



Jersey

## EU LEGISLATION (TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES) (JERSEY) REGULATIONS 2015

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Jersey

## EU LEGISLATION (TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES) (JERSEY) REGULATIONS 2015

*Made*

*1st December 2015*

*Coming into force*

*8th December 2015*

**THE STATES**, in pursuance of Article 2(2) of the European Union Legislation (Implementation) (Jersey) Law 2014<sup>1</sup>, have made the following Regulations –

### **1 Interpretation – general**

(1) In these Regulations, unless the context otherwise requires –

“Annex” shall be construed in accordance with Regulation 2(1);

“approved sampling site” means a sampling site approved under paragraph 7 of Schedule 1;

“approved testing laboratory” means –

- (a) a testing laboratory approved under paragraph 10 of Schedule 2 to the Transmissible Spongiform Encephalopathies (England) Regulations 2010 of the United Kingdom, as amended;
- (b) an EU National Reference Laboratory; or
- (c) a diagnostic laboratory approved by a member State in accordance with Annex X;

“Article” shall be construed in accordance with Regulation 2(1);

“body part” includes blood, an embryo, a hide, any ovum and semen;

“bovine animal” includes a bison, a buffalo and a water buffalo;

“BSE” means bovine spongiform encephalopathy;

“carcase” and “dead body” have the same meaning;

“cattle passport” has the same meaning as it has in Regulation 1(1) of the European Communities (Legislation) (Implementation) (Cattle Identification) (Jersey) Regulations 2002<sup>2</sup>;

“cutting plant” means (except in paragraph 9(6)(b) of Schedule 6) a cutting plant within the meaning of paragraph 1(17) of Annex I to

Regulation (EC) No. 853/2004 that is an establishment that is approved or conditionally approved as such by the Minister for Health and Social Services under Article 31(2) of Regulation (EC) No. 882/2004;

“inspector” has the meaning given in Regulation 11;

“kill” means to cause death otherwise than by bleeding;

“market value”, in respect of an animal or product, means the price that would reasonably be expected to have been obtained for the animal or a product from a buyer in the open market –

(a) at the time it is killed, in a case of an animal to which either of paragraph 4 of Schedule 4 and paragraph 5 of Schedule 5 refers; and

(b) at the time of its valuation, in any other case,

on the assumption that the animal or product was not affected by a TSE;

“Minister”, without further description, shall be construed in accordance with Article 4;

“offal” has the meaning given to it in point 1.11 of Annex I to Regulation (EC) No. 853/2004;

“premises” includes –

(a) domestic premises, if they are being used for any purpose in connection with the European Union TSE Regulation or these Regulations;

(b) land;

(c) an outbuilding;

(d) a slaughterhouse; and

(e) a vehicle, container or structure (whether moveable or not);

“RMOP” means the Required Method of Operation for a slaughterhouse;

“slaughter” means to cause death by bleeding;

“slaughterhouse” means a slaughterhouse, as defined in paragraph 1(16) of Annex I to Regulation (EC) No. 853/2004, in which an animal may lawfully be slaughtered in Jersey;

“TSE” means a transmissible spongiform encephalopathy;

“veterinary inspector” has the meaning given in Regulation 11(5)(c).

(2) For the purposes of these Regulations, a bovine animal is to be taken as to having been born or reared in Jersey before 1st August 1996 unless its cattle passport shows –

(a) that it was born in Jersey on or after 1st August 1996; or

(b) that it first entered Jersey on or after 1st August 1996.

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**2 Interpretation – European Union TSE Regulation and other Community instruments**

- (1) In these Regulations a reference to an Article or Annex without further description is a reference to the Article or Annex of that number in the European Union TSE Regulation.
- (2) Expressions that are not defined in these Regulations but are also used in the European Union TSE Regulation have the same meaning in these Regulations as they have for the purposes of the European Union TSE Regulation.
- (3) In these Regulations “European Union 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, as read with –
  - (a) Commission Decision 2007/411/EC;
  - (b) Commission Decision 2007/453/EC; and
  - (c) Commission Decision 2009/719/EC.

- (4) In these Regulations –

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC of 14 June 2007 prohibiting the placing on the market of products derived from bovine animals born or reared within Jersey before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC;

“Commission Decision 2007/453/EC” means Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk;

“Commission Decision 2009/719/EC” means Commission Decision 2009/719/EC of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes;

“Commission Regulation (EC) No. 2074/2005” means Commission Regulation (EC) No. 2074/2005 of 5 December 2005 laying down implementation measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004;

“Commission Regulation (EC) No. 2076/2005” means Commission Regulation (EC) No. 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004;

“Regulation (EC) No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin, as read with –

- (a) Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC;
- (b) Commission Regulation (EC) No. 1688/2005 of 14 October 2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;
- (c) Commission Regulation (EC) No. 2074/2005; and
- (d) Commission Regulation (EC) No. 2076/2005;

“Regulation (EC) No. 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, as read with –

- (a) Commission Regulation (EC) No. 2074/2005; and
- (b) Commission Regulation (EC) No. 2076/2005;

“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation), as read with Commission Regulation (EU) No. 142/2011 of 25 February 2011;

- (5) In these Regulations, any reference to an EU instrument (as defined in the European Union (Jersey) Law 1973<sup>3</sup>) is a reference to that instrument as amended from time to time.

### **3 Application of these Regulations**

- (1) The Schedules do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under these Regulations by the Minister.
- (2) If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1069/2009.
- (3) A person who contravenes paragraph (2) shall be guilty of an offence.



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#### **4 Ministers to be competent authorities**

- (1) The Minister for Planning and Environment is the competent authority for the purposes of the European Union TSE Regulation, except as provided in paragraph (2).
- (2) The Minister for Health and Social Services is the competent authority for the purposes of the European Union TSE Regulation, in respect of the matters specified in paragraph 1(1) of Schedule 6 to these Regulations, in their application to places other than slaughterhouses.
- (3) Accordingly, in these Regulations, “Minister” means the Minister for Planning and Environment save that, for the purposes only of authorizations under paragraph 11 of Schedule 6 and enforcement by the Minister for Health and Social Services under that Schedule, “Minister”, in Regulations 5, 7, 8, 9 and 14(8) means the Minister for Health and Social Services.

#### **5 Approvals, authorizations and registration**

- (1) The Minister shall grant an approval, authorization or registration under these Regulations if satisfied that the European Union TSE Regulation and these Regulations will be complied with.
- (2) The approval, authorization or registration shall be in writing, and specify –
  - (a) the purpose for which it is granted;
  - (b) the person in relation to whom it is granted; and
  - (c) the address of the premises (if any) in respect of which it is granted.
- (3) The Minister may make the approval, authorization or registration subject to such conditions as are necessary –
  - (a) to ensure that the European Union TSE Regulation and these Regulations will be complied with; or
  - (b) to protect public or animal health.
- (4) If the Minister refuses to grant an approval, authorization or registration, or grants it subject to conditions, he or she shall in writing notify the applicant of the decision –
  - (a) giving the reasons for the decision; and
  - (b) explaining the applicant’s rights under Regulation 9.
- (5) The procedure in Regulation 9 applies upon the Minister notifying the applicant of his or her decision.

#### **6 An occupier’s duty**

- (1) An occupier of premises that are approved, authorized or registered under these Regulations shall be guilty of an offence if he or she does not ensure that the premises are maintained and operated in accordance with –

- (a) the conditions of the approval, authorization or registration; and
  - (b) the requirements of the European Union TSE Regulation and of these Regulations.
- (2) An occupier of premises that are approved, authorized or registered under these Regulations shall be guilty of an offence if he or she does not ensure that the following persons comply with those conditions and requirements, namely –
- (a) each person who is employed by the occupier; and
  - (b) each person who is permitted to enter the premises.

## **7 Suspensions and amendments**

- (1) The Minister may suspend or amend an approval, authorization or registration that the Minister has granted under these Regulations –
- (a) if a condition under which it was granted is not fulfilled; or
  - (b) if the Minister is satisfied that the European Union TSE Regulation or these Regulations are not being complied with.
- (2) The Minister may amend an approval, authorization or registration that the Minister has granted under these Regulations, if he or she considers it necessary to do so in the light of technical or scientific developments.
- (3) A suspension or amendment –
- (a) may have immediate effect if the Minister considers it necessary for the protection of public or animal health; and
  - (b) in any other case, shall not have effect before the expiration of at least 21 days.
- (4) If the Minister suspends or amends an approval, authorization or registration, he or she shall in writing notify the person to whom it has been granted of the decision –
- (a) stating when the suspension or amendment comes into effect;
  - (b) giving the reasons for the decision; and
  - (c) explaining the person's rights under Regulation 9.
- (5) On the notification of the suspension or amendment, the procedure in Regulation 9 applies.
- (6) If the suspension or amendment does not have immediate effect by reason of paragraph (3), and the person makes representations under Regulation 9, it shall not have effect until the final determination under that Regulation.
- (7) Despite paragraph (6), the suspension or amendment may have effect before the final determination if the Minister considers that it is necessary for the protection of public or animal health for the amendment or suspension to do so.

## **8 Revocations**

- (1) The Minister may revoke an approval, authorization or registration that the Minister has granted under these Regulations, if he or she is satisfied –
  - (a) that premises in respect of which it has been granted will not be operated in accordance with the European Union TSE Regulation and these Regulations; and
  - (b) that any of the circumstances in paragraph (2) applies.
- (2) Those circumstances are –
  - (a) that the approval, authorization or registration is suspended and the period specified in Regulation 9(3) for the person notified of the suspension to make representations has expired;
  - (b) that the approval, authorization or registration is suspended, and the suspension has been upheld following a final determination by the Minister under Regulation 9;
  - (c) that the approval, authorization or registration has been previously suspended and there is further non-compliance with the European Union TSE Regulation or these Regulations; or
  - (d) if the approval, authorization or registration has been granted in respect of premises, that the Minister is satisfied that the person in respect of whom it was granted no longer uses them for the purpose for which it was granted.
- (3) If the Minister revokes an approval, authorization or registration, he or she shall in writing notify the person to whom it has been granted of the decision –
  - (a) stating when the revocation comes into effect;
  - (b) giving the reasons for the decision; and
  - (c) explaining the person's rights under Regulation 9.
- (4) On the notification of the revocation, the procedure in Regulation 9 applies.
- (5) If the Minister revokes an approval, authorization or registration under paragraph (2)(c) or (d), the revocation remains in force pending any final determination under Regulation 9.

## **9 Reconsideration of Minister's decision**

- (1) In this Regulation, "the person concerned" means a person to whom the Minister is required by these Regulations to notify a decision.
- (2) If this Regulation applies, the person concerned may make written representations about the decision to a person appointed for the purpose by the Minister.
- (3) The person concerned must do so with within 21 days after being notified in accordance with these Regulations of the decision.

- (4) The Minister may also make written submissions concerning the decision to the person appointed.
- (5) The person appointed shall report in writing to the Minister upon the decisions, representations and submissions.
- (6) The Minister shall consider the report and make a final determination.
- (7) The Minister shall in writing notify the person concerned of the Minister's final determination, giving the reasons for the final determination.

## **10 Valuations**

- (1) This Regulation applies in respect of valuations under these Regulations.
- (2) In this Regulation, "owner" means the owner of the animal or product to be valued.
- (3) The owner and the Minister may agree on the amount of a valuation.
- (4) If the owner and the Minister cannot agree on the amount of a valuation, they may jointly nominate a valuer to carry out a valuation.
- (5) If the owner and the Minister cannot agree who to nominate, the Judicial Greffier may nominate the valuer, and both the owner and the Minister shall accept that nomination.
- (6) The valuer shall carry out the valuation and submit it and any other relevant information and documentation to the Minister, and provide a copy to the owner.
- (7) Both the owner and a representative of the Minister have the right to be present at a valuation.
- (8) The valuation is binding on both the owner and the Minister.
- (9) The Minister and the owner shall each pay one half of the valuation fee.

## **11 Inspectors**

- (1) The Veterinary Officer appointed under Article 2 of the Diseases of Animals (Jersey) Law 1956<sup>4</sup> is, by virtue of his or her office, an inspector for all the purposes of these Regulations.
- (2) The Minister for Health and Social Services may appoint persons to be inspectors for the purposes of the matters specified in paragraph 1(1) of Schedule 6.
- (3) The Minister for Planning and Environment may appoint persons to be inspectors for the purposes of these Regulations, apart from paragraph 1(1) of Schedule 6.
- (4) The appointment of an inspector under paragraph (1) or (2) may be limited to powers and duties specified in the appointment.
- (5) In these Regulations –

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- (a) a reference to an inspector shall, for the purposes of the matters specified in paragraph 1(1) of Schedule 6, be construed in accordance with paragraphs (1) and (2);
  - (b) a reference to an inspector shall, for any other purposes of these Regulations, be construed in accordance with paragraphs (1) and (3);
  - (c) a reference to a veterinary inspector is to an inspector who is also a veterinary surgeon.

## **12 Inspector's power of entry**

- (1) An inspector may enter any premises for the purpose of ensuring that the European Union TSE Regulation and these Regulations are being complied with.
- (2) If asked, the inspector shall produce a document showing that he or she is an inspector, before exercising that power.
- (3) The inspector may exercise the power at any reasonable hour.
- (4) If an inspector enters –
  - (a) premises that are unoccupied; or
  - (b) premises whose occupier is absent,the inspector shall (so far as reasonably practicable) leave the premises as effectively secured as the inspector found them.
- (5) The Bailiff or a Jurat, if satisfied on sworn information –
  - (a) that there are reasonable grounds for entry into premises for the purposes of the enforcement of these Regulations; and
  - (b) that any of the circumstances in paragraph (6) applies,may grant a warrant authorizing an inspector to enter the premises and to use such force as is reasonably necessary to do so.
- (6) Those circumstances are –
  - (a) that admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;
  - (b) that asking for admission, or the giving of such a notice, would defeat the object of the entry;
  - (c) that the case is one of urgency; or
  - (d) that the premises are unoccupied or the occupier is absent.
- (7) A warrant under this Regulation is valid for one month.
- (8) In exercising a power under this Regulation, an inspector may be accompanied by –
  - (a) such other persons as he or she considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the enforcement of a European Union obligation.

**13 Inspectors' other powers**

- (1) An inspector may, for the purpose of ensuring that the European Union TSE Regulation and these Regulations are being complied with, exercise any power in this Regulation.
- (2) Those powers are –
  - (a) to seize anything to which paragraph (3) refers;
  - (b) to dispose of, as necessary, anything so seized;
  - (c) to carry out an inquiry, investigation, examination or test;
  - (d) to collect, pen and inspect an animal;
  - (e) to require the keeper of an animal to arrange for its collection and penning for inspection by an inspector;
  - (f) to inspect the body or a body part of a dead animal;
  - (g) to inspect a part of any premises;
  - (h) to inspect or monitor any equipment, facility, operation or procedure;
  - (i) to take a sample;
  - (j) to inspect and copy a record (in whatever form it is held) or remove a record to enable it to be copied;
  - (k) to inspect and check the operation of a computer or associated apparatus or material that is or has been in use in connection with a record;
  - (l) to mark an animal or any other thing for identification purposes, whether electronically or by any other means; or
  - (m) to lock or seal a container or store.
- (3) The things that may be seized under this Regulation are –
  - (a) an animal;
  - (b) the body or a body part of a dead animal;
  - (c) animal protein or compound feed that may contain animal protein; and
  - (d) milk or a milk product.
- (4) In order to exercise a power to which paragraph (2)(k) refers, an inspector may require a person having charge of or otherwise concerned with the operation of the computer, apparatus or material –
  - (a) to provide an inspector with a password to enable access to the computer, apparatus or material;
  - (b) to afford an inspector such other assistance as he or she may reasonably require; and
  - (c) if a record is kept by means of a computer, to produce it in a form in which it can be taken away.

**14 Notices that must be complied with**

- (1) If it is necessary for a reason connected with the enforcement of the European Union TSE Regulation or of these Regulations, an inspector
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may serve a notice under this Regulation on any of the following persons –

- (a) an owner or keeper of an animal;
  - (b) a person in possession of the body or a body part of a dead animal;
  - (c) a person who is in possession of any animal protein or compound feed that may contain animal protein;
  - (d) a supplier of any animal protein or compound feed that may contain animal protein;
  - (e) an owner of any milk or milk product; or
  - (f) a person in possession of any milk or milk product.
- (2) The notice shall be in writing.
- (3) The notice may do any of the following things –
- (a) prohibit or require the movement of an animal onto or from premises specified in the notice;
  - (b) prohibit the movement of any milk or milk product from premises specified in the notice;
  - (c) specify parts of premises to which an animal may or may not be allowed access;
  - (d) require the killing or slaughter of an animal;
  - (e) prohibit or require the movement onto or from premises specified in the notice of the body or a body part of a dead animal;
  - (f) prohibit or require the movement onto or from premises specified in the notice of any animal protein or compound feed that may contain animal protein;
  - (g) prohibit or require the movement onto or from premises specified in the notice of any animal embryo, ovum or semen;
  - (h) require the disposal of the body or a body part of a dead animal (whether or not it is one that was required to be detained) as may be specified in the notice;
  - (i) require the disposal of any animal embryo, ovum or semen, or any milk or milk product, as may be specified in the notice;
  - (j) require the disposal of any animal protein or compound feed that may contain animal protein;
  - (k) specify a requirement as to how any animal protein or compound feed that may contain animal protein may or may not be used; or
  - (l) require the recall of any animal protein, or of any compound feed that may contain animal protein.
- (4) If an inspector suspects that any premises to which the European Union TSE Regulation or these Regulations apply constitute a risk to animal or public health, he or she may serve a notice on the occupier or person in charge of the premises requiring that person to cleanse and disinfect all or a part of the premises or any associated equipment.

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- (5) A notice under this Regulation may specify how it must be complied with, and may specify time limits for compliance.
  - (6) A person who contravenes a notice that is served on the person under this Regulation shall be guilty of an offence.
  - (7) If a person does not comply with a notice that is served on the person under this Regulation, an inspector may have it complied with at that person's expense by the inspector or by some other person.
  - (8) If an inspector acts under paragraph (7), the Minister may recover the reasonable expenses of the inspector's doing so, in a court of competent jurisdiction, as a civil debt due to the States by the person on whom the notice was served.
  - (9) A notice served on a person under this Regulation may be amended, suspended or revoked, in writing, at any time.
  - (10) A notice may specify that a person in receipt of it must immediately inform an inspector of its safe receipt.

## **15 Licences for movement**

- (1) If a notice is served under Regulation 14 restricting the movement of an animal or product, an inspector may subsequently permit its movement under the authority and in accordance with the terms of a licence granted by an inspector.
- (2) A person transporting the animal or product under the authority of the licence –
  - (a) shall carry the licence during the permitted movement; and
  - (b) shall produce it on demand to an inspector.
- (3) A person who contravenes paragraph (2) shall be guilty of an offence.

## **16 Offences in respect of inspectors**

A person shall be guilty of an offence –

- (a) if the person intentionally obstructs an inspector acting under these Regulations;
- (b) if the person fails, without reasonable excuse, to give to an inspector acting under these Regulations any assistance or information that he or she reasonably requires that person to give for the performance of the inspector's functions under these Regulations;
- (c) if the person fails, without reasonable excuse, to provide to an inspector acting under these Regulations any facilities that he or she reasonably requires that person to provide for the performance of the inspector's functions under these Regulations;
- (d) if the person knowingly or recklessly gives false or misleading information to an inspector acting under these Regulations;
- (e) if the person fails, without reasonable excuse, to produce a record when required to do so by an inspector acting under these Regulations; or



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- (f) if the person defaces, obliterates, or removes a mark or seal, or removes a lock, applied under Regulation 13.

## **17 General provisions as to offences**

- (1) Where an offence under these Regulations, committed by a body corporate, limited liability partnership or separate limited partnership, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the company; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

## **18 Penalties**

A person who is guilty of an offence under these Regulations shall be liable on conviction to a fine and imprisonment for a term of 2 years.

## **19 Protection of inspectors**

- (1) An inspector is not personally liable for anything that he or she does –
  - (a) when acting in the execution or purported execution of these Regulations; and
  - (b) when acting within the scope of his or her employment,if the inspector is acting in the honest belief that his or her duty under these Regulations requires or entitles the inspector to do it.
- (2) Paragraph (1) does not affect any liability of the inspector's employer.

## **20 Service of documents**

- (1) Any notice or other document that must or may be served on a person under these Regulations may be served by –
  - (a) delivering it to the person;
  - (b) leaving it at the person's proper address; or
  - (c) sending it by post to the person at his or her proper address.
- (2) The proper address for an individual is the individual's last known address.

- (3) Notwithstanding paragraph (1), if a notice is to be served on the occupier of premises and, after reasonable enquiry has been made, the person's name or proper address cannot be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

## **21 Schedules 1 to 7**

Schedules 1 to 7 shall have effect.

## **22 Enactments revoked**

The following enactments are revoked –

- (a) the Community Provisions (Animal Feeding) (Jersey) Regulations 2005<sup>5</sup>;
- (b) the Bovine Spongiform Encephalopathy (Jersey) Order 1988<sup>6</sup>; and
- (c) the Diseases of Animals (Sheep and Goat Spongiform Encephalopathy) (Jersey) Order 2003<sup>7</sup>.

## **23 Citation and commencement**

These Regulations may be cited as the EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015 and shall come into force 7 days after they are made.

**L.-M. HART**

*Deputy Greffier of the States*

**SCHEDULE 1**

(Regulation 21)

**TSE MONITORING**

**PART 1**

*Monitoring for TSE*

**1 Arrangements for delivery of carcase of bovine animal, for the purpose of monitoring under Article 6**

- (1) This paragraph applies, for the purpose of monitoring under Article 6, to a person in possession or having control of the dead body of a bovine animal that must be tested for BSE in accordance with point 3.1 of Part I of Chapter A of Annex III.
- (2) The person shall within 24 hours –
  - (a) make arrangements with another person for that other person to collect it and to deliver it to an approved sampling site within 72 hours; or
  - (b) identify an approved sampling site that will carry out the sampling and deliver the animal to that site so as to arrive at the site within 72 hours,unless directed otherwise by the Minister.
- (3) A person who contravenes sub-paragraph (2) shall be guilty of an offence.
- (4) The periods of 24 and 72 hours to which sub-paragraph (2) refers run –
  - (a) from the time of the animal's death, if occurring while it is in the possession or under the control of the person first mentioned in that sub-paragraph; or
  - (b) from the time its dead body first comes into the possession or under the control of that person, if its death has already occurred.

**2 Collection and delivery of carcase**

- (1) If arrangements to which paragraph 1(2)(a) refers are made with another person for the delivery of a dead body to an approved sampling site, that other person shall within 48 hours of the time when the dead body comes into his or her possession or under his or her control –
  - (a) identify an approved sampling site that will carry out the sampling; and
  - (b) ensure it is delivered to that site,unless directed otherwise by the Minister.

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- (2) A person who contravenes sub-paragraph (1) shall be guilty of an offence.

### **3 Destruction of carcase without sampling**

- (1) This paragraph applies if the dead body of a bovine animal to which paragraph 1 applies has not undergone sampling at an approved sampling site.
- (2) A person who destroys the dead body shall be guilty of an offence unless he or she does so in accordance with a direction of the Minister.

### **4 Retention of body of bovine animal pending test results**

- (1) If the dead body of a bovine animal has been sent to an approved sampling site for sampling in accordance with this Part, it shall be retained there in accordance with point 6.3 of Part I of Chapter A of Annex III.
- (2) If sub-paragraph (1) is contravened, the occupier of the approved sampling site shall be guilty of an offence.

### **5 Consignment and slaughter of over-age bovine animal**

- (1) This paragraph applies in respect of a bovine animal that was born or reared in Jersey before 1st August 1996.
- (2) A person who consigns an animal to which this paragraph applies (whether alive or dead) to a slaughterhouse for human consumption shall be guilty of an offence.
- (3) A person who slaughters for human consumption an animal to which this paragraph applies shall be guilty of an offence.

### **6 Brain stem sampling of bovine animal in slaughterhouse**

- (1) This paragraph applies if a bovine animal covered by point 2 of Part I of Chapter A of Annex III is slaughtered in a slaughterhouse.
- (2) The occupier of the slaughterhouse –
- (a) shall take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X;
  - (b) shall ensure that the animal from which the sample has been taken can be identified; and
  - (c) shall arrange for the sample to be delivered to an approved testing laboratory.
- (3) A person who contravenes sub-paragraph (2) shall be guilty of an offence.
- (4) The Minister shall, by means of a notice, notify the occupier of a slaughterhouse if an animal comes into a category specified in point 2.1 of Part I of Chapter A of Annex III.

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- (5) In accordance with point 5 of Part I of Chapter A of Annex III, the Minister may serve a notice on the occupier of a slaughterhouse requiring him or her to take a sample from any bovine animal slaughtered there and send it for testing in accordance with sub-paragraph (2).

**7 Approved sampling sites**

The Minister shall on application approve a sampling site to sample animals to which paragraph 1 applies if satisfied that the sampling site has adequate control procedures to carry out the sampling.

**8 Slaughter of bovine animals**

- (1) This paragraph applies in respect of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III, require BSE testing at slaughter.
- (2) An occupier of a slaughterhouse shall not use it to slaughter for human consumption a bovine animal, unless the Minister has approved the Required Method of Operation (“RMOP”) for that slaughterhouse and that occupier.
- (3) The RMOP must, as a minimum, describe –
- (a) the procedures that will be followed to comply with this Part of this Schedule; and
  - (b) all the systems and procedures specified in Part 2 of this Schedule.
- (4) The occupier shall demonstrate that all the requirements of the European Union TSE Regulation and these Regulations will be complied with.
- (5) The Minister shall approve the RMOP if satisfied that all the requirements of the European Union TSE Regulation and these Regulations will be complied with.
- (6) If a slaughterhouse is used to slaughter for human consumption a bovine animal –
- (a) in contravention of sub-paragraph (2); or
  - (b) otherwise than in accordance with the RMOP for that slaughterhouse,
- the occupier of the slaughterhouse shall be guilty of an offence.

**9 Retention and disposal of body parts**

- (1) This paragraph applies in respect of the following premises –
- (a) a slaughterhouse;
  - (b) a hide market; and
  - (c) a tannery.

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- (2) In relation to any sampled bovine animal, the occupier shall for the purposes of point 6.3 of Part I of Chapter A of Annex III and pending receipt of the test result –
- (a) retain the carcase and all parts of the dead body that will have to be disposed of in the event of a positive result; or
  - (b) dispose of them in accordance with sub-paragraph (3).
- (3) For the purposes of points 6.4 and 6.5 of that Part, if a positive result is received for a sampled animal, the occupier shall immediately dispose of –
- (a) the carcase and all parts of the dead body of that animal; and
  - (b) the carcase and all parts of the dead body of the animal immediately preceding that animal on the slaughter line and of each of the 2 animals immediately following it,
- in accordance with point 6.5 of that Part.
- (4) Sub-paragraph (3) does not apply in respect of animals mentioned in clause (b) of that sub-paragraph if a derogation has been granted under sub-paragraph (12).
- (5) If no sample has been sent to or received by an approved testing laboratory for testing in accordance with paragraph 6(2) of this Schedule, in respect of an animal required to be tested under this Schedule, the occupier shall immediately dispose of –
- (a) the carcase and all parts of the dead body of that animal; and
  - (b) the carcase and all parts of the dead body (except the hide) of the animal immediately preceding that animal on the slaughter line and each of the 2 animals immediately following it,
- in accordance with point 6.4 of that Part.
- (6) Sub-paragraph (5) does not apply in respect of animals mentioned in clause (b) of that sub-paragraph if a derogation has been granted under sub-paragraph (12).
- (7) If an insufficient test result has been received in respect of an animal required to be tested under this Schedule, the occupier shall immediately dispose of –
- (a) the carcase and all parts of the dead body of that animal; and
  - (b) the carcase and all parts of the dead body (except the hide) of the animal immediately preceding that animal on the slaughter line and of each of the 2 animals immediately following it,
- in accordance with point 6.4 of that Part.
- (8) In sub-paragraph (7), “insufficient test result” means certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result.
- (9) Sub-paragraph (7) does not apply in respect of animals mentioned in clause (b) of that sub-paragraph if a derogation has been granted under sub-paragraph (12).
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- (10) If a no-test result is received in respect of an animal required to be tested under this Schedule, the occupier shall immediately dispose of the carcase and all parts of the dead body of that animal in accordance with point 6.4 of that Part.
  - (11) In sub-paragraph (10), “no-test result” means a negative result from a sample following multiple rapid testing where such testing was certified as necessary by an approved testing laboratory.
  - (12) The Minister may grant in writing a derogation under point 6.6 of Part I of Chapter A of Annex III if he or she is satisfied that the slaughterhouse operates a system that prevents contamination between carcasses.
  - (13) A person who contravenes sub-paragraph (2), (3), (5) (7) or (10) shall be guilty of an offence.

#### **10 TSE sampling of sheep, goats and deer**

- (1) Sub-paragraph (2) applies in respect of a sheep, or goat, in a slaughterhouse, hide market or tannery, that is selected for sampling.
- (2) The occupier –
  - (a) shall for the purposes of point 7.3 of Part II of Chapter A of Annex III, retain the carcase and all parts of the dead body pending receipt of the test result (except to the extent that point 7.3 permits direct disposal of animal by-products pending receipt of a negative rapid test result); and
  - (b) shall in the event of a positive result, immediately dispose of the carcase and all parts of the dead body in accordance with point 7.4 of that Part.
- (3) If –
  - (a) a sheep, goat or deer has died, or has been killed, other than for human consumption; and
  - (b) either of the circumstances in sub-paragraph (4) applies,the occupier of the premises shall comply with a direction, given by the Minister, requiring the carcase to be sampled at the premises.
- (4) Those circumstances are –
  - (a) that the death or killing occurred at premises that are required to be approved under Regulation (EC) No. 1069/2009; or
  - (b) that the carcase of the sheep, goat or deer has been taken to those premises.
- (5) Sub-paragraph (6) applies in respect of a deer in a slaughterhouse, hide market or tannery that is selected for monitoring for TSE, in accordance with Part III of Chapter A of Annex III.
- (6) The occupier –
  - (a) shall retain the carcase and all parts of the dead body pending receipt of the test result; and

- (b) shall in the event of a positive result, immediately dispose of the carcase and all parts of the dead body in accordance with point 7.4 of Part II of Chapter A of Annex III.
- (7) A person who contravenes any of sub-paragraphs (2), (3) and (6) shall be guilty of an offence.

## **11 Compensation**

- (1) If an animal that is slaughtered for human consumption tests positive, the Minister shall pay to the owner of the carcase compensation for the carcase and all parts of the dead body of –
  - (a) that animal; and
  - (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and each of the 2 animals immediately following it.
- (2) The compensation to be paid shall be the market value.
- (3) The owner shall pay any valuation fee arising.

## **PART 2**

### *Contents of an RMOP*

## **12 Identification and separation of animals**

- (1) An RMOP must describe the system –
  - (a) that enables bovine animals born or reared in Jersey before 1st August 1996 to be identified and ensures that they are not slaughtered for human consumption; and
  - (b) that enables bovine animals that, in accordance with point 2.2 of Part I of Chapter A of Annex III, require BSE testing at slaughter, to be identified and ensures that they are sampled in accordance with this Schedule.
- (2) The requirements to which sub-paragraph (1)(b) refers apply only in relation to bovine animals born or reared in Jersey on or after 1st August 1996.
- (3) An RMOP must also describe the system that ensures that animals to which sub-paragraph (1)(b) and sub-paragraph (2) refer –
  - (a) are batched together before slaughter separately from those to which neither of sub-paragraph (1)(b) and sub-paragraph (2) refers; and
  - (b) are slaughtered in batches separately from those to which neither of sub-paragraph (1)(b) and sub-paragraph (2) refers.

## **13 Brain stem sampling**

- (1) The RMOP must show that there are –



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- (a) sufficient staff trained and competent in the taking, labelling, packaging and dispatch of brain stem samples;
  - (b) hygienic facilities for sampling; and
  - (c) sampling procedures that do not jeopardise the hygienic production of meat intended for human consumption.
- (2) The RMOP must describe health and safety guidelines that are designed to minimise the risk of exposure of staff to a TSE during brain stem sampling and packaging, and describe how they will be complied with.

**14 Correlation of sample to carcass and all of its parts**

The RMOP must describe the system linking the brain stem sample of each bovine animal to which paragraph 12(1) refers to the carcass of that animal and all parts of the dead body of that animal.

**15 Retention of carcass**

The RMOP must describe –

- (a) the system that ensures that all carcasses retained in accordance with paragraph 9(2) are retained either in a sealed or locked chiller, or on a sealed or locked rail in an unsealed chiller, pending the receipt of the BSE test result;
- (b) the system that ensures that the chronological order in which the animals were slaughtered can be determined; and
- (c) how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcasses for the purposes of this Schedule.

**16 Retention of body parts**

The RMOP must describe the system that ensures that all parts of the dead body are retained in accordance with paragraph 9(2).

**17 Disposal before receipt of the result**

The RMOP shall describe the disposal route for all carcasses and all parts of the dead body retained pending receipt of a BSE test result but disposed of before the result is received.

**18 Other measures following sampling**

The RMOP must describe the systems in place –

- (a) that ensure that brain stem samples are packaged in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable on and after 1st January 2005);

- (b) that ensure that BSE test results are received, either by fax or by other electronic means; and
- (c) that ensure that everything required to be disposed of in accordance with point 6.4 or 6.5 of Part I of Chapter A of Annex III or under any of subparagraphs (3), (5), (7) or (10) of paragraph 9 of this Schedule is identified and disposed of accordingly.

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**SCHEDULE 2**

(Regulation 21)

**CONTROL OF TSE IN CATTLE**

**1 Minister to be immediately notified about suspect animal**

- (1) For the purposes of Article 11, a person in possession or having control of a bovine animal that is suspected of being affected by a TSE –
  - (a) shall immediately notify the Minister; and
  - (b) shall detain it on the premises until it has been examined by a veterinary inspector.
- (2) Any veterinary surgeon who examines or inspects a bovine animal that is suspected of being affected by a TSE shall notify the Minister with all practical speed.
- (3) A person who examines the dead body of a bovine animal, or a part of its body, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Minister, and retain the dead body and its body parts until a veterinary inspector has authorized disposal.
- (4) A person who contravenes sub-paragraph (1), (2) or (3) shall be guilty of an offence.

**2 Restriction of movement of suspect animal**

If an animal is the subject of a notification under paragraph 1, a veterinary inspector may serve a notice under Regulation 14 prohibiting its movement from the premises pending a determination whether it is suspected of being infected with a TSE.

**3 Slaughter of suspect animal**

- (1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that a bovine animal is infected with a TSE, he or she –
  - (a) shall kill it on the holding immediately;
  - (b) shall remove its cattle passport and serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
  - (c) shall ensure that its cattle passport is stamped “Not for human consumption”, and serve a notice directing the occupier to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.
- (2) The veterinary inspector shall restrict the movement of other bovine animals on the holding in accordance with the second, third and fifth paragraphs of Article 12(1) (as read with Article 2(1)(a) of Commission Decision 2007/411/EC).

- (3) The veterinary inspector may restrict the movement of bovine animals on other holdings in accordance with the fourth paragraph of Article 12(1).
- (4) If the animal is killed on the holding, a person who removes the dead body from the holding otherwise than in accordance with a written direction from an inspector shall be guilty of an offence.

#### **4 Identification and restriction of movement of offspring and cohorts**

- (1) This paragraph applies, in accordance with Article 13(2) (as read with Article 2(1)(b) and (2) of Commission Decision 2007/411/EC) –
  - (a) if a veterinary inspector suspects that a bovine animal is infected with a TSE;
  - (b) if the monitoring of carcasses under Part 1 of Schedule 2 of these Regulations, or under Annex III, confirms that an animal is suspected of being infected with a TSE; or
  - (c) if the competent authority of another part of the British Islands or of another member State notifies the Minister that a bovine animal is suspected of being infected with a TSE.
- (2) An inspector shall identify –
  - (a) if the suspect animal is female, all of its offspring born within 2 years before or after the clinical onset of the disease; and
  - (b) in every case, all of a suspect animal's bovine cohorts born on or after 1st August 1996.
- (3) If the animals to which sub-paragraph (2) refers cannot be immediately identified, an inspector may serve a notice under Regulation 14 prohibiting the movement of a bovine animal from a holding concerned pending identification.
- (4) For the purposes of this paragraph, an animal's date of birth is the one shown on its cattle passport.
- (5) An inspector shall serve a notice under Regulation 14 prohibiting the movement of each of those animals from the holding –
  - (a) on which it is kept; or
  - (b) on which an inspector suspects that it is kept,whether or not this is the same holding as that of the suspect animal.
- (6) An inspector shall also remove the cattle passport of each of those animals.
- (7) If the test on the suspect animal is negative, the inspector shall remove all restrictions imposed because of the suspect animal and return the passports removed under sub-paragraph (6).

#### **5 Action following confirmation of TSE**

- (1) This paragraph applies, in accordance with Article 13(1)(c) and point 2 of Chapter B of Annex VII (as read with Articles 2(1)(b) and 2(2) of

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Commission Decision 2007/411/EC) if it is confirmed that the suspect animal was infected with a TSE.

- (2) An inspector –
  - (a) shall, if the animal is female, kill all its offspring born within 2 years before or after the clinical onset of the disease; and
  - (b) shall, in every case, kill all bovine animals born on or after 1st August 1996 that are in the suspect animal's cohort.
- (3) Sub-paragraph (2) does not in any case apply to an animal mentioned in clause (b) of that sub-paragraph if the inspector is satisfied that that animal did not have access to the same feed as the infected animal.
- (4) If an animal mentioned in sub-paragraph (2)(b) is a bull, and sub-paragraph (3) does not apply to it, and it is continuously kept at and will not be removed from a semen collection centre, sub-paragraph (2) need not in any event be complied with until the end of its productive life.
- (5) The procedure in Regulation 9 applies to a decision under sub-paragraph (2) to kill an animal mentioned in clause (b) of that sub-paragraph.
- (6) Despite sub-paragraph (2), an animal mentioned in sub-paragraph (2)(b) shall not be killed unless –
  - (a) the person on whom the notice is served gives written notification that he or she has no intention to make representations under Regulation 9;
  - (b) the period in Regulation 9(3) for doing so has expired, and the person has not made any; or
  - (c) if the person has made representations, the Minister has given the person notification under Regulation 9(7) of the Minister's final determination, or the person has withdrawn the representations.
- (7) If sub-paragraph (4) applies to a bull, a person who removes it from the semen collection centre otherwise than under the authority and in accordance with the terms of a licence granted under Regulation 15 shall be guilty of an offence.
- (8) If an animal is to be killed in accordance with this paragraph, but is not to be killed on the holding, an inspector shall ensure that its passport is stamped "Not for human consumption" and shall direct the owner in writing to consign it to other premises for killing as specified in the direction.
- (9) If an animal is killed under this paragraph, a person who, otherwise than in accordance with a written direction from an inspector, removes it from the premises on which it is killed shall be guilty of an offence.

## **6 Death of animal while under restriction**

- (1) If an animal dies or is killed while it is under restriction for any reason under this Schedule, the owner –
  - (a) shall immediately notify the Minister; and

- (b) shall retain the dead body on the premises until directed to move or dispose of it by an inspector.
- (2) A person who contravenes –
  - (a) sub-paragraph (1); or
  - (b) a direction given to the person under that sub-paragraph by an inspector,shall be guilty of an offence.

#### **7 Placing on the market of bovine progeny**

A person who places on the market any first generation progeny of a bovine animal in contravention of Article 15(2) and Chapter B of Annex VIII shall be guilty of an offence.

#### **8 When compensation is payable**

The Minister shall pay compensation –

- (a) if an animal is killed under this Schedule;
- (b) if an animal is to be killed under this Schedule, and has been valued for the purposes of compensation, but dies or is killed for other reasons after the valuation; and
- (c) if an animal is subject to a movement restriction under this Schedule and has to be killed as an emergency measure, and a veterinary inspector has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No. 853/2004.

#### **9 Amount of compensation that is payable**

The compensation that is payable shall be the market value of the animal.

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**SCHEDULE 3**

(Regulation 21)

**CONTROL OF TSE IN SHEEP AND GOATS**

**1 Minister to be immediately notified about suspect animal**

- (1) For the purposes of Article 11, a person in possession or having control of a sheep or goat that is suspected of being infected with a TSE –
  - (a) shall immediately notify the Minister; and
  - (b) shall detain it on the premises until it has been examined by a veterinary inspector.
- (2) Any veterinary surgeon who examines or inspects a sheep or goat suspected of being infected with a TSE shall notify the Minister with all practical speed.
- (3) A person who examines the dead body of a sheep or goat, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Minister, and retain the dead body and its body parts until a veterinary inspector has authorized disposal.
- (4) A person who contravenes sub-paragraph (1), (2) or (3) shall be guilty of an offence.

**2 Restriction of movement of suspect animal**

If an animal is the subject of notification under paragraph 1, a veterinary inspector may serve a notice under Regulation 14 prohibiting the movement of that animal from the premises, and the movement of any other sheep or goat onto or from that holding, pending determination of whether or not it is suspected of being infected with a TSE.

**3 Slaughter of suspect animal**

- (1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that a sheep or goat is infected with a TSE, he or she –
  - (a) shall kill it on the holding immediately;
  - (b) shall serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
  - (c) shall serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.
- (2) If the animal is killed on the holding, a person who removes the dead body from the holding otherwise than in accordance with a written direction from an inspector shall be guilty of an offence.

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**4 Restriction of movement of other animals**

- (1) For the purposes of Article 12(1) and Chapter A of Annex VII, following suspicion of a TSE (whether in a live animal or through the monitoring under Annex III or Annex VII), an inspector –
  - (a) shall serve a notice under Regulation 14 prohibiting the movement onto or from its holding of any sheep or goat on the same holding as the suspect sheep or goat;
  - (b) may serve a notice under Regulation 14 prohibiting the movement onto or from a holding of any sheep or goat if there is evidence that the suspect animal was exposed to a TSE on that holding; and
  - (c) shall serve a notice prohibiting the movement of sheep or goat milk, or sheep or goat milk products, derived from any sheep or goat present on a holding mentioned in either of clauses (a) and (b).
- (2) A notice served under sub-paragraph (1) does not prohibit the use of milk or milk products within the holding concerned.
- (3) A notice served under sub-paragraph (1) remains in force until any one of paragraphs 5, 6, 7 or 9 applies.

**5 Action if TSE is not confirmed**

If it is confirmed that the sheep or goat was not infected with a TSE, an inspector shall, as soon as reasonably possible, remove all restrictions that have been imposed because the sheep or goat was suspected of being infected with a TSE.

**6 Confirmation of TSE in sheep**

- (1) This paragraph applies –
  - (a) if it is confirmed that a suspect sheep, or a dead body of a sheep monitored under Annex III or Annex VII, is infected with a TSE; and
  - (b) if BSE and atypical scrapie are excluded in accordance with the procedure set out in Chapter C, point 3.2(c) of Annex X.
- (2) The Minister –
  - (a) after carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Chapter B of Annex VII; and
  - (b) after sampling the animals to establish their genotypes (if this is necessary),shall decide which of the options set out in points 2.2.2(b) to (d) of Chapter B of Annex VII the Minister intends to exercise.
- (3) The Minister shall then serve a notice on the occupier of the holding informing the occupier of which of those options the Minister intends to exercise.
- (4) The notice shall specify –
  - (a) the identity of the animals (if any) to be killed and destroyed;



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- (b) the identity of the animals (if any) to be slaughtered for human consumption;
  - (c) the identity of the animals (if any) that may be retained;
  - (d) the identity of any ovum or embryo to be destroyed; and
  - (e) the time limit for complying with the notice.
- (5) Where the Minister notifies the occupier that the measures set out in point 2.2.2(d) of Chapter B of Annex VII are to apply, the occupier must –
- (a) as soon as reasonably practicable after receiving such notification, ensure that all sheep and goats on the holding are identified by ear tags, and such tags must not be removed other than as directed or permitted by the Minister; and
  - (b) comply with the requirements as set out in point 4 of Chapter B of Annex VII, for the period specified in point 4.7.
- (6) The procedure in Regulation 9 applies upon the notice being served on the occupier.

## **7 Confirmation of TSE in goats**

- (1) This paragraph applies –
- (a) if it is confirmed that a suspect goat, or a dead body of a goat monitored under Annex III, is infected with a TSE; and
  - (b) if BSE is excluded in accordance with the procedure set out in Chapter C, point 3.2(c) of Annex X.
- (2) The Minister, after carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Chapter B of Annex VII, must decide which of the options set out in points 2.2.2(b) to (d) of Chapter B of Annex VII the Minister intends to exercise.
- (3) The Minister shall then serve a notice on the occupier of the holding informing the occupier of which of those options the Minister intends to exercise.
- (4) The notice shall specify –
- (a) the identity of the animals (if any) to be killed and destroyed;
  - (b) the identity of the animals (if any) to be slaughtered for human consumption;
  - (c) the identity of the animals (if any) that may be retained;
  - (d) the identity of any ovum or embryo to be destroyed; and
  - (e) the time limit for complying with the notice.
- (5) Where the Minister notifies the occupier that the measures set out in point 2.2.2(d) of Chapter B of Annex VII are to apply, the occupier must –
- (a) as soon as reasonably practicable after receiving such notification, ensure that all sheep and goats on the holding are identified by ear

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- tags, and such tags must not be removed other than as directed or permitted by the Minister; and
- (b) comply with the requirements as set out in point 4 of Chapter B of that Annex, for the period specified in point 4.7.
- (4) The procedure in Regulation 9 applies upon the notice being served on the occupier.

## **8 Use of milk and milk products following confirmation of classical scrapie**

- (1) This paragraph applies to milk or milk products derived from a sheep or goat that is to be destroyed in accordance with paragraph 6 or 7, and derived from animals that would have been killed if the Minister were to have applied point 2.2.2(b) or (c) of Chapter B of Annex VII.
- (2) The milk or milk product shall not be –
- (a) used for feeding ruminants, other than ruminants within the holding; or
- (b) exported, or allowed to be exported, to another member State or to a third country as feed for non-ruminants.
- (3) If the milk or milk product is to be fed to non-ruminants in Jersey –
- (a) it shall be accompanied by documentation that clearly states that it shall not be fed to ruminants; and
- (b) it shall be contained in packaging that is clearly marked “Shall not be fed to ruminants”.
- (4) A compound feed containing the milk or milk product shall not be stored on farms where ruminants are kept.
- (5) Bulk compound feed containing the milk or milk product shall not be transported in a vehicle that also transports a compound feed for ruminants.
- (6) A vehicle that has transported a bulk compound feed containing the milk or milk product shall, before being used for transporting any compound feed intended for ruminants, be thoroughly cleaned (so as to avoid cross-contamination) in accordance with a procedure approved by the Minister.
- (7) A person who contravenes any of sub-paragraphs (2) to (6) shall be guilty of an offence.

## **9 Inability to exclude BSE in sheep or goats**

- (1) This paragraph applies –
- (a) if a TSE is confirmed in a suspect sheep or goat, or a dead body of a sheep or goat monitored under Annex III; and
- (b) if BSE cannot be excluded by the results of secondary molecular testing carried out in accordance with the procedure set out in Chapter C, point 3.2(c) of Annex X.
- (2) The Minister shall, after carrying out the inquiry specified in Article 13(1)(b) and point 1(b) of Chapter B of Annex VII, serve a notice

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on the occupier of the holding informing him or her of the Minister's intention to have the animals killed and destroyed, and the embryos and ova destroyed and the milk and milk products destroyed, in accordance with Article 13(1)(c) and point 2.2.1 of Chapter B of Annex VII.

- (3) The procedure in Regulation 9 applies upon the notice being served on the occupier.
- (4) In sub-paragraph (2), "milk and milk products" means the milk and milk products that derived from the animals that were present on the relevant holding on and from the date on which notice was served under paragraph 4(1).

#### **10 Confirmation of atypical scrapie in sheep or goats**

- (1) This paragraph applies if the TSE confirmed in a suspect sheep or goat, or a dead body of a sheep or goat, monitored under Annex III is atypical scrapie.
- (2) The occupier must comply with the requirements in point 2.2.3 of Chapter B of Annex VII.
- (3) This paragraph shall cease to apply if, in accordance with the second paragraph of point 2.2.3, the holding instead becomes subject to the measures referred to in point 2.2.1 or point 2.2.2 of Chapter B of Annex VII.

#### **11 When Minister may delay destruction of animal**

- (1) The occupier of a holding that would be subject to the conditions in point 2.2.2(b) of Chapter B of Annex VII may apply to the Minister for the Minister to apply instead the measures listed in point (i) or (ii) of point 2.2.2(b).
- (2) The occupier of a holding that would be subject to the conditions in point 2.2.2(c) of Chapter B of Annex VII may apply to the Minister for the Minister to apply instead the measures listed in points (i), (ii) and (iii) of point 2.2.2(c).
- (3) An application under sub-paragraph (1) or (2) shall be in writing and shall set out in full the reasons for the application.
- (4) In the case of an application under sub-paragraph (2), the Minister shall not apply the derogation in point (iii) of point 2.2.2(c) unless the conditions for its application are satisfied.
- (5) The Minister may –
  - (a) consent to the application;
  - (b) consent in part to the application; or
  - (c) refuse the application.
- (6) The Minister may impose any conditions that he or she considers to be reasonably necessary in relation to a decision made under this paragraph.
- (7) The Minister shall notify the applicant of his or her decision, in writing.

- (8) If the application is granted, the occupier shall comply with the measures that are applied by the Minister and with any conditions imposed under sub-paragraph (6).
- (9) The procedure in Regulation 9 applies upon the applicant being notified that the Minister consents only in part to, or has refused the condition, or has imposed conditions under sub-paragraph (6).

## **12 Staying of killing and destruction of animal pending reconsideration by Minister**

The Minister shall not, under this Schedule, have a sheep or goat killed or any ovum or embryo destroyed unless –

- (a) the person on whom the notice is served gives written notification that he or she has no intention to make representations under Regulation 9;
- (b) the period in Regulation 9(3) for doing so has expired, and the person has not made any; or
- (c) if the person has made representations, the Minister has given the person notification under Regulation 9(7) of the Minister's final determination, or the person has withdrawn the representations.

## **13 Action following confirmation of disease**

- (1) This paragraph is subject to paragraphs 11 and 12.
- (2) An inspector shall ensure –
  - (a) that all the animals specified for killing in a notice under any of paragraphs 6, 7 and 9 are killed; and
  - (b) that all the ova and embryos specified for destruction in the notice are destroyed.
- (3) If an animal is not killed on the holding, an inspector shall direct the owner in writing to consign it to other premises for killing as specified in the direction.
- (4) If an animal has been killed under this paragraph, a person who removes the dead body from the premises on which it was killed, otherwise than in accordance with a written direction from an inspector, shall be guilty of an offence.

## **14 Infected animal from another holding**

For the purposes of point 2.3 of Chapter B of Annex VII, if the infected animal was introduced from another holding, the Minister may act in accordance with this Schedule in relation to the holding of origin, either in addition to or instead of the holding on which infection was confirmed.

**15 Common grazing**

In the case of infected animals on common grazing, the Minister may limit a notice under any of paragraphs 6, 7 and 9 to an individual flock or herd in accordance with point 2.3(b) of Chapter B of Annex VII.

**16 Multiple flocks on a holding**

If more than one flock is kept on a single holding, the Minister may limit a notice under any of paragraphs 6, 7 and 9 to an individual flock or herd in accordance with point 2.3(c) of Chapter B of Annex VII.

**17 Subsequent occupiers**

- (1) If there is a change in occupation of the holding, the previous occupier shall ensure that the subsequent occupier is made aware of the existence and contents of a notice served under this Schedule.
- (2) A person who contravenes sub-paragraph (1) shall be guilty of an offence.
- (3) Where the previous occupier complies with sub-paragraph (1), the subsequent occupier shall comply with the notice as if it had been served on the subsequent occupier.
- (4) A person who contravenes sub-paragraph (3) shall be guilty of an offence.

**18 Introduction of animal onto a holding**

A person who introduces an animal onto a holding in contravention of point 3.2 or point 4.2 of Chapter B of Annex VII shall be guilty of an offence.

**19 Use of ovine germinal products**

A person who uses ovine germinal products in contravention of point 3.3 or point 4.3 of Chapter B of Annex VII shall be guilty of an offence.

**20 Movement of an animal or of germinal products from a holding**

- (1) A person who moves an animal from a holding in contravention of point 3.4 or point 4.4 of Chapter B of Annex VII shall be guilty of an offence.
- (2) A person who moves germinal products from a holding in contravention of point 4.5 of Chapter B of Annex VII shall be guilty of an offence.

**21 Period of restrictions of movement**

For the purposes of point 3.5 of Chapter B of Annex VII, the relevant dates shall be established by the Minister, by the Minister's giving written notification of those dates to the occupier of the holding.

**22 Death of animal while under restriction**

- (1) This paragraph applies if an animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or under Annex VII.
- (2) The owner shall immediately notify the Minister, and retain the dead body on the premises until the owner is directed to move or dispose of it by the Minister.
- (3) A person who contravenes sub-paragraph (2) or a direction given under it shall be guilty of an offence.

**23 Placing on the market of progeny of BSE-affected sheep or goat**

A person who places on the market any first-generation progeny, semen, embryo or ovum of a sheep or goat suspected of or confirmed with a TSE, in contravention of Article 15(2) and Chapter B of Annex VIII, shall be guilty of an offence.

**24 Compensation for killing of suspect animal**

- (1) The Minister shall pay compensation to the owner of a sheep or goat killed as a suspect animal.
- (2) The compensation that is payable shall be the market value of the animal.

**25 Compensation for animals killed or products destroyed following confirmation of TSE**

- (1) The Minister shall pay compensation to the owner of an animal that is killed or a product that is destroyed under this Schedule following confirmation of a TSE.
- (2) The compensation that is payable shall be the market value of the animal or product.

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**SCHEDULE 4**

(Regulation 21)

**CONTROL OF TSE IN OTHER ANIMALS**

**1 Minister to be immediately notified about suspect animal**

- (1) For the purposes of Article 11, a person in possession or having control of an animal that –
  - (a) is not bovine, ovine or caprine; and
  - (b) is suspected of being affected by a TSE,shall immediately notify the Minister, and detain it on the premises until it has been examined by a veterinary inspector.
- (2) Any veterinary surgeon who examines or inspects an animal described in sub-paragraph (1) shall, with all practical speed, notify the Minister.
- (3) A person who –
  - (a) examines the dead body, or any part of the dead body, of an animal that is not bovine, ovine or caprine, in a laboratory; and
  - (b) reasonably suspects the presence of a TSE,shall immediately notify the Minister, and retain the dead body and its parts until a veterinary inspector has authorized disposal.
- (4) A person who contravenes sub-paragraph (1), (2) or (3) shall be guilty of an offence.

**2 Restriction of movement of suspect animal**

If an animal is the subject of notification under paragraph 1, a veterinary inspector may serve a notice under Regulation 14 prohibiting the movement of the animal from its holding, pending determination of whether or not it is suspected of being infected with a TSE.

**3 Slaughter of suspect animal**

- (1) For the purposes of Article 12(1) and (2), if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine is infected with a TSE, he or she may –
  - (a) kill it on the holding immediately;
  - (b) serve a notice under Regulation 14 prohibiting the animal from being moved from the holding until it has been killed; or
  - (c) serve a notice under Regulation 14 directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

- (2) If the animal is killed on the holding, a person who removes the dead body from the holding, or disposes of it, otherwise than in accordance with a written direction from an inspector, shall be guilty of an offence.

#### **4 Compensation**

- (1) The Minister shall pay compensation to the owner of an animal that is killed under paragraph 3.
- (2) The compensation that is payable shall be the market value of the animal.



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**SCHEDULE 5**

(Regulation 20)

**ANIMAL PROTEINS, PRODUCTS AND COMPOUND FEED**

**PART 1**

*Restrictions on feeding proteins to animals*

**1 Prohibitions on feeding animal proteins and other products to ruminants**

- (1) For the purposes of Article 7(1) and point (a) of Chapter I of Annex IV, a person who –
- (a) feeds to a ruminant animal;
  - (b) permits a ruminant animal to have access to; or
  - (c) supplies for feeding to a ruminant animal,
- any protein derived from animals or any product or feed described in point (a) of Chapter I of Annex IV shall be guilty of an offence.
- (2) Sub-paragraph (1) does not apply where –
- (a) the feeding of such a protein, product or feed to a ruminant animal is permitted by a derogation in Chapter II of Annex IV; and
  - (b) all general and specific conditions in Chapters III and IV of Annex IV that apply to the derogation are complied with.

**2 Prohibition on feeding animal proteins and other products to non-ruminant farmed animals**

- (1) For the purposes of Article 7(2) and point (b) of Chapter I of Annex IV, a person who –
- (a) feeds to a non-ruminant farmed animal (other than a fur animal);
  - (b) permits such an animal to have access to; or
  - (c) supplies for feeding to such an animal,
- any protein, product or feed listed in point (b) shall be guilty of an offence.
- (2) Sub-paragraph (1) does not apply where –
- (a) the feeding of such a protein, product or feed to such an animal is permitted by a derogation in Chapter II of Annex IV; and
  - (b) all general and specific conditions in Chapters III and IV of Annex IV that apply to the derogation are complied with.

**3 Restriction of movement of susceptible animal**

- (1) This paragraph applies if 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 that the inspector has reasonable grounds to believe carries the risk of TSE infectivity; or
  - (c) animal protein for which the inspector cannot establish the origin or the TSE infectivity risk.
- (2) The inspector –
  - (a) may serve a notice on the owner or person in charge of the animal in accordance with Regulation 14 prohibiting or restricting the movement of the animal; and
  - (b) may, if it is bovine, seize its passport.

**4 Slaughter of susceptible animal**

- (1) If 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 3, the inspector may serve a notice on the owner or person in charge of the animal in accordance with Regulation 14.
- (2) The notice –
  - (a) may require the owner or person in charge of the animal to kill it and dispose of it, as specified in the notice; or
  - (b) may require the owner or person in charge of the animal to keep it on such premises and in such manner as the notice provides.
- (3) The inspector –
  - (a) shall ensure that all the animals specified for killing in the notice are killed and disposed of; and
  - (b) if the notice contains a requirement to which sub-paragraph (2)(b) refers, shall ensure that its cattle passport is stamped “Not for human consumption”.

**5 Compensation**

- (1) If an animal is killed under paragraph 4, the Minister shall decide whether he or she considers it appropriate in all the circumstances to pay compensation.
- (2) The Minister shall give the decision in writing.
- (3) If the Minister’s decision is that it is appropriate, compensation shall be payable accordingly.
- (4) The procedure in Regulation 9 applies in respect of the decision.
- (5) The compensation that is payable shall be the market value of the animal.
- (6) The owner shall pay any valuation fee arising.

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**6 Consignment, or slaughter, of animal for human consumption**

- (1) This paragraph applies in respect of a TSE susceptible animal the passport for which has been stamped under paragraph 4.
- (2) A person who consigns the animal for slaughter for human consumption shall be guilty of an offence.
- (3) A person who slaughters the animal for human consumption shall be guilty of an offence.

**PART 2**

*Production of protein and compound feed*

**7 Fishmeal for feeding to non-ruminant farmed animals**

- (1) A person producing fishmeal intended for feeding to a non-ruminant farmed animal or for use in the production of a compound feed that is intended for feeding to such an animal shall comply with point (a) of Section A of Chapter IV of Annex IV.
- (2) A person producing a compound feed containing fishmeal intended for feeding to a non-ruminant farmed animal shall do so –
  - (a) in accordance with point 1 of Section B of Chapter III of Annex IV, in an establishment authorized by the Minister for the purposes of that point;
  - (b) in accordance with point 2 of Section B of Chapter III of Annex IV, in premises authorized by the Minister for the purposes of that point; or
  - (c) in accordance with point 3 of Section B of Chapter III of Annex IV, for home compounders registered by the Minister for the purposes of that point.
- (3) A person packaging fishmeal or a compound feed containing it that is intended to be used for the feeding of non-ruminant farmed animals other than fur animals shall clearly mark the product in accordance with point (b) of Section A of Chapter IV of Annex IV, and any documentation accompanying the product shall be in accordance with that point.
- (4) A person transporting in bulk fishmeal or a compound feed containing it that is intended to be used for feeding non-ruminant farmed animals (other than fur animals) shall do so in accordance with point 1 of Section A of Chapter III of Annex IV.
- (5) A person using a vehicle to transport feed intended for a ruminant shall, if the vehicle was previously used to transport fishmeal or a compound feed containing it, first comply with point 2 of Section A of Chapter III of Annex IV.
- (6) The occupier of a farm on which ruminants are kept shall not use or store on the farm fishmeal or a compound feed containing fishmeal unless such use and storage is authorized by the Minister under point 2 of Section D

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of Chapter III of Annex IV and the occupier implements the on-farm measures referred to in that point.

**8 Milk replacers containing fishmeal for feeding to unweaned ruminant farmed animals**

- (1) A person producing raw fishmeal for use in feed for a ruminant farmed animal that is unweaned shall do so in accordance with point (a) of Section E of Chapter IV of Annex IV.
- (2) A person producing a milk replacer containing fishmeal that is intended for a ruminant farmed animal that is unweaned shall produce the milk replacer in compliance with –
  - (a) point (c) of Section E of Chapter IV of Annex IV, in an establishment authorized for the purpose by the Minister under that point; or
  - (b) in compliance with the conditions applicable to the derogation from that point, in an establishment authorized by the Minister for the purposes of the derogation.
- (3) A person packaging a milk replacer containing fishmeal intended for a ruminant farmed animal that is unweaned, shall clearly mark the product in accordance with point (e) of Section E of Chapter IV of Annex IV, and any documentation accompanying the product shall be in accordance with that point.
- (4) A person transporting such a milk replacer in bulk shall do so in accordance with point (f) of Section E of Chapter IV of Annex IV
- (5) A person using a vehicle to transport feed intended for a ruminant shall, if the vehicle was previously used to transport such a milk replacer in bulk, first comply with the derogation from point (f) of Section E of Chapter IV of Annex IV.
- (6) The occupier of a farm where milk replacers containing fishmeal are to be used and a ruminant is kept –
  - (a) shall ensure that on-farm measures are in place to prevent such milk replacers being fed to a weaned ruminant; and
  - (b) before such milk replacers are brought onto the farm, shall ensure that farm is registered with the Minister under point (g) of Section E of Chapter IV of Annex V.

**9 Offences relating to fishmeal and milk replacers containing fishmeal**

- (1) A person who contravenes any sub-paragraph of paragraph 7 or 8 shall be guilty of an offence.
- (2) A home compounder registered under paragraph 7(2)(c) to produce complete feed from compound feed containing fishmeal who contravenes any of the conditions in clauses (b) to (d) of point 3 of Section B of Chapter III of Annex IV shall be guilty of an offence.
- (3) A person producing a compound feed in accordance with point 2 of Section B of Chapter III of Annex IV who –

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- (a) fails to ensure that a compound feed destined for ruminants is kept in separate facilities in accordance with the first indent of that point;
  - (b) fails to ensure that a compound feed destined for ruminants is manufactured in accordance with the second indent; or
  - (c) fails to make and keep a record in accordance with the third indent, shall be guilty of an offence.

**10 Compound feed containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals**

- (1) A person producing a compound feed containing dicalcium phosphate or tricalcium phosphate of animal origin intended for feeding to a non-ruminant farmed animal shall do so –
  - (a) in accordance with point 1 of Section B of Chapter III of Annex IV, in an establishment authorized by the Minister for the purposes of that point;
  - (b) in accordance with point 2 of Section B of Chapter III of Annex IV, in premises authorized by the Minister for the purposes of that point; or
  - (c) in accordance with point 3 of Section B of Chapter III of Annex IV, for home compounders registered by the Minister for the purposes of that point.
- (2) A person packaging dicalcium phosphate or tricalcium phosphate or a compound feed containing either of them shall label it in accordance with Section B of Chapter IV of Annex IV, and any documentation accompanying the product shall be in accordance with that point.
- (3) A person transporting in bulk dicalcium phosphate or tricalcium phosphate or a compound feed containing either of them that is intended to be used for feeding non-ruminant farmed animals (other than fur animals) shall do so in accordance with point 1 of Section A of Chapter III of Annex IV.
- (4) A person using a vehicle to transport feed intended for a ruminant shall, if the vehicle was previously used to transport dicalcium phosphate or tricalcium phosphate or a compound feed containing either of them, first comply with point 2 of Section A of Chapter III of Annex IV.
- (5) The occupier of a farm on which ruminants are kept shall not use or store on the farm dicalcium phosphate or tricalcium phosphate or a compound feed containing either of them unless such use and storage is authorized by the Minister under point 2 of Section D of Chapter III of Annex IV and the occupier implements the on-farm measures referred to in that point.

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**11 Offences relating to dicalcium phosphate, tricalcium phosphate and compound feed containing them, for feeding to non-ruminant animals**

- (1) A person who contravenes any sub-paragraph of paragraph 10 shall be guilty of an offence.
- (2) A home compounder registered under paragraph 10(1)(c) to produce complete feed from compound feed containing dicalcium phosphate or tricalcium phosphate who contravenes any of the conditions in clauses (b), (c) and (e) of point 3 of Section B of Chapter III of Annex IV shall be guilty of an offence.
- (3) A person producing a compound feed in accordance with an authorization under point 2 of Section B of Chapter III of Annex IV who fails to comply with any of the conditions (a) to (c) in that point shall be guilty of an offence.

**12 Blood products and blood meal**

- (1) A person who produces –
    - (a) a blood product intended for feeding to a non-ruminant farmed animal; or
    - (b) blood meal intended for feeding to fish,shall ensure that the blood comes from a slaughterhouse that complies with point (a) of Section C of Chapter IV of Annex IV or is authorized by the Minister under the derogation from that point and complies with the requirements of the derogation.
  - (2) The occupier of the slaughterhouse shall consign the blood, and a transporter shall transport it, in accordance with point (b) of Section C of Chapter IV of Annex IV
  - (3) A person using a vehicle that was previously used to transport blood derived from ruminants to transport non-ruminant blood shall comply with the derogation from point (b) of Section C of Chapter IV of Annex IV.
  - (4) A person producing blood products or blood meal shall do so in accordance with –
    - (a) point (c) of Section C of Chapter IV of Annex IV; or
    - (b) in accordance with an authorization granted by the Minister under the derogation from that point and in compliance with sub-paragraph (5).
  - (5) The person shall have in place at least the measures specified in that derogation to ensure that products of ruminant origin are kept separately from products of non-ruminant origin.
  - (6) A person producing a compound feed containing a blood product derived from non-ruminants and intended for feeding to a non-ruminant farmed animal shall do so –
    - (a) in accordance with point 1 of Section B of Chapter III of Annex IV, in an establishment authorized by the Minister for the purposes of that point;
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- (b) in accordance with point 2 of Section B of Chapter III of Annex IV, in premises authorized by the Minister for the purposes of that point; or
  - (c) in accordance with point 3 of Section B of Chapter III of Annex IV, for home compounders registered by the Minister for the purposes of that point.
- (7) A person packaging the blood product or a compound feed containing it shall label it in accordance with point (d) of Section C of Chapter IV of Annex IV, and any documentation accompanying the blood product or compound feed shall be in accordance with that point.
  - (8) A person transporting in bulk a blood product derived from non-ruminants or a compound feed containing it shall do so in accordance with point 1 of Section A of Chapter III of Annex IV
  - (9) A person using a vehicle to transport feed intended for a ruminant shall, if the vehicle has previously been used to transport a blood product or compound feed derived from it, first comply with point 2 of Section A of Chapter III of Annex IV.
  - (10) The occupier of a farm on which ruminants are kept shall not use or store on the farm a blood product or a compound feed containing a blood product unless such use and storage is authorized by the Minister under point 2 of Section D of Chapter III of Annex IV and the occupier implements the on-farm measures referred to in that point.

**13 Offences relating to blood products, blood meal and compound feed containing blood products**

- (1) A person who contravenes any sub-paragraph of paragraph 12 shall be guilty of an offence.
- (2) A person collecting blood in accordance with an authorization granted under the derogation from point (a) of Section C of Chapter IV of Annex IV who fails to comply with any of the minimum requirements of clauses (i) to (iii) of the derogation shall be guilty of an offence.
- (3) A person producing a blood product or blood meal in accordance with an authorization granted under the derogation from point (c) of Section C of Chapter IV of Annex IV who fails to comply with any of the minimum requirements in clauses (i) to (iv) of the derogation shall be guilty of an offence.
- (4) A person producing a compound feed in accordance with the derogation in point 2 of Section B of Chapter III of Annex IV who fails to comply with any of the conditions in clauses (a) to (c) of that point shall be guilty of an offence.
- (5) A home compounder registered under paragraph 12(6)(c) to produce complete feed from compound feed containing blood products derived from ruminants who contravenes any of the conditions in clauses (b), (c) and (f) of point 3 of Section B of Chapter III of Annex IV shall be guilty of an offence.

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**14 Change in use of equipment**

- (1) This paragraph applies –
  - (a) to equipment that is used to produce a compound feed for a non-ruminant animal, under any of paragraphs 7, 10 and 12; and
  - (b) to equipment that is used to produce a compound feed, under paragraph 8, for a ruminant animal that is unweaned.
- (2) A person who uses equipment mentioned in sub-paragraph (1)(a) for the production of a compound feed for a ruminant animal shall be guilty of an offence, unless authorized in writing by an inspector.
- (3) A person who uses equipment mentioned in sub-paragraph (1)(b) for the production of a compound feed for a ruminant animal that is weaned shall be guilty of an offence, unless authorized in writing by an inspector.

**15 Conditions applying to the storage and transport of bulk quantities of protein products or a compound feed containing such proteins**

- (1) A person who stores or transports –
  - (a) bulk processed animal protein (other than fishmeal); or
  - (b) a bulk product, including a compound feed, organic fertiliser, and soil improver containing such proteins,except in accordance with point C(a) of Part III of Annex IV, shall be guilty of an offence.
- (2) A person who stores or transports bulk fishmeal, dicalcium phosphate, tricalcium phosphate, a blood product of non-ruminant origin or blood meal of non-ruminant origin, except in accordance with point C(b) and C(c) of Part III of Annex IV, shall be guilty of an offence.
- (3) A person who transports bulk processed animal protein or any material specified in sub-paragraph (2) shall be guilty of an offence, unless the transporter is registered for that purpose with the Minister.

**16 Export of processed animal protein derived from ruminants**

- (1) A person who exports to a third country processed animal protein derived from ruminants or a product containing such a protein, in contravention of the prohibition in point 1 of Section E of Chapter V of Annex IV, shall be guilty of an offence.
- (2) Notwithstanding sub-paragraph (1), a person may export to a third country processed petfood but, in doing so, must comply with the requirements for treatment and labelling in the derogation in point 1 of Section E of Chapter V of Annex IV.
- (3) A person who contravenes sub-paragraph (1) or (2) shall be guilty of an offence.



**17 Export of processed animal protein derived from non-ruminants**

- (1) A person may only export to a third country processed animal protein derived from non-ruminants or a product containing such protein in accordance with –
  - (a) an authorization granted by the Minister under point 2 of Section E of Chapter V of Annex IV; and
  - (b) the conditions in clauses (a) and (b) of that point and in point 3.
- (2) Sub-paragraph (1) does not apply to –
  - (a) fishmeal and compound feed containing fishmeal;
  - (b) compound feed intended for aquaculture animals; or
  - (c) petfood.
- (3) A person who contravenes sub-paragraph (1) shall be guilty of an offence.

**SCHEDULE 6**

(Regulation 21)

**SPECIFIED RISK MATERIAL, MECHANICALLY SEPARATED MEAT AND  
SLAUGHTERING TECHNIQUES****1 Duties of the Ministers**

- (1) The Minister for Health and Social Services –
  - (a) shall carry out the duties placed on the member State in point 11.1 and point 11.2 of Annex V in relation to this Schedule, in their application to places other than slaughterhouses; and
  - (b) may grant authorizations for the purposes of clauses (a), (b) and (c) of point 4.3 of Annex V.
- (2) The Minister for Planning and Environment shall carry out the duties placed on the member State in point 11.1 and point 11.2 of Annex V in relation to this Schedule, in their application to slaughterhouses.

**2 Training**

- (1) The occupier of a slaughterhouse or cutting plant where specified risk material is removed –
  - (a) shall ensure that staff receive such training as is necessary to ensure that the occupier complies with the occupier's duties under this Schedule; and
  - (b) shall keep records of each person's training for as long as that person works there.
- (2) A person who contravenes sub-paragraph (1) shall be guilty of an offence.

**3 Mechanically separated meat**

- (1) A person who contravenes point 5 of Annex V shall be guilty of an offence.
- (2) A person who uses mechanically separated meat produced in contravention of that point in the preparation of food for sale for human consumption or of a compound feed shall be guilty of an offence.

**4 Pithing**

A person who contravenes point 6 of Annex V shall be guilty of an offence.

**5 Harvesting of tongues**

A person who contravenes point 7 of Annex V shall be guilty of an offence.

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**6 Harvesting of head meat**

A person who contravenes point 8.1 of Annex V shall be guilty of an offence.

**7 Removal of specified risk material**

- (1) A person who removes specified risk material at any premises or place other than premises or a place where that specified risk material may be removed under point 4.1 or point 4.3(a) of Annex V shall be guilty of an offence.
- (2) In the case of a cutting plant, a person who removes from a bovine animal a part of the vertebral column that is specified risk material shall be guilty of an offence, unless the plant is authorized under paragraph 11 for the purpose of such removal in the manner to which clause (a) of that sub-paragraph refers.
- (3) In the case of a cutting plant, a person who removes the spinal cord from a sheep, or goat, that –
  - (a) is aged over 12 months at slaughter; or
  - (b) has a permanent incisor erupted through the gum,shall be guilty of an offence, unless the plant is authorized under paragraph 11 for the purpose of such removal in the manner to which clause (b) of that sub-paragraph refers.

**8 Bovine animals in slaughterhouses**

- (1) This paragraph applies –
  - (a) if a bovine animal is slaughtered in a slaughterhouse; or
  - (b) if the carcass of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere.
- (2) The occupier of the slaughterhouse shall remove all specified risk material (other than those parts of the vertebral column that are specified risk material and specified risk material contained in or attached to offal) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.
- (3) The occupier –
  - (a) shall as soon as reasonably practicable after post-mortem inspection, consign the offal that has been removed from the carcass and that contains or is attached to specified risk material to an appropriate area of the slaughterhouse; and
  - (b) shall as soon as reasonably practicable after the offal is consigned there and in any event before the offal is removed from the slaughterhouse, remove the specified risk material.
- (4) The occupier shall as soon as is reasonably practicable after slaughter consign the meat containing those parts of the vertebral column that are specified risk material –

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- (a) to a cutting plant authorized under paragraph 11 for the purpose of removal in the manner to which clause (a) of that sub-paragraph refers;
  - (b) to a cutting plant located in another part of the British Islands and authorized under the corresponding provision applicable in that part; or
  - (c) to another member State in accordance with point 10.2 of Annex V.
- (5) The occupier shall identify meat containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V and provide information in accordance with point 11.3(b) of that Annex.
- (6) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(4), except in accordance with point 11.3(a) of Annex V.
- (7) A person who contravenes sub-paragraph (2), (3), (4), (5) or (6) shall be guilty of an offence.

## **9 Sheep and goats in slaughterhouses**

- (1) This paragraph applies –
- (a) if a sheep or goat is slaughtered in a slaughterhouse; or
  - (b) if the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere.
- (2) The occupier of the slaughterhouse shall remove all specified risk material (other than the spinal cord and specified risk material contained in or attached to offal) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.
- (3) The occupier –
- (a) shall as soon as reasonably practicable after post-mortem inspection consign the offal that has been removed from the carcase and contains or is attached to specified risk material, to an appropriate area of the slaughterhouse; and
  - (b) shall as soon as reasonably practicable after the offal is consigned there and in any event before the offal is removed from the slaughterhouse, remove the specified risk material.
- (4) Sub-paragraph (5) applies in respect of a sheep, or goat, that –
- (a) is aged over 12 months at slaughter; or
  - (b) has a permanent incisor erupted through the gum.
- (5) The occupier shall as soon as is reasonably practicable after slaughter –
- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or

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- (b) send the meat to any of the cutting plants to which sub-paragraph (6) refers.
  - (6) The cutting plants are –
    - (a) a cutting plant authorized under paragraph 11(1)(b) for the purpose of removal in the manner to which clause (b) of that sub-paragraph refers;
    - (b) a cutting plant located in another part of the British Islands and authorized under the corresponding provision applicable in that part; or
    - (c) in accordance with point 10.1 of Annex V, a cutting plant located in another member State, provided that the Minister for Health and Social Services has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement.
  - (7) In sub-paragraph (6)(b), “cutting plant” means –
    - (a) an establishment approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
    - (b) an establishment operating as such under Article 4(5) of Regulation 853/2004 pending such approval.
  - (8) A person who contravenes sub-paragraph (2), (3) or (5) shall be guilty of an offence.

## **10 Removal of spinal cord from sheep or goat**

- (1) This paragraph applies in respect of a sheep or goat that –
  - (a) is aged over 12 months at slaughter; or
  - (b) has a permanent incisor erupted through the gum.
- (2) A person who removes the spinal cord or a part of it from the sheep or goat except by –
  - (a) longitudinally splitting the whole vertebral column; or
  - (b) removing a longitudinal section of the whole vertebral column including the spinal cord,shall be guilty of an offence.
- (3) Sub-paragraph (2) does not apply to removal for the purposes of veterinary or scientific examination.

## **11 Authorization of cutting plants**

The Minister for Health and Social Services may authorize a cutting plant –

- (a) to remove those parts of the vertebral column of a bovine animal that are specified risk material; or
- (b) to remove the spinal cord from a sheep, or goat, that is aged over 12 months at slaughter, or has a permanent incisor erupted through the gum,

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if the Minister is satisfied that the provisions of Annex V and this Schedule will be complied with.

## **12 Removal of specified risk material at authorized cutting plant**

The occupier of a cutting plant that is authorized under paragraph 11 shall be guilty of an offence if he or she fails to remove from meat –

- (a) as soon as is reasonably practicable after that meat arrives at the plant; and
  - (b) in any event, before the meat is removed from the plant,
- all specified risk material of a kind to which the authorization relates.

## **13 Meat from another member State**

- (1) This paragraph applies, for the purposes of point 10.1 and point 10.2 of Annex V, if meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Jersey from another member State.
- (2) The importer shall send it directly to a cutting plant authorized under paragraph 11 for the purpose of removal in the manner to which clause (a) of that sub-paragraph refers.
- (3) A person who contravenes sub-paragraph (2) shall be guilty of an offence.

## **14 Staining and disposal of specified risk material**

- (1) The occupier of premises where specified risk material is removed shall be guilty of an offence if he or she contravenes point 3 of Annex V.
- (2) For the purposes of point 3 of Annex V, staining involves treating the material (whether by immersion, spraying or other application) –
  - (a) with 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051); or
  - (b) with such other colouring agent as may be approved in writing by the Minister for Health and Social Services.
- (3) For the purposes of point 3 of Annex V, the stain shall be applied in such a way that the colouring is and remains clearly visible –
  - (a) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat; and
  - (b) in the case of all other specified risk material, over the whole surface of the material.
- (4) This paragraph does not apply in relation to specified risk material that is destined for use as provided for in Article 1(2)(b) and (c).

**15 Security of specified risk material**

- (1) Pending consignment or disposal of specified risk material from the premises or place where it was removed, the occupier of the premises shall ensure that the material is adequately separated from any food, compound feed or cosmetic, pharmaceutical or medical product, and is held in an impervious covered container –
  - (a) that is labelled as containing specified risk material; or
  - (b) that is labelled with the words “Category 1 animal by-products” and “For disposal only”.
- (2) The occupier shall ensure –
  - (a) that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied; and
  - (b) that the container is disinfected before use for any other purpose.
- (3) A person who contravenes sub-paragraph (1) or (2) shall be guilty of an offence.

**16 Prohibition on possession or supply of specified risk material for human consumption**

A person who sells, supplies or possesses for sale or supply –

- (a) specified risk material, or food containing specified risk material, for human consumption; or
- (b) specified risk material for use in the preparation of food for human consumption,

shall be guilty of an offence.

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**SCHEDULE 7**

(Regulation 21)

**RESTRICTIONS ON MARKETING AND EXPORT****1 Placing on the market, or export to third country, of bovine products**

- (1) A person who –
  - (a) places on the market; or
  - (b) exports or offers to export to a third country,a product consisting of or incorporating any material derived from a bovine animal born or reared within Jersey before 1st August 1996 shall be guilty of an offence.
- (2) Sub-paragraph (1) does not apply to –
  - (a) milk; or
  - (b) the hides of bovine animals born or reared within Jersey before 1st August 1996 (including hides from bovine animals referred to in the third indent of point 1(a) of Chapter B of Annex VII) that have been used for leather production in accordance with Article 1(3) of Commission Decision 2007/411/EC.

**2 Placing on the market, or export to third country, of bovine animals**

- (1) A person who –
  - (a) places on the market; or
  - (b) exports or offers to export to a third country,a bovine animal born or reared in Jersey before 1st August 1996 shall be guilty of an offence.
- (2) Sub-paragraph (1) does not apply to the placing on the market of such animal for sale or supply to a person in Jersey.

**3 Export to member State of heads and un-split carcasses**

- (1) A person who exports or offers to export a head or un-split carcass containing specified risk material to another member State, in the absence of an agreement of the kind specified in point 10.1 of Annex V, shall be guilty of an offence.
- (2) Sub-paragraph (1) is subject to point 10.2 of Annex V.

**4 Export to third country of products containing specified risk material**

In accordance with point 10.3 of Annex V, a person who exports or offers to export to a third country a head or the fresh meat of a bovine, ovine or caprine animal containing specified risk material shall be guilty of an offence.



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- 1 *chapter 17.245*
  - 2 *chapter 17.245.90*
  - 3 *chapter 17.210*
  - 4 *chapter 02.400*
  - 5 *chapter 17.245.05*
  - 6 *chapter 02.400.08*
  - 7 *chapter 02.400.24*