner of the animal slaughtered and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

#### **Compensation for bovine animals**

4. The compensation payable for a bovine animal slaughtered under regulation 81 or 82 above shall be as specified in the remaining paragraphs of, and the Annexes to, this Part of this Schedule.

5. The following definitions apply for the purposes of this Part of this Schedule as it relates to compensation payable for bovine animals—

“affected animal” means a bovine animal which is affected with a TSE;

“barrener cattle” means adult female bovine animals which have had one or more calves and which are being sold for either immediate slaughter or further fattening before slaughter;

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

“exposed animal” means a bovine animal which has been exposed to the infection of a TSE;

“indicative market price” means a price calculated in accordance with Annex 1 to this Part of this Schedule;

“market value” means—

- (a) in the case of a bovine animal aged 30 months or over, either—
  - (i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected or suspected animal or an exposed animal; or
  - (ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, as amended, whichever is the higher; and
- (b) in the case of a bovine animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected, suspected or exposed animal; and

“suspected animal” means a bovine animal which is suspected of being affected with bovine spongiform encephalopathy.

6. The compensation payable for an affected animal shall be an amount equal to either—

- (a) the market value of the animal; or
- (b) the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

7. Where a suspected animal is slaughtered and an examination at a veterinary laboratory of the Secretary of State of tissues taken from the carcase of the animal does not confirm that it was an animal affected with a TSE, the compensation shall be an amount equal to either—

- (a) the market value of the animal; or
- (b) 125% of the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

8. The market value of an affected or suspected bovine animal shall, for the purposes of payment of compensation under this Part of this Schedule, be determined—

- (a) by agreement between the Secretary of State and the owner of the animal;
- (b) by one valuer appointed jointly by the Secretary of State and the owner; or
- (c) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

9. A valuer appointed or nominated under paragraph 8(b) or (c) above shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

10. The Secretary of State shall take such steps as she considers appropriate for the purpose of bringing to the notice of persons concerned the indicative market price in respect of each month and the total number of animals and the total sale price on which the calculation of such indicative market price was based.

11. The compensation payable for an exposed animal shall be an amount equal to either—

(a) in the case of a female animal, 90% of the replacement value of the animal calculated in accordance with paragraph (2) below, or, if higher, the market value of the animal; and

(b) in the case of a male animal, the market value of the animal,

enhanced, where the Secretary of State causes 10% or more of a herd to be slaughtered as exposed animals, by a percentage calculated in accordance with Annex 2 to this Part of this Schedule.

12. For the purposes of paragraph 11(a) above the replacement value of a bovine animal is the value, at the time of valuation, of an animal in its first lactation of the same breed and quality as that animal.

13. For the purposes of paragraph 11 above and Annex 2 to this Part of this Schedule “herd” means the bovine animals kept on a holding which—

(a) in the case of female animals, are in milk or in calf; and

(b) in the case of male animals, have been used for breeding purposes,

and are managed as a separate production unit at the time notice of the decision of the Secretary of State to slaughter the animal is given to the keeper or other person in charge of the animal.

14. In ascertaining the percentage of a herd slaughtered for the purpose of calculating any enhancement under paragraph 11 above, animals slaughtered under any voluntary slaughter scheme introduced in relation to exposed animals shall be included in the calculation as if they were animals caused to be slaughtered by the Secretary of State.

15. The replacement value or market value, as the case may be, of a bovine animal which the Secretary of State causes to be slaughtered shall, for the purposes of payment of compensation under these Regulations, be determined—

(a) by agreement between the Secretary of State and the owner of the animal;

(b) by one valuer appointed jointly by the Secretary of State and the owner; or

(c) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

16. A valuer appointed or nominated under paragraph 15(b) or (c) above shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

17. Where an animal was certified by a veterinary surgeon before slaughter as—

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not fit for human consumption by virtue of its condition; and

(c) having no market value as a consequence,

there shall be no compensation payable for the animal.

## ANNEX 1 TO PART III OF SCHEDULE 1

Paragraph 5

### CALCULATION OF INDICATIVE MARKET PRICE

The indicative market price for each month shall be calculated using data collected in England relating to the month occurring two months before the date on which the market value was determined under this Part of this Schedule and in accordance with the following formula:

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

where—

A equals the number of cattle aged less than 7 years when valued which were slaughtered as BSE suspects;

B equals the average price for Friesian and Holstein cows in milk and in calf, first calving cows in milk and down calving heifers, in each case of first and second quality;

C equals the number of cattle aged 7 years or more when valued which were slaughtered as BSE suspects; and

D equals the average purchase price paid in the case of barren cattle of dairy breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional measures for the support of the beef market in the United Kingdom, as amended,

the final figure being rounded down to the nearest multiple of £1.

## ANNEX 2 TO PART III OF SCHEDULE 1

Paragraph 11

### CALCULATION OF ENHANCEMENT OF COMPENSATION

#### Calculation of Enhancement of Compensation

1.—(1) For bovine animals not in a closed herd, where the Secretary of State causes 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall, subject to sub-paragraphs (2) and (3) below, be enhanced by  $(10 + E)\%$ , where E equals half the percentage by which the percentage of the herd caused to be slaughtered exceeds 10%.

(2) Where the amount of compensation payable for a bovine animal exceeds £1,000, that amount shall be treated as £1,000 for the purpose of calculating under sub-paragraph (1) above the amount by which the amount of compensation payable should be enhanced.

(3) Where the calculation in sub-paragraph (1) above produces an enhancement percentage in excess of 25%, the amount of compensation payable shall be enhanced by 25%.

2. For bovine animals in a closed herd, where the Secretary of State causes 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall be enhanced by a percentage that is  $1\frac{1}{2}$  times the enhancement percentage produced by the calculation in paragraph 1 above.

3. In this Schedule “closed herd” means a herd into which no female bovine animal has been introduced since 15th October 1990.

## PART IV

### COMPENSATION FOR CARCASES, PARTS OF CARCASES OR BLOOD OF TSE SUSCEPTIBLE ANIMALS SEIZED OR DISPOSED OF UNDER REGULATION 83

1. Subject to paragraph 5 below, the compensation for any carcase, part of any carcase or any blood seized or disposed of under regulation 83 shall be compensation to the owner of the carcase, part or blood of an amount equal to the value of the carcase, part or blood at the time it was seized or disposed of.

2. The value of any carcase, part or blood seized or disposed of under regulation 83 shall be determined—

- (a) by agreement between the Secretary of State and the owner of the carcase, part or blood retained, seized or disposed of; or
- (b) by arbitration.

3. The owner of a carcase, part of a carcase or blood seized or disposed of under regulation 83 shall pay any reasonable costs or expenses incurred by the Secretary of State in connection with the seizure or disposal.

4. These costs or expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part or blood seized or disposed of.

5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Secretary of State.

6. The owner shall pay to the Secretary of State the amount of the excess within the period specified in the notice.

7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the Secretary of State from the owner.

## PART V

### COMPENSATION FOR ANY TSE SUSPECT OR CONFIRMED ANIMAL OR A FIRST GENERATION PROGENY OF ANY SUCH ANIMAL SLAUGHTERED UNDER REGULATION 90 OR 91

1. The compensation payable for a TSE suspect or confirmed animal, or a first generation progeny of any such animal, slaughtered under regulation 90 or 91 above shall be an amount equal to the market value of the animal.
2. The market value of the animal shall be determined—
  - (a) by agreement between the Secretary of State and the owner of the animal; or
  - (b) by a valuer appointed by the Secretary of State.
3. A valuer appointed for the purpose of this regulation shall be paid by the Secretary of State.
4. The valuer shall give to the Secretary of State and the owner a certificate in writing of the value he has determined.
5. Where an animal was certified by a veterinary surgeon before slaughter as—
  - (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
  - (b) not fit for human consumption by virtue of its condition; and
  - (c) having no market value as a consequence,there shall be no compensation payable for the animal.

## PART VI

### COMPENSATION FOR SEIZURE OR DISPOSAL UNDER REGULATION 92

1. Subject to paragraph 5 below, the compensation for any—
  - (a) carcase of a TSE suspect or confirmed animal or the carcase of a first generation progeny of any such animal;
  - (b) part of such a carcase or any blood derived from any such carcase or part; or
  - (c) semen, embryos or ova derived from any TSE suspect or confirmed animal;seized or disposed of under regulation 92 shall be compensation to the owner of the carcase, part, blood or semen, embryos or ova of an amount equal to the value of the carcase, part, blood or semen, embryos or ova at the time it was seized or disposed of.
2. The value of any carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 92 shall be determined—
  - (a) by agreement between the Secretary of State and the owner of the carcase, part, blood or semen, embryos or ova retained, seized or disposed of; or
  - (b) by arbitration.
3. The owner of a carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 92 shall pay any reasonable costs or expenses incurred by the Secretary of State in connection with the seizure or disposal.
4. These costs or expenses shall be deducted from the amount of any compensation payable to the owner for the value of the carcase, part, blood or semen, embryos or ova seized or disposed of.
5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State shall serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the Secretary of State.
6. The owner shall pay to the Secretary of State the amount of the excess within the period specified in the notice.
7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the Secretary of State from the owner.

## SCHEDULE 2

Regulation 14(2)(a) and 16

### **Conditions for the transport of fishmeal for feeding to farmed animals other than ruminants**

1. Fishmeal for use in the manufacture of feed for farmed animals other than ruminants shall be transported directly from the premises where the fishmeal is produced to the premises manufacturing the animal feed by means of a vehicle which at the same time is not used for the transport of other feed materials.

2. If a vehicle used for the transport of fishmeal for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of the fishmeal.

3. Intermediate storage of fishmeal is allowed only if it is carried out in dedicated storage plants.

4. Fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants shall be transported directly from the border inspection post in accordance with the conditions laid down in Article 8 of Council Directive 97/78/EC(a) to the establishment manufacturing the animal feed by means of a vehicle which at the same time is not used for the transport of other feed materials.

5. If a vehicle used for the transport of fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of other products, it shall be thoroughly cleaned and inspected before and after the transport of the fishmeal.

### SCHEDULE 3

Regulation 17

#### **Conditions for the production of dicalcium phosphate for feeding to farmed animals other than ruminants**

1. Dicalcium phosphate for feeding to farmed animals other than ruminants shall be produced from defatted bones.

2. The dicalcium phosphate shall be derived from bones derived from animals fit for human consumption following ante- and post-mortem inspection.

3. The dicalcium phosphate shall be produced by a process which ensures that all bone material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4% and pH 1.5) over a period of at least two days followed by a treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7, which is finally air dried with inlet temperature of 65°C-325°C and end temperature between 30°C-65°C or by an equivalent process approved in accordance with the procedure of Article 17 of Council Directive 89/662/EEC(b) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

4. Dicalcium phosphate for use in the manufacture of feed for farmed animals other than ruminants shall be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

### SCHEDULE 4

Regulation 17

#### **Conditions for the production of hydrolysed protein for feeding to farmed animals other than ruminants**

1. Hydrolysed protein from hides and skins shall—

(a) be derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and whose carcasses have been found fit for human consumption following ante- and post-mortem inspection; and

(b) be produced by a production process which involves appropriate measures to minimise contamination of hides and skins, preparation of the raw material by brining, liming and intensive washing followed by exposure of the material to a pH of 11 for 3 hours at temperature 80°C and followed by heat treatment at 140°C for 30 minutes at 3.6 bar; or by an equivalent production process approved in accordance with the procedure of Article 17 of Council Directive 89/662/EEC(c) concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

2. Hydrolysed protein from fish, feather, hides and skins shall be sampled after processing and found to have a molecular weight below 10,000 Dalton.

3. Hydrolysed protein for use in the manufacture of feed for farmed animals other than ruminants shall be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

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(a) OJ No. L24, 30.1.1998, p. 9.

(b) OJ No. L395, 30.12.1989, p. 13, as last amended by Directive 1992/118/EEC (OJ No. L62, 15.3.1993, p. 49).

(c) OJ No. L395, 30.12.1989, p. 13, as last amended by Directive 1992/118/EEC (OJ No. L62, 15.3.1993, p. 49).

**SCHEDULE 5**

Regulation 30(4)

**Application of Part IV of the Regulations to scheme animals**

PROVISION OF THE REGULATIONS	EXTENT TO WHICH PROVISION APPLIES TO SCHEME ANIMALS
regulation 33(3)	Not applicable
regulation 33(4)	Subject to the modification that from the point at which specified risk material derived from a scheme animal is removed from the slaughterhouse, it may come into contact with any other animal material from such an animal
regulation 34	Not applicable
regulation 39(3)(b)	Not applicable
regulation 54(2)	Subject to the modification that the impervious container or part of the vehicle (as the case may be) may also contain animal material from scheme animals
regulation 57	Not applicable
regulation 66(1)	Subject to the modification that specified risk material may come into contact with any animal material from a scheme animal
regulation 67(3)	Subject to the modification that equipment used for processing specified risk material may be used for processing any part of a scheme animal
regulation 68(1)	Subject to the modification that protein and tallow produced from specified risk material of scheme animals shall be disposed of by burning by means which have been licensed under the Environmental Protection Act 1990
Paragraph 1 of Part I of Schedule 5	Subject to the modification that specified risk material need not be stored, handled and processed separately from animal material from scheme animals

**SCHEDULE 6**

Regulation 56(2)(b),  
65(2), 67(1) and 68(2)

**Rendering requirements**

**PART I**

**REQUIREMENTS FOR PREMISES USED FOR RENDERING SPECIFIED RISK MATERIAL**

1. The premises shall be adequately separated from the public highway and other premises. Notwithstanding this, they may occupy the same site as premises where animal products which are not specified risk material are rendered provided that specified risk material is stored, handled and processed separately from other animal material and by means of equipment used only for specified risk material.
2. Unauthorised persons and animals shall not be permitted to have access to the premises.
3. The premises or part of the premises used to process specified risk material must have a clean and an unclean section specified by the occupier, adequately separated. The unclean section must have a covered place to receive and store the specified risk material for processing and must be constructed in such a way that it is easy to clean and disinfect. Floors must be laid in such a way as to facilitate the draining of liquids. The premises must have adequate lavatories, changing rooms and washbasins for staff.
4. The premises shall have sufficient capacity of hot water and steam production to render specified risk material in accordance with the method in Part II of this Schedule chosen by the operator.
5. The equipment used to render specified risk material shall include—
  - (a) measuring equipment to check temperature and, if necessary, pressure at critical points;
  - (b) recording devices to record continuously the results of measurements; and
  - (c) an adequate safety system to prevent insufficient heating.
6. To prevent recontamination of processed specified risk material by incoming specified risk material, there must be clear separation between the area of the premises where the incoming specified risk material is unloaded and rendered and the areas set aside for further processing of the heated specified risk material and the storage of finished specified risk material products.

7. The premises must have adequate facilities for cleaning and disinfecting the containers or receptacles in which unprocessed specified risk material is received and the vehicles in which it is transported.

8. Adequate facilities must be provided for disinfecting the wheels, immediately before their departure, of vehicles transporting specified risk material or leaving the unclean section of the premises.

## PART II

### METHODS OF RENDERING

#### METHOD 1

##### NATURAL FAT BATCH

##### **Reduction**

1. If the particle size of the animal by-products to be rendered is more than 150 millimetres, the animal by-products shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 150 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

##### **Time and temperature**

2. After reduction the animal by-products shall be heated to a core temperature greater than 100°C for at least 125 minutes, a core temperature greater than 110°C for at least 120 minutes and a core temperature greater than 120°C for at least 50 minutes.

3. The rendering shall be carried out in a batch system.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

#### METHOD 2

##### NATURAL FAT

##### CONTINUOUS OR BATCH

##### **Reduction**

1. If the particle size of the animal by-products to be rendered is more than 30 millimetres, the animal by-products shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

##### **Time and temperature**

2. After reduction, the animal by-products shall be heated to a core temperature greater than 100°C for at least 95 minutes, a core temperature greater than 110°C for at least 55 minutes and a core temperature greater than 120°C for at least 13 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 3  
ADDED FAT  
CONTINUOUS OR BATCH

**Reduction**

1. If the particle size of the animal by-products to be rendered is more than 30 millimetres, the animal by-products shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction the animal by-products shall be placed in a vessel with added fat and heated to a core temperature greater than 100°C for at least 16 minutes, a core temperature greater than 110°C for at least 13 minutes, a core temperature greater than 120°C for at least 8 minutes and a core temperature greater than 130°C for at least 3 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 4  
CONTINUOUS OR BATCH PRESSURE

**Reduction**

1. If the particle size of the animal by-products to be rendered is more than 50 millimetres, the animal by-products shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 50 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.

**Time and temperature**

2. After reduction the animal by-products shall be heated to a core temperature of more than 133°C for at least 20 minutes without interruption at a pressure of at least 3 bar.

3. The rendering may be carried out in batch or continuous systems.

METHOD 5  
DEFATTED  
CONTINUOUS OR BATCH

**Reduction**

1. If the particle size of the animal by-products to be rendered is more than 20 millimetres, the animal by-products shall be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 20 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment shall be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process shall be stopped and repairs made before the process is resumed.



### **Time and temperature**

2. After reduction the animal by-products shall be heated until they coagulate and then pressed so that fat and water are removed from the proteinaceous material. The proteinaceous material shall then be heated to a core temperature greater than 80°C for at least 120 minutes and a core temperature greater than 100°C for at least 60 minutes.
3. The rendering may be carried out in batch or continuous systems.
4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

## **METHOD 6**

### **ADDED FAT CONTINUOUS ATMOSPHERIC**

#### **Equipment**

1. The premises shall be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

#### **Crushing**

2. The raw material shall be reduced in size by crushing so that the particle size does not exceed 30 mm. Final reduction equipment shall be checked daily and its condition recorded. Any broken equipment shall be repaired without delay to ensure that the final particle size is achieved.

#### **Cooking**

3. The material shall be passed into a steam heated vessel where a consistent level of hot liquid tallow is maintained by recycling tallow as appropriate. Passage of the raw material through the vessel shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried material is discharged with all of its residual moisture removed as water vapour. The maximum feed rate for raw material, the maximum tallow recycle rate, and the minimum discharge temperature will be set for the vessel in the licence for the premises granted under these Regulations. The material shall be cooked at a temperature in excess of 100°C for at least 16 minutes, a temperature in excess of 110°C for at least 13 minutes, a temperature in excess of 120°C for at least 8 minutes and a temperature in excess of 130°C for at least 3 minutes. Material may be cooked so that two or more time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

#### **Separation and storage of final products**

4. On discharge from the vessel, any surplus tallow not required to maintain the vessel's operating level shall be removed, and the material separated into its tallow and protein components. Protein and tallow shall be stored separately.

#### **Records**

5. All records shall be kept for one year.

## **METHOD 7**

### **DEFATTED CONTINUOUS ATMOSPHERIC**

#### **Equipment**

1. The premises shall be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

## Crushing

2. The raw material shall be reduced in size by crushing so that the particle size does not exceed 20 mm. Final reduction equipment shall be checked daily and its condition recorded. Any broken equipment shall be repaired without delay to ensure that the final particle size is achieved.

## Pre-heating

3. The crushed material shall then be passed to a pre-heater. Passage of the raw material through the pre-heater shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked material is discharged at a temperature of at least 80°C and in a form in which water and tallow can be removed from the protein residue.

## Pressing

4. The material discharged from the pre-heater must be passed through a screw press so adjusted that all water and tallow are removed from the protein residue.

## Drying

5. The protein residue shall be passed into a steam heated vessel. Passage of the protein residue through the vessel shall be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried protein is discharged with all of its residual moisture removed as water vapour. A maximum feed rate for protein residue and a minimum discharge temperature will be set for the vessel by an officer of the Secretary of State. The material shall be maintained at a temperature in excess of 80°C for at least 120 minutes and a temperature in excess of 100°C for at least 60 minutes. Material may be cooked so that both time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

## Storage of final products

6. Protein and tallow shall be stored separately.

## Records

7. All records shall be kept for one year.

# SCHEDULE 7

Regulation 94

## Offspring Slaughter

### Interpretation

1.—(1) For the purposes of this Schedule—

“barrener cattle” means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;

“beef breeding offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;

“beef offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;

“beefspecial premium” is the premium payable under Article 4(b) of Council Regulation (EEC) 805/68 as amended(a);

“bovine animal” includes buffalo of the species *Bubalus bubalis* and *Bison bison*;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998(b);

“the Council Decision” means Council Decision 98/256/EC(c) concerning emergency measures to protect against bovine spongiform encephalopathy;

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(a) OJ No. L148, 28.6.68, p. 24 (OJ/SE Vol. I, p. 187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, OJ No. L296, 21.11.96, p. 50.

(b) S.I. 1998/871 as amended by S.I. 1998/1796.

(c) OJ No. L113, 15.4.98, p. 32, as amended by Commission Decision 98/564/EC (OJ No. 273, 9.10.98, p. 37) and Commission Decision 98/692/EC (OJ No. L328, 4.12.98, p.28. Council Decision 98/256/EC remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No. 1326/2001 and section D of annex XI to the Community TSE Regulation (added by article 3(3) of, and annex IV to, Commission Regulation (EC) No. 1326/2001).

“dairy offspring animal” means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;

“indicative market price” means a price calculated in accordance with paragraph 8 below;

“market value” means—

- (a) in the case of an offspring animal aged 30 months or over, either—
  - (i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or
  - (ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS,whichever is the higher; and
- (b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal;

“offspring animal” means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which—

- (a) was affected or suspected of being affected with BSE when it gave birth to the animal; or
- (b) has subsequently become affected or suspected of being affected with BSE;

“OTMS” means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96(a) adopting exceptional support measures for the beef market in the United Kingdom, as amended;

“pedigree offspring animal” means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive 77/504/EEC(b);

“productive offspring animal” means—

- (a) a female offspring animal in milk or in calf;
- (b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes;

(2) For the purpose of calculating the compensation payable for an offspring animal the age of the animal at slaughter shall be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.

### **Requirements relating to offspring animals**

2.—(1) If an inspector is of the opinion that there is an offspring animal on any premises, he may serve a notice in Form OC 1 on the person appearing to him to be the owner or person in charge of that animal.

(2) On the service of a notice in Form OC 1—

- (a) the requirements contained in that notice shall have effect; and
- (b) the owner or person in charge of the animal who has been served with the notice shall surrender the cattle passport for the animal to an officer of the Secretary of State.

(3) The occupier of any premises 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 the premises, shall—

- (a) provide such reasonable facilities and reasonable assistance and comply with such reasonable requirements as are necessary to assist the inspector to form his opinion and carry out any inspection, examination, test, sampling or marking under this regulation; and
- (b) if so required by an inspector, or by an officer of the Secretary of State, give such information as he possesses as to—
  - (i) any animal or carcase which is or has been on the premises;
  - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
  - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

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(a) OJ No. L99, 20.4.96, p. 14, as amended by Commission Regulations (EC) Nos. 774/96 (OJ No. L104, 27.4.96, p. 21), 835/96 (OJ No. L112, 7.5.96, p. 17), 1512/96 (OJ No. L189, 30.7.96, p. 93), 1846/96 (OJ No. L245, 26.9.96, p. 9), 1974/96 (OJ No. L262, 16.10.96, p. 2), 2149/96 (OJ No. L288, 9.11.96, p. 14), 2423/96 (OJ No. L329, 19.12.96, p. 43) and 1365/97 (OJ No. L188, 17.7.97, p. 6).

(b) OJ No. L206, 12.8.77, p. 8 to which there are amendments to these Regulations.

(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the Secretary of State which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to him to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.

#### **Notice of intended slaughter**

4.—(1) The Secretary of State may, if she thinks fit, cause to be slaughtered any offspring animal.

(2) Subject to sub-paragraph (5) below, where the Secretary of State proposes to cause an offspring animal to be slaughtered under this paragraph a veterinary inspector shall serve a notice of intended slaughter in Form OC 2 on the person appearing to him to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.

(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.

(4) No person except an inspector shall remove or otherwise interfere with an implant inserted or administered under sub-paragraph (3) above.

(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the Secretary of State may cause the animal to be slaughtered without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.

(6) Where an offspring animal is slaughtered in accordance with sub-paragraph (5) above an inspector or officer of the Secretary of State shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.

(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the Secretary of State which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form OC 2 relates.

#### **Compensation for slaughtered offspring animals**

5.—(1) Subject to the provisions of this paragraph, where the Secretary of State causes an offspring animal to be slaughtered under paragraph 4 above the Secretary of State shall pay compensation in accordance with the provisions of this paragraph.

(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.

(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in paragraph 7 below for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.

(4) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined—

- (a) by agreement between the Secretary of State and the owner of the animal; or
- (b) by one valuer appointed jointly by the Secretary of State and the owner.

(5) If the market value of a pedigree offspring animal or a productive offspring animal cannot be agreed under sub-paragraph (4)(a) above, or if there is no valuer appointed jointly under sub-paragraph (4)(b) above, the market value of the animal shall be determined by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

(6) A valuer appointed or nominated for the purpose of this regulation shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value he has determined.

(7) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as—

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
- (b) not fit for human consumption by virtue of its condition; and
- (c) having no market value as a consequence,

there shall be no compensation payable for the animal under this paragraph.

(8) Where an offspring animal is slaughtered as an offspring animal and was certified in form OC 4 before slaughter by a veterinary surgeon as—

- (a) requiring slaughter for emergency reasons relating to the welfare of the animal;
- (b) not unfit for human consumption by virtue of its condition,

compensation shall be payable for the animal in accordance with the compensation payable under subparagraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).

(9) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981(a) in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978(b) and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the Order concerned.

(10) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the provisions of regulation 84 and Part III of Schedule 1 above.

(11) The Secretary of State shall take such steps as she considers appropriate for the purpose of bringing to the notice of such organisations as appear to her to be representative of owners of bovine animals—

- (a) the indicative market price in respect of each month; and
- (b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.

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(a) 1981 c. 22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c. 40).  
(b) S.I. 1978/1483, amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073.

**Forms**

6. The following forms shall be used for the purposes of this Schedule—

**FORM OC1**

**Notice of requirements relating to an offspring animal**

To

of

Location of animal .....

I, the undersigned, being an inspector of the .....  
hereby give you notice in accordance with the provisions of Schedule 7 to the TSE (England) Regulations 2002 that, as the person appearing to be the owner or person in charge of the bovine animal specified below, you are required to observe the requirements of this form as specified overleaf.

The bovine animal to which the completed and signed notice applies is:

Official Ear Mark Description of bovine animal including age, breed and sex:

Signed .....

Dated .....

Name in **BLOCK LETTERS**

Office Address

**FORM OC1 REQUIREMENTS**

**Notice of requirements as respects the animal specified overleaf**

**Requirements:**

1. The animal must be detained at the location specified overleaf. If the owner or person in charge of the animal intends to move the animal off the premises he must first obtain a licence from an officer of the Secretary of State for the animal to be moved; and the movement of the animal off the premises must be in accordance with any condition subject to which the licence is issued.

2. In the event of the animal dying, otherwise than as the result of being slaughtered, a veterinary inspector must be informed immediately.

3. In the event of the animal dying or being slaughtered on the premises—

- (a) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;
- (b) the carcase of the animal must be disposed of as required by the veterinary inspector; and
- (c) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Secretary of State and in accordance with any conditions subject to which the licence is issued.

**Breach of the requirements of this notice may constitute an offence against the TSE (England) Regulations 2002 and render a person liable to penalties on conviction**

**FORM OC2**

**Notice of intended slaughter of an offspring animal**

To

of

Location of animal .....

I, the undersigned, being a veterinary inspector of the .....  
hereby give you notice in accordance with the provisions of the TSE (England) Regulations 2002 that, as  
the person appearing to me to be the owner or person in charge of the bovine animal specified below, the  
Secretary of State proposes to cause the animal to be slaughtered at the premises specified below as an  
offspring animal under Schedule 7 to the TSE (England) Regulations 2002.

Signed .....

Dated .....

Name in BLOCK LETTERS

Office Address:

The bovine animal to which the completed and signed notice applies is:

Official Ear Mark Description of bovine animal including age, breed and sex:

Premises at which the animal is to be slaughtered:

**FORM OC3**

**Withdrawal of notice relating to an offspring animal**

I, the undersigned, being a veterinary inspector of the .....  
hereby withdraw as from this ..... day of ..... the notice relating to the bovine animal specified  
below, signed by ..... and served on .....  
on ..... day of .....

The bovine animal to which the completed and signed notice applies is:

Official Ear Tag Number/Offspring Slaughter Tag Number/Age/Breed/Sex:

Signed .....

Dated .....

Name in BLOCK LETTERS

Office Address

**FORM OC 4**

**Certificate that a casualty animal is not unfit for human consumption**

Name and address of owner or person in charge of the animal .....  
.....  
.....

Telephone number .....

Animal details

Eartag	Sex	Breed	Age	Other identifiers

Reason for slaughter .....  
.....  
.....

After carrying out ante mortem inspection, making due enquiries, and, where appropriate, carrying out the tests detailed below \*, I certify that in my opinion—

- (1) this animal was not affected with any disease or condition liable to render the whole carcass of the animal unfit for human consumption or that could be transmitted through the meat to humans or animals; and
- (2) there is no evidence that any substances have been administered to the animal that might lead to a residue being present in the meat which might render meat from the animal unfit for human consumption or that the animal consumed any substance that might render meat from the animal unfit for human consumption.

\*Tests performed and results .....  
.....  
.....

Name of veterinary surgeon .....

Address .....  
.....  
.....

Time and date

Signed



## Tables of compensation

7. The following table of compensation shall be used for the purposes of this Schedule—  
Ascertainment of amount of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals by reference to the indicative market price for the month of slaughter.

<i>Age (months)</i>	<i>Dairy</i>	<i>Beef breeding</i>	<i>Beef</i>				
			<i>Basic scale</i>	<i>+ Slaughter premium</i>	<i>+ Steers</i>	<i>Bulls</i>	
					<i>Not yet entered a claim for first beef special premium</i>	<i>Not yet entered a claim for second beef special premium</i>	<i>Not yet entered a claim for beef special premium</i>
Less than 1	20% of IMP	20% of IMP	20% of IMP				
1—less than 3	30% of IMP	30% of IMP	30% of IMP	+ £30.04			
3—less than 6	40% of IMP	40% of IMP	40% of IMP	+ £30.04			
6—less than 7	50% of IMP	50% of IMP	50% of IMP	+ £30.04			
7—less than 8	50% of IMP	50% of IMP	50% of IMP		+ £90.13		£126.18
8—less than 9	50% of IMP	50% of IMP	50% of IMP	+ £48.07	+ £90.13		£126.18
9—less than 12	60% of IMP	60% of IMP	60% of IMP	+ £48.07	+ £90.13		£126.18
12—less than 15	70% of IMP	70% of IMP	70% of IMP	+ £48.07	+ £90.13		£126.18
15—less than 18	80% of IMP	80% of IMP	80% of IMP	+ £48.07	÷ £90.13		£126.18
18—less than 20	90% of IMP	90% of IMP	90% of IMP	+ £48.07	+ £90.13		£126.18
20—less than 21	90% of IMP	90% of IMP	90% of IMP	+ £48.07	+ £90.13	£90.13	£126.18
21—less than 24	100% of IMP	100% of IMP	100% of IMP	+ £48.07	+ £90.13	£90.13	£126.18
24—less than 27	110% of IMP	110% of IMP	100% of IMP	+ £48.07	+ £90.13	£90.13	£126.18
27—less than 30	120% of IMP	120% of IMP	100% of IMP	+ £48.07	+ £90.13	£90.13	£126.18
30 or over	130% of IMP	120% of IMP	OTMS rate	+ £48.07	+ £90.13	£90.13	£126.18

## Calculation of indicative market price

8. The indicative market price for each month shall be calculated using data collected in Great Britain relating to the month occurring two months before the month of slaughter and in accordance with the following formula:

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

Where—

- A equals the number of cattle aged less than 7 years when valued which were slaughtered as BSE suspects;
- B equals the average price for Friesian and Holstein cows in milk and in calf, first calving cows in milk and down calving heifers, in each case of first and second quality;
- C equals the number of cattle aged 7 years or more when valued which were slaughtered as BSE suspects; and
- D equals the average purchase price paid in the case of barren cattle of dairy breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional measures for the support of the beef market in the United Kingdom, as amended,

the final figure being rounded down to the nearest multiple of £1.

## SCHEDULE 8

Regulation 103

### Amendments

## PART I

Regulation 103(1)

### AMENDMENTS TO THE SPECIFIED RISK MATERIAL ORDER 1997

1. In the list of countries in article 3(3) the following shall be inserted respectively in the appropriate alphabetical places—  
“El Salvador  
Panama”.
2. In article 4(5) the words “Austria, Finland or” shall be deleted.
3. In article 6(2A)(a) for the words “regulation 15A of the Specified Risk Material Regulations 1997” there shall be substituted the words “regulation 36 of the TSE (England) Regulations 2002(a)”.
4. In Schedule 2, in the list of countries in the declaration on the form of importation certificate there shall be inserted in the appropriate alphabetical places—  
“El Salvador  
Panama”.

## PART II

Regulation 103(2)

### AMENDMENTS TO THE SPECIFIED RISK MATERIAL REGULATIONS 1997

1. In the list of countries in regulation 3(5) the following shall be inserted respectively in the appropriate alphabetical places—  
“El Salvador  
Panama”.
2. In regulation 4(7) the words “Austria, Finland or” shall be deleted.

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(a) S.I. 2002/843.

## Revocations and savings

## PART I

Regulation 104(1)

## REVOCATIONS

The Bovine Spongiform Encephalopathy (No. 2) Order 1996 (S.I. 1996/3183)	The whole Order
The Bovine Spongiform Encephalopathy Compensation Order 1996 (S.I. 1996/3184)	The whole Order
The Specified Risk Material Order 1997 (S.I. 1997/2964)	Articles 5 and 7 to 14
The Specified Risk Material Regulations 1997 (S.I. 1997/2965)	Regulations 5 to 11, 13, 14, 15, 15A, 16, 17, 18, 19 and 20 to 28
The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998 (S.I. 1998/954)	The whole Regulations
The Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 (S.I. 1998/955)	The whole Regulations
The Sheep and Goats Spongiform Encephalopathy Order 1998 (S.I. 1998/1645)	The whole Order
The Sheep and Goats Spongiform Encephalopathy Regulations 1998 (S.I. 1998/1646)	The whole Regulations
The Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998 (S.I. 1998/1647)	The whole Order
The BSE Offspring Slaughter Regulations 1998 (S.I. 1998/3070)	The whole Regulations
The Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999 (S.I. 1999/882)	The whole Regulations
The Processed Animal Protein (England) Regulations 2001 (S.I. 2001/2376)	Regulations 4 to 9, 12 to 16 and Schedules 1, 2 and 3
The BSE Monitoring (England) Regulations 2001 (S.I. 2001/1644)	The whole Regulations

## PART II

Regulation 104(2)

## SAVINGS OF THINGS DONE UNDER THE BOVINE SPONGIFORM ENCEPHALOPATHY (NO.2) ORDER 1996(a)

1. Any notice issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 80 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a requirement of a notice issued under regulation 80 of these Regulations.

2. Any licence issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 80 of these Regulations.

3. Any notice of intended slaughter of—
- (a) an affected or suspected animal in Form C; or
  - (b) an exposed animal in Form F,

issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of intended slaughter of the animal issued under regulation 82(1) of these Regulations.

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(a) S.I. 1996/3183, as amended by S.I. 1997/2387, S.I. 1998/3071 and S.I. 1999/921.

4. Any notice of confirmation of intention to slaughter in Form G issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of confirmation of intention to slaughter issued under regulation 82(2)(b) of these Regulations.

5. Any notice requiring any cleansing and disinfection issued under article 9 of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 86 of these Regulations.

6. Any licence issued under article 12(2)(b) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the feeding to an animal or poultry of milk for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 85(2)(b)(i) of these Regulations.

7. Any licence issued under article 13(2) or 14(5) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the feeding to an animal of any feedingstuff for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 11(2) or 12(5) of these Regulations.

8. Any notice issued under article 16(1) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations, requiring the disposal of any mammalian meat and bone meal or any MBM product and any other material with which it has come into contact, shall have effect as if it were a notice issued under regulation 29(2) of these Regulations.

9. Any notice issued under article 16(2) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations, requiring the collection and transport of any feedingstuff, shall have effect as if it were a notice issued under regulation 29(3) of these Regulations.

### PART III

Regulation 104(3)

#### SAVINGS OF THINGS DONE UNDER THE SPECIFIED RISK MATERIAL ORDER 1997(a)

1. Any licence issued under article 8(5) of the Specified Risk Material Order 1997 having effect at the coming into force of these Regulations to permit the feeding to any creature of any specified risk material or feedingstuff for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 49(6) of these Regulations.

2. Any approval issued under article 10(1) of the Specified Risk Material Order 1997 shall have effect as if it were a licence issued under regulation 57(1) of these Regulations.

3. Any approval issued under article 12(2) of the Specified Risk Material Order 1997 shall have effect as if it were an approval issued under regulation 53(2) of these Regulations.

### PART IV

Regulation 104(4)

#### SAVINGS OF THINGS DONE UNDER THE SPECIFIED RISK MATERIAL REGULATIONS 1997(b)

1. Any approval by the Minister under regulation 6(1) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

2. Any authorisation by the Agency under regulation 6(2) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

3. Any authorisation by the Agency under regulation 15(7) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

4. Any designation by the Agency under regulation 15A(3) and (4) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

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(a) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234, S.I. 2000/3377 and S.I. 2001/2650.

(b) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672, 2000/3381 and 2001/817.

5. Any appointment by the Agency of a meat technician under regulation 16(4) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 38(4) of these Regulations.

6. Any appointment by the Agency of a meat technician under regulation 18(5) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 41(5) of these Regulations.

7. Any approval of the storage of specified risk material under regulation 28(2) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an approval under regulation 53(2) of these Regulations.

## PART V

Regulation 104(5)

### SAVINGS OF THINGS DONE UNDER THE FERTILISERS (MAMMALIAN MEAT AND BONE MEAL) (CONDITIONS OF MANUFACTURE) REGULATIONS 1998(a)

1. Any appointment of an authorised officer under regulation 9(1) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector for the purposes of these Regulations.

2. Any appointment of a person under section 67(3)(a) of the Agriculture Act 1970(b), deemed by virtue of regulation 9(3) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 to be a person appointed under regulation 9(1) of those Regulations and having effect at the coming into force of these Regulations, shall have effect as if it were an appointment of that person as an inspector for the purposes of these Regulations.

## PART VI

Regulation 104(6)

### SAVINGS OF THINGS DONE UNDER THE SHEEP AND GOATS SPONGIFORM ENCEPHALOPATHY ORDER 1998(c) AND THE SHEEP AND GOATS SPONGIFORM ENCEPHALOPATHY REGULATIONS 1998(d)

1. Any notice issued under article 4 or 5 of the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 80 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a requirement of a notice issued under regulation 80 of these Regulations.

2. Any licence issued under the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 80 of these Regulations.

3. Any notice requiring any cleansing and disinfection issued under article 6 of the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 86 of these Regulations.

4. Any notice of intended slaughter of an affected or suspected animal in Form C served under article 7 of the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations shall have effect as if it were a notice of intended slaughter of the animal issued under regulation 82(1) of these Regulations.

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(a) S.I. 1998/954.

(b) 1970 c. 40. Section 67 was amended in its application to Great Britain by paragraph 38(5) of Schedule 16, and Schedule 18, to the Local Government (Wales) Act 1994 (1994 c.19) and paragraph 85(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (1994 c. 39).

(c) S.I. 1998/1645.

(d) S.I. 1998/1646.

5. Any appointment of a veterinary inspector by the appropriate Minister for the purposes of the Sheep and Goats Spongiform Encephalopathy Regulations 1998 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

## PART VII

Regulation 104(7)

### SAVINGS OF THINGS DONE UNDER THE BOVINE SPONGIFORM ENCEPHALOPATHY (FEEDING STUFFS AND SURVEILLANCE) REGULATIONS 1999(a)

Any appointment of an authorised officer by the appropriate Minister or a local authority for the purposes of the Bovine Spongiform Encephalopathy (Feeding stuffs and Surveillance) Regulations 1999 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector respectively by the Secretary of State or the local authority for the purposes of these Regulations.

## PART VIII

Regulation 104(8)

### SAVINGS OF THINGS DONE UNDER THE BSE MONITORING (ENGLAND) REGULATIONS 2001(b)

1. Any appointment of an inspector by the Minister or a local authority for the purposes of the BSE Monitoring Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector respectively by the Secretary of State or the local authority as an inspector for the purposes of these Regulations.

2. Any appointment of a veterinary inspector by the Minister for the purposes of the BSE Monitoring Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

3. Any appointment of an agent by the Minister under regulation 3 of the BSE Monitoring Regulations 2001 to receive notifications under that regulation having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that agent by the Secretary of State under regulation 10 of these Regulations to receive notifications under that regulation.

## PART IX

Regulation 104(9)

### SAVINGS OF THINGS DONE UNDER THE PROCESSED ANIMAL PROTEIN REGULATIONS 2001(c)

1. Any approval by the Minister under regulation 5 of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the Secretary of State under regulation 16 of these Regulations.

2. Any approval by the Minister under regulation 6 of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the Secretary of State under regulation 17(1) of these Regulations.

3. Any approval by the Minister under regulation 7 of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the Secretary of State under regulation 17(2) of these Regulations.

4. Any authorisation of premises for the purposes of paragraph 6 of Annex I to the Commission Decision by the Minister under regulation 13(2) of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 23(1)(b) of these Regulations.

5. Any authorisation of premises for the purposes of paragraph 3 of Annex II to the Commission Decision by the Minister under regulation 14(2) of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 24(1)(b) of these Regulations.

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(a) S.I. 1999/882.

(b) S.I. 2001/1644, as amended by S.I. 2001/3960.

(c) S.I. 2001/2376.

6. Any authorisation of premises for the purposes of paragraph 2 of Annex III to the Commission Decision by the Minister under regulation 15(2) of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 24(2)(b) of these Regulations.

7. Any appointment of an inspector by the Minister or a local authority for the purposes of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector as an inspector respectively by the Secretary of State or the local authority for the purposes of these Regulations.

8. Any appointment of a veterinary inspector by the Minister for the purposes of the Processed Animal Protein Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These TSE Regulations make provision in England, otherwise than in relation to trade, for—

- (a) the administration and enforcement of the following directly applicable Community legislation (“the Community TSE Regulation and Community Transitional Measures”)—

Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22nd May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No. L 147, 31.5.2001, p.1) (“the Community TSE Regulation”);

Commission Regulation (EC) No 1248/2001 of 22nd June 2001 amending Annexes III, X and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies (OJ No. L 173, 27.6.2001, p.12);

Commission Regulation (EC) No 1326/2001 of 29th June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation (OJ No. L 177, 30.6.2001, p.61); and

Commission Regulation (EC) No 270/2002 of 14 February 2002 amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof (OJ No. L 45, 15.2.2002, p.4); and

- (b) continuing the implementation of Council Decision 2000/766/EC (OJ No. L 306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision 2001/9/EC (OJ No. L 2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision 2000/766/EC, in accordance with Article 1(2) of Commission Regulation (EC) No 1326/2001.

The Regulations come into force on 19th April 2002.

Part I of these Regulations contain introductory provisions. These include the application provisions of regulation 2 and the interpretation provisions of regulation 3. (Provision as respects England for the administration and enforcement of the Community TSE Regulation and the Community Transitional Measures in relation to trade is intended to be made by a separate instrument.)

Part II of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to TSE monitoring. These are provisions for TSE monitoring, movement prohibitions and restrictions of TSE susceptible animals; slaughter of TSE susceptible animals at slaughterhouses and at other premises; retention and seizure of carcasses etc. of TSE susceptible animals; provision for compensation; and provision for notifications.

Part III of these Regulations makes provision in relation to animal feeding. It continues the implementation of Council Decision 2000/766/EC (OJ No. L 306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision 2001/9/EC (OJ No. L 2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision 2000/766/EC, in accordance with Article 1(2) of Commission Regulation (EC) No 1326/2001. Article 1(2) of Commission Regulation (EC) No 1326/2001, and section C of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No 1326/2001) provide that this Council Decision and Commission Decision remain in force. The implementation of these Decisions was previously provided by the Processed Animal Protein (England) Regulations 2001, revoked in part by these Regulations. Part III also includes



provisions dealing with matters arising out of and related to these Decisions, including provisions relating to feeding ruminants with mammalian protein and livestock with mammalian meat and bone meal.

Part IV of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to specified risk material. These are prohibitions on the removal, collection or disposal of specified risk material except at licensed premises; provisions for licensing of premises for the removal, collection or disposal of specified risk material; prohibitions on the sale of specified risk material for human consumption; prohibitions relating to mechanically recovered meat and pithing; provisions for the separation of live animals and products of animal origin in premises which use specified risk material in production and live animals in or intended for research; prohibitions on feeding specified risk material to animals; provisions relating to transport and storage of specified risk material; requirements to make and keep records; requirements for cleansing and disinfection; powers of inspectors; provisions relating to compliance with notices, suspension and revocation of licences; appeals against suspension and revocation of licences; and offences.

Part V of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to control and eradication of TSE. These are provisions for notifications of animals suspected of being affected by a TSE; measures with respect to animals suspected of being affected by a TSE; movement prohibitions and restrictions of animals suspected of being affected by a TSE; slaughter of animals suspected of being affected by a TSE; retention and seizure of carcasses etc. of TSE susceptible animals; provisions for compensation; prohibitions in respect of the sale or supply of milk from affected or suspected animals and requirements for cleansing and disinfection.

Part VI of these Regulations makes provision in relation to placing on the market of first generation progeny of, and semen, embryos and ova derived from, certain animals. Part VI also makes provision for the continued implementation of Council Decision 98/256/EC (OJ No. L 113, 15.4.98, p.32), concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC, in relation to offspring of bovine animals. An offspring for this purpose is any bovine animal born to a dam which is affected or suspected of being affected with BSE when it gave birth to the animal or which subsequently becomes affected or suspected of being affected with BSE. Council Decision 98/256/EC remains in force as a transitional measure by virtue of Article 1(1) of Commission Regulation (EC) No 1326/2001 and section D of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No 1326/2001). The implementation of Council Decision 98/256/EC in relation to offspring animals was previously provided by the Offspring Slaughter Regulations 1998, S.I. 1998/3070, revoked by these Regulations.

Part VII of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to sampling and laboratory methods.

Part VIII of these Regulations makes further provision for offences and penalties and provides for enforcement of the Regulations.

Part IX of these Regulations contains supplementary provisions for service of notices and other documents, amendments and revocations and savings.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the TSE Directorate of the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.