

## SCHEDULE 5

### Feedingstuffs

## PART 1

### Restrictions on feeding proteins to animals

#### **Prohibition on feeding animal protein to ruminants**

1.—(1) For the purposes of Article 7(1) and point (b) of Part I of Annex IV to the Community TSE Regulation it is an offence to —

- (a) feed to any ruminant animal;
- (b) supply for feeding to any ruminant animal; or
- (c) permit any ruminant animal to have access to,

any animal protein (or anything containing animal protein) other than the proteins specified in point A(a) of Part II of Annex IV to that Regulation.

(2) It is an offence to bring onto any premises where ruminant animals are kept anything prohibited by this paragraph, or to possess it on such premises other than—

- (a) food intended for human consumption;
- (b) in accordance with paragraph 3;
- (c) premises registered under paragraph 8(6), 10(5) or 12(8); or
- (d) where authorised by an inspector and suitable measures are in place to ensure that ruminant animals do not have access to it.

#### **Prohibition on feeding animal protein to non-ruminants**

2.—(1) For the purposes of Article 7(2) of, and point (a) of Part I of Annex IV to, the Community TSE Regulation it is an offence to—

- (a) feed to any pig, poultry, horse or any farmed non-ruminant animal;
- (b) supply for feeding to any such animal; or
- (c) allow any such animal to have access to,

anything in relation to which this paragraph applies.

(2) Subject to sub-paragraph (3), the prohibition in sub-paragraph (1) applies in relation to—

- (a) processed animal protein;
- (b) gelatine of ruminant origin;
- (c) blood products;
- (d) hydrolysed protein;
- (e) dicalcium phosphate and tricalcium phosphate of animal origin; and
- (f) petfood containing animal protein.

(3) The prohibition in sub-paragraph (1) does not apply in relation to—

- (a) the protein specified in point A(a) of Part II of Annex IV to the Community TSE Regulation;

*Status: This is the original version (as it was originally made).*

- (b) fishmeal (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point B of that Part;
  - (c) dicalcium phosphate and tricalcium phosphate (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point C of that Part;
  - (d) blood products derived from non-ruminants (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point D of that Part;
  - (e) in the case of feeding to fish, blood meal derived from non-ruminants (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point D of that Part; and
  - (f) tuber and root crops (and feedingstuffs containing such products) in which bone spicules have been detected if authorised by the Secretary of State following a risk assessment in accordance with point A(d) of that Part.
- (4) In this paragraph “protein” includes any feedingstuffs containing animal protein.
- (5) It is an offence to bring onto any premises where any animals specified in sub-paragraph (1) are kept anything prohibited by this paragraph, or to possess it on such premises other than—
- (a) food intended for human consumption;
  - (b) in accordance with paragraph 3; or
  - (c) where authorised by an inspector and suitable measures are in place to ensure that animals specified in sub-paragraph (1) do not have access to it.

### Exceptions

3. Paragraphs 1(2) and 2(5) do not apply in relation to anything incorporated into—
- (a) petfood for feeding to pets (including working dogs) on those premises;
  - (b) organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup> and the Animal By-Products Regulations 2005<sup>(2)</sup> and paragraph 18,

provided that—

- (c) it is not fed to any farmed animals;
- (d) it is not stored or handled in parts of the premises to which —
  - (i) farmed animals have access; or
  - (ii) feedingstuffs for farmed animals are stored or handled;
- (e) it does not come into contact with—
  - (i) feedingstuffs permitted to be fed to farmed animals; or
  - (ii) handling equipment used in connection with any such feedingstuffs; and
- (f) farmed animals never have access to petfood, and do not have access to organic fertiliser or soil improver until it has been applied to the land and the no-grazing period specified in regulation 12(2) of the Animal By-Products Regulations 2005 has expired.

(1) OJNo. L 273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) No 209/2006 (OJ No. L 36, 8.2.2006, p. 25).

(2) S. I. 2005/2347.

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

4. Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to—

- (a) specified risk material;
- (b) any material which the inspector has reasonable grounds to believe carries the risk of TSE infectivity; or
- (c) animal protein for which he cannot establish the origin or the TSE infectivity risk,

he may serve a notice on the owner or person in charge of the animal prohibiting or restricting the movement of the animal from the premises described in the notice.

### **Slaughter of animals**

5.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 4, he may serve a notice on the owner or person in charge of the animal in accordance with this paragraph.

(2) The notice may either—

- (a) require the owner or person in charge of the animal to kill it and dispose of it as specified in the notice; or
- (b) require the owner or person in charge of the animal to keep it on such premises and in such manner as the notice provides, in which case the inspector must ensure that the cattle passport is stamped with the words “Not for human consumption”.

### **Compensation**

6.—(1) Where an animal is killed under paragraph 5, the Secretary of State may pay compensation if she considers it appropriate in all the circumstances and shall give her decision on whether or not to pay compensation in writing.

(2) The compensation is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee arising for nominating and employing a valuer.

(3) The appeals procedure in regulation 10 applies in relation to her decision.

### **Slaughter or sale for human consumption**

7. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal the passport for which has been stamped under paragraph 5.