

Statutory Instrument 1998 No. 1646

The Sheep and Goats Spongiform Encephalopathy Regulations 1998

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The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. The authoritative version is in printed form and is published by The Stationery Office Limited as the **The Sheep and Goats Spongiform Encephalopathy Regulations 1998**, ISBN 0 11 079359 5, £1.10 sterling. For details of how to obtain a printed copy see How to obtain The Stationery Office Limited titles.

STATUTORY INSTRUMENTS

1998 No. 1646

ANIMALS

ANIMAL HEALTH

The Sheep and Goats Spongiform Encephalopathy Regulations 1998

<i>Made</i>	<i>7th July 1998</i>
<i>Laid before Parliament</i>	<i>8th July 1998</i>
<i>Coming into force</i>	<i>29th July 1998</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), hereby make the following Regulations: -

Title, commencement and extent

1. - (1) These Regulations may be cited as the Sheep and Goats Spongiform Encephalopathy Regulations 1998 and shall come into force on 29th July 1998.

(2) These Regulations shall extend to Great Britain.

Interpretation

2. In these Regulations, unless the context otherwise requires -

"the appropriate Minister" means, in relation to England, the Minister of Agriculture, Fisheries and Food, and in relation to Scotland or to Wales, the Secretary of State;

"the Commission Decision" means Commission Decision 98/272/EEC[3] on epidemio-surveillance for transmissible spongiform encephalopathies;

"the disease" means any transmissible spongiform encephalopathy in sheep and goats;

"the Minister" means, in relation to the whole of Great Britain, the Minister of Agriculture, Fisheries and Food;

"premises" means any place (including any structure or vehicle) in which sheep or goats may be grazed, handled, held or kept;

"the Sheep and Goats Order" means the Sheep and Goats Spongiform Encephalopathy Order 1998[4];

"transmissible spongiform encephalopathy" has the same meaning in these Regulations as in the Commission Decision; and

"veterinary inspector" means a veterinary inspector appointed by the appropriate Minister.

Investigation of the disease in sheep and goats

3. - (1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has existed on any premises, he shall, with all practicable speed, carry out any investigation he believes may be necessary to establish the correctness of that supposition.

(2) For the purposes of such an investigation in relation to any premises, a veterinary inspector or an officer of the appropriate Minister may -

(a) inspect and examine any sheep or goat or any carcase of a sheep or goat on the premises;

(b) make such tests in relation to, and take such samples from, any sheep or goat or any carcase of a sheep or goat on the premises as he may consider necessary for the purpose of diagnosis or research in relation to the disease;

(c) mark for identification purposes any sheep or goat or any carcase of a sheep or goat on the premises; and

(d) examine any record on the premises, and any information relating to sheep and goats contained in any computer accessible from the premises, which he believes may be relevant to any test, sampling, marking or examination under these Regulations.

(3) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall -

(a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of any investigation of the disease under this regulation; and

(b) if so required by a veterinary inspector or an officer of the appropriate Minister, give such information as he possesses as to -

(i) any animal or carcase which is or has been on the premises;

(ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and

(iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

(4) A veterinary inspector or an officer of the appropriate Minister shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours -

(a) to enter any premises, including any part of any premises occupied as or contiguously with a private dwelling -

(i) for the purpose of ascertaining whether any sheep or goat is being or has been kept on the premises;

(ii) for any other purpose connected with an investigation of the disease under this regulation,

(iii) for any purpose connected with the imposition of restrictions on movement of any sheep or goat under article 4 of the Sheep and Goats Order; or

(iv) for any purpose connected with the application of section 32 of the Animal Health Act 1981 to the slaughter of sheep or goats under article 7 of the Sheep and Goats Order; or

(b) to enter any premises (other than any premises occupied as a private dwelling) for the purpose of ascertaining whether there is on the premises any evidence of any contravention of the provisions of these Regulations.

(5) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (4) above and that either -

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

(b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise a veterinary inspector or an officer of the appropriate Minister to enter the premises, if need be by reasonable force.

(6) In the application of this regulation to Scotland any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

(7) A veterinary inspector or an officer of the appropriate Minister, when entering any premises for any of the purposes mentioned in paragraph (4) above, or when on any premises for any such purpose, may -

(a) seize, detain and require the production of any information or record (in whatever form the information or record is held, including any kept by means of a computer) which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations;

(b) take with him such other person as he considers necessary to carry out any checks and examinations under these Regulations; and

(c) take with him a representative of the European Commission acting for any purposes in relation to the Commission Decision.

Obstruction

4. - (1) No person shall -

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences and penalties

5. - (1) Any person who, without lawful authority or excuse, proof of which shall lie on him -

(a) defaces, obliterates or removes any mark applied to any sheep or goat or carcass under regulation 3(2)(c) above;

(b) contravenes or fails to comply with regulation 3(3) above or 4(1) above; or

(c) knowingly causes or permits any such contravention or non-compliance,

shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable -

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;

(b) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.

Offences by bodies corporate

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

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

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

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations which has been committed by a Scottish 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 partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Enforcement

7. The provisions of these Regulations shall be executed and enforced by the appropriate Minister.

Jeff Rooker

Minister of State, Ministry of Agriculture, Fisheries and Food

7th July 1998

Sewel

Parliamentary Under Secretary of State, Scottish Office

3rd July 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Great Britain, give effect in part to articles 3(1) and 4(1) of Commission Decision 98/272/EEC (OJ No. L122, 24.4.98, p.59) on epidemio-surveillance for transmissible spongiform encephalopathies in sheep and goats.

Regulation 3 provides for the investigation of any transmissible spongiform encephalopathy in sheep and goats, the examination and testing of sheep and goats, and the taking of samples from them, for transmissible spongiform encephalopathy. It also provides for the marking of their carcasses for this purpose. Regulation 3 requires that people in charge or in possession of sheep and goats and carcasses of sheep and goats co-operate with these investigations. It also provides rights of entry to premises for veterinary inspectors and officers of the appropriate Minister (defined in regulation 2).

Regulation 4 makes provision for offences of obstruction and regulation 5 for other offences and penalties. Regulation 6 makes provision for offences by bodies corporate and regulation 7 provides that the Regulations are executed and enforced by the appropriate Minister.

A Regulatory Appraisal for these Regulations has been prepared and placed in the library of each House Of Parliament. Copies can be obtained from Animal Health (BSE) Division, Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

Notes:

[1] S.I. 1972/1811.[back](#)

[2] 1972 c. 68.[back](#)

[3] OJ No. L122, 24.4.98, p.59.[back](#)

[4] S.I. 1998/1645.[back](#)

ISBN 0 11 079359 5