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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1416**

**The TSE (Wales) Regulations 2002**

**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 is in possession or in charge of an animal suspected of being affected by a TSE, and any veterinary surgeon or other person who, in the course of his or her duties, examines or inspects any such animal, must, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his or her possession or under his or her charge on any premises an animal suspected of being affected by a TSE, must 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, reasonably suspects the presence of a TSE must—

- (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 the veterinary inspector.

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

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

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

**79.**—(1) An inspector may make any enquiries and carry out any investigations he or she 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 may, on producing, if required to do so, some duly authenticated document showing his or her authority, enter at all reasonable times 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 TSE susceptible animal to arrange for the collection and penning of the animal;
- (d) inspect and examine the carcase of a TSE susceptible animal;
- (e) make any tests and take any samples from any TSE susceptible animal, or the carcase of any TSE susceptible animal, as he or she considers necessary;
- (f) mark for identification purposes any TSE susceptible animal, or the carcase of any TSE susceptible 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 or any TSE susceptible animal;
- (h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase or any TSE susceptible animal;
- (i) seize any TSE susceptible animal, the carcase, or any part of the carcase, of any TSE susceptible animal 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 or her such assistance as he or she 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 may remove or otherwise interfere with any mark applied to a TSE susceptible animal or the carcase of a TSE susceptible animal under paragraph 2(f) above and no person except a veterinary inspector may remove or otherwise interfere with any electronic identification device attached to or otherwise administered to a TSE susceptible animal under that paragraph.

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

the justice of the peace 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 or her 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, must—

- (a) provide reasonable facilities and assistance to the inspector and comply with all reasonable requirements of the inspector as considered by the inspector to be 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 or she 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 or her 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 or her—

- (a) such other persons as he or she considers necessary to give such assistance as he or she 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 or she must leave them as effectively secured against unauthorised entry as he or she 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 the purpose of paragraph (1) an inspector may, by notice in writing served on the owner or person in charge of the animal, prohibit or restrict the movement of the animal from or to any premises described in the notice for the period, and subject to the conditions, he or she considers necessary for that purpose as specified in the notice.

(3) During the period in which the notice is in force a veterinary inspector may renew it subject to any requirements or conditions he or she consider 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 provided that a licence is obtained from a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to any requirements or conditions he or she 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 must carry the licence during the authorised movement and must, 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 demand, furnish his or her 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 a slaughterhouse an inspector must so inform the occupier of the slaughterhouse and direct the occupier to slaughter the animal. Any direction given under this paragraph may specify the manner in which and the period within which the animal is to be slaughtered.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he or she must 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 related operation,

the inspector must direct the occupier to slaughter the other animal or carry out the related operation and may specify the manner in which and the period within which the slaughter or any related operation is to take place.

(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 must 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 any 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 a slaughterhouse a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of the animal—

- (a) informing him or her 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 must 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 National Assembly 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 a carcass of a TSE susceptible animal, any part of the carcass of a TSE susceptible animal or any blood derived from the carcass, or part of the carcass, of a TSE susceptible animal; or
- (b) to seize from any premises, or dispose of, the carcass of a TSE susceptible animal, any part of the carcass of a TSE susceptible animal or any blood derived from the carcass, or part of the carcasses, of a TSE susceptible animal.

(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, any part of the carcass or any blood derived from the carcass, or part of the carcass, of a TSE susceptible animal; or
- (b) seize or dispose of—
  - (i) any carcass of a TSE susceptible animal from the premises, or any part of the carcass of a TSE susceptible animal, whether or not it is a carcass or part of a carcass which the occupier has been required to retain under the direction of an inspector; or
  - (ii) any blood derived from a carcass of a TSE susceptible animal or any part of the carcass of a TSE susceptible animal, 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 of the carcass, of a TSE susceptible animal may include directions in relation to the treatment, storage and disposal of the carcass, part or blood.

(4) Any direction under this regulation must 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 any 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 must pay compensation to the owner of the animal in accordance with the provisions of Part III of Schedule 1 of these Regulations.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part IV of Schedule 1 of these Regulations to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 83 above.

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

**85.**—(1) Subject to paragraph (2) below, it is prohibited for any person knowingly to—

- (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 or she 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 under regulation 57 above and in accordance with any conditions subject to which the licence is granted; or
  - (ii) to the sale or supply of any milk to a research establishment under the authority of a licence granted by the Secretary of State under regulation 57 above and in accordance with any conditions subject to which the licence is granted 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 a TSE susceptible animal, a notice requiring him or her to cleanse and disinfect, at his or her own expense in the manner and within that 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 that 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 will be recoverable from the person in default by the authority on whose behalf the inspector served the notice.