

# Statutory Instrument 2001 No. 3960

## The BSE Monitoring (England) (Amendment) Regulations 2001

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### STATUTORY INSTRUMENTS

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#### 2001 No. 3960

#### ANIMALS, ENGLAND

#### ANIMAL HEALTH

#### The BSE Monitoring (England) (Amendment) Regulations 2001

<i>Made</i>	<i>10th December 2001</i>
<i>Laid before Parliament</i>	<i>11th December 2001</i>
<i>Coming into force</i>	<i>1st January 2002</i>

The Minister of Agriculture, Fisheries and Food, being a minister 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, in exercise of the powers conferred on her by that section, hereby makes the following Regulations -

#### **Title, extent and commencement**

**1. These Regulations may be cited as The BSE Monitoring (England) (Amendment) Regulations 2001, shall extend to England and shall come into force on 1st January 2002.**

#### **Amendment of The BSE Monitoring (England) Regulations 2001**

**2. - (1) The BSE Monitoring (England) Regulations 2001[3] shall be amended in accordance with the following provisions of this regulation.**

**(2) Regulation 2(1) shall be amended as follows -**

**(a) after the definition of "bovine animal" there shall be inserted the following definition -**

**" "the Commission Regulation" means Commission Regulation (EC) No 1248/2001[4] amending Annexes III, X and XI to Regulation (EC) No 999/2001[5] as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies;"**

**(b) the definition of "the Commission Decisions" is revoked;**

**(c) for the definition of "a notifiable bovine animal" there shall be substituted the following definition -**

**" "a notifiable bovine animal" means a bovine animal over 24 months of age which has died or has been killed but which was not -**

**(a) killed for destruction pursuant to Commission Regulation (EC) No 716/1996[6];**

**(b) killed in the framework of an epidemic such as foot and mouth disease; or**

**(c) slaughtered for human consumption;" and**

**(d) in the definition of "premises", after the words "private dwelling" there shall be added the following words -**

**" and includes any place where bovine animal carcasses or parts of such carcasses may be kept".**

**(3) For paragraph (2) of Regulation 2 there shall be substituted the following paragraph -**

**" (2) Expressions in these Regulations which are not defined in paragraph (1) above and which appear in the Commission Regulation have the same meaning in these Regulations as they have for the purposes of the Commission Regulation."**

**(4) In paragraph (1) and paragraph (4) of Regulation 3 (Requirements relating to bovine animals over 30 months of age) the words "which dies, or the carcase of a notifiable bovine animal" shall be revoked.**

**(5) For paragraph (2) of Regulation 3 there shall be substituted the following paragraph -**

**" (2) Any veterinary surgeon or other person who, in the course of his duties examines or inspects any notifiable bovine animal, shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify the fact to the Minister or, where the Minister has appointed an agent to receive notifications under this regulation on**

**his behalf, to that agent."**

**(6) For paragraph (1) of Regulation 4 (Powers of entry, examination, search and sampling etc) there shall be substituted the following paragraph -**

**" (1) An inspector shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises -**

**(a) for the purpose of ascertaining whether any notifiable bovine animal is being or has been kept on the premises; or**

**(b) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations."**

**(7) For paragraph (2) of Regulation 4 there shall be substituted the following paragraph -**

**" (2) If a justice of the peace, on sworn information in writing is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in paragraph (1) 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 is temporarily absent,**

**the justice may by warrant signed by him authorise an inspector to enter the premises, if need be by reasonable force."**

**(8) In subparagraph (4)(h) of Regulation 4 for the words "Commission Decisions" there shall be substituted the words "Commission Regulation".**

#### **Amendment of Cattle Identification Regulations**

**3. - (1) The Cattle Identification Regulations 1998[7] shall be amended by substituting for the definition of "notifiable bovine animal" the following definition -**

**" "notifiable bovine animal" means a bovine animal over 24 months of age which has died or has been killed but which was not -**

**(a) killed for destruction pursuant to Commission Regulation (EC) No 716/1996;**

**(b) killed in the framework of an epidemic such as foot and mouth disease; or**

**(c) slaughtered for human consumption;"**

**(2) The Cattle (Identification of Older Animals) Regulations 2000[8] shall be**

amended by substituting for the definition of "notifiable bovine animal" the following definition -

" "notifiable bovine animal" means a bovine animal over 24 months of age which has died or has been killed but was not -

(a) killed for destruction pursuant to Commission Regulation (EC) No 716/1996;

(b) killed in the framework of an epidemic such as foot and mouth disease; or

(c) slaughtered for human consumption;".

*Elliot Morley*

Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs

10th December 2001

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#### EXPLANATORY NOTE

*(this note is not part of the Regulations)*

These regulations make amendments to The BSE Monitoring (England) Regulations 2001 (S.I. 1997/1644).

The amendments give effect to the obligations in article 1.1 of Commission Regulation (EC) No.1248/2001 (OJ No.L173, 27.6.2001, p12) amending Annex III to Regulation (EC) No.999/2001 (OJ No L147 31.5.2001, p1) as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies.

These require member states to ensure that certain categories of bovine animals over 24 months of age are examined in accordance with the prescribed minimum requirements for monitoring BSE. The definition of "a notifiable bovine animal" has been amended as a consequence to reflect the change in age of animals to which the obligation applies.

An amendment is also made to paragraph (1) and (4) of Regulation 3 to delete the superfluous phrase "which dies, or the carcase of a notifiable bovine animal" and paragraph (2) has been substituted as a result. Regulation 4 and the definition of "premises" have been amended to provide inspectors with the power to enter all premises where bovine animal carcasses or parts of such carcasses are kept.

Consequential amendments to the definition of "notifiable bovine animal" are made to the Cattle Identification Regulations 1998 (S.I. 1998/871, amended by S.I. 1998/2969, S.I. 1999/1339 and S.I. 2001/1644) and the Cattle (Identification of Older Animals) Regulations (S.I. 2000/2976, amended by S.I. 2001/1644).

A Regulatory Impact Assessment for these regulations has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the BSE Division of the Department for Environment, Food and Rural Affairs, 1a Page Street, London SW1P 4PQ.

***Notes:***

**[1] S.I. 1972/1811.back**

**[2] 1972 c. 68.back**

**[3] S.I. 2001/1644.back**

**[4] OJ No. L173, 27.6.2001, p12.back**

**[5] OJ No. L147, 31.5.2001, p1.back**

**[6] OJ No. L99, 20.4.1996, p14.back**

**[7] S.I. 1998/871 as amended by S.I. 1998/2969, S.I. 1999/1339 and S.I. 2001/1644.back**

**[8] S.I. 2000/2976 as amended by S.I. 2001/1644.back**

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