Welsh Statutory Instrument 2002 No. 1416 (W.142)

The TSE (Wales) Regulations 2002

© Crown Copyright 2002

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Royal Badge of Wales and the Queen's Printer imprints.

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 the Queen's Printer copy published by The Stationery Office Limited as the **The TSE (Wales) Regulations 2002**, ISBN 0 11090525 3. Purchase this item. For details of how to obtain an official copy see How to obtain The Stationery Office Limited titles.

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

STATUTORY INSTRUMENTS

2002 No. 1416 (W.142)

ANIMALS, WALES

ANIMAL HEALTH

The TSE (Wales) Regulations 2002

Made	*24 May 2002*
Coming into force	*27 May 2002*

Arrangement of regulations

Part I

Introductory provisions

1. Title, application and commencement

2. Application

3. Interpretation

Part II

TSE monitoring

4. TSE monitoring

5. Prohibitions and restrictions on the movement of TSE susceptible animals

6. Slaughter of TSE susceptible animals at slaughterhouses

7. Slaughter of TSE susceptible animals at other premises

8. Retention, seizure and disposal of carcases etc. of TSE susceptible animals

9. Compensation for slaughtered TSE susceptible animals

10. Notifications

Part III

Animal feeding

Mammalian protein and mammalian meat and bone meal

11. Mammalian protein

12. Mammalian meat and bone meal for use in feeding stuffs for livestock

13. Mammalian meat and bone meal for use in fertilisers on agricultural land

Processed animal protein

14. Feeding of processed animal protein to farmed animals

15. Sale or supply of processed animal protein intended for the feeding of farmed animals

16. Production of fishmeal for feeding to farmed animals other than ruminants

17. Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants

18. Transport and storage of processed animal protein

Approvals of premises

19. Applications for approval and approvals of premises

20. Suspension and withdrawal of approvals

21. Appeals

Feeding stuffs

22. Manufacture of feeding stuffs containing processed animal protein

23. Production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants

24. Production of feeding stuffs containing dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants

25. Use and storage of feeding stuffs containing fishmeal, dicalcium phosphate or hydrolysed protein

Administration and enforcement

26. Records relating to mammalian meat and bone meal and processed animal protein

27. Cleansing and disinfection

28. Powers of inspectors

29. Disposal and recall of mammalian meat and bone meal and MBM products

Part IV

Specified risk material

Introductory provisions

30. Interpretation of expressions used in this Part

31. Extended meaning of sale etc.

32. Presumption that food is intended for human consumption

Carcases and specified risk material

33. Removal of specified risk material from carcases in slaughterhouses

34. Removal of specified risk material from carcases elsewhere

35. Inspection and marking of carcases in a slaughterhouse

36. Removal of vertebral column of bovine animals in cutting premises

37. Removal of SRM spinal cord of bovine animals, sheep and goats

38. Young lamb stamp

39. Staining of specified risk material

40. Consignment of specified risk material after removal from carcases

41. Presence of an OVS

Prohibitions: slaughter and carcases

42. Pithing

43. Prohibition on sale of non-compliant carcases for human consumption

44. Prohibition on the removal of brain and eyes

45. Prohibition on the removal of spinal cord

46. Transport of unmarked carcases of sheep and goats

47. Possession of unmarked carcases of sheep and goats

Prohibitions on sale and use of specified risk material

48. Prohibition on sale of specified risk material for human consumption

49. Prohibition on feeding specified risk material to animals

50. Specified risk material for use in cosmetic, pharmaceutical and medical products

51. Mechanically recovered meat

Prohibitions on collection, transport, rendering, incineration etc. and storage of specified risk material

52. Use of premises for collection, rendering, incineration etc. of specified risk material

53. Storage of specified risk material

54. Transport of specified risk material

55. Procedure for bringing in specified risk material from England, Scotland or Northern Ireland

Licensing

56. Licensing

57. Licensing for the use of specified risk material in production or research

58. Applications for licences

59. Requirements of use of licensed premises

60. Suspension of licences

61. Revocation of licences

62. Appeals against suspension, refusal and revocation of licences

Collection centres and incinerators

63. Collection centres

64. Incinerators

Rendering plants

65. Delivery of specified risk material to rendering plants

66. Storage etc. of specified risk material at rendering plants

67. Rendering of specified risk material

68. Rendered material

Administration and enforcement

69. Records

70. Cleansing and disinfection

71. Powers of inspectors

72. Recall, seizure and destruction of feeding stuffs

73. Directions

74. Compliance with notices

75. Slaughterhouse staff training

76. Occupier's duty and offences

77. Inspection and seizure of suspected food

Part V

Control and eradication of TSEs: Chapter IV of the Community TSE Regulation

78. Notifications for the purposes of Chapter IV of the Community TSE Regulation

79. Measures for the purposes of Chapter IV of the Community TSE Regulation

80. Movement prohibitions and restrictions of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation

81. Slaughter of TSE susceptible animals at slaughterhouses for the purposes of Chapter IV of the Community TSE Regulation

82. Slaughter of TSE susceptible animals at other premises for the purposes of Chapter IV of the Community TSE Regulation

83. Retention, seizure and disposal of carcases etc. of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation

84. Compensation for slaughtered TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation

85. Prohibition of sale, supply and use of milk from affected or suspected animals

86. Cleansing and disinfection

Part VI

Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation

87. Notification of progency of certain TSE suspect and confirmed animals

88. Measures to administer and enforce Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation

89. Movement prohibitions and restrictions

90. Slaughter at slaughterhouses

91. Slaughter at other premises

92. Retention, seizure and disposal of carcases etc.

93. Compensation for slaughtered animals

94. Offspring slaughter

95. Cleansing and disinfection

Part VII

Sampling and laboratory methods

96. Sampling and laboratory methods

Part VIII

Community controls, offences, penalties and enforcement

97. Community controls: powers of inspectors

98. Obstruction

99. Offences

100. Offences due to fault of another person and defence of due diligence

101. Enforcement

Part IX

Supplementary provisions

102. Service of notices and other documents

103. Amendments

104. Revocations and savings

Schedules

Schedule 1	Compensation
Part I	Compensation for TSE susceptible animals slaughtered under regulation 6 or 7
Part II	Compensation for carcases, parts of carcases or blood of TSE susceptible animals seized or disposed of under regulation 8
Part III	Compensation for TSE susceptible animals slaughtered under regulation 80 or 81
Part IV	Compensation for carcases, parts of carcases or blood of TSE susceptible animals retained, seized or disposed of under regulation 82
Part V	Compensation for TSE suspect or confirmed animal or a first generation progency of any TSE suspect or confirmed animal slaughtered under regulation 88 or 89
Part VI	Compensation for retention, seizure or disposal under regulation 90
Schedule 2	Conditions for the transport of fishmeal for feeding to farmed animals other than ruminants
Schedule 3	Conditions for the production of dicalcium phosphate for feeding to farmed animals other than ruminants
Schedule 4	Conditions for the production of hydrolysed protein for feeding to farmed animals other than ruminants
Schedule 5	Application of Part IV of these Regulations to scheme animals
Schedule 6	Rendering requirements

Schedule 7 Offspring slaughter

Schedule 8 Amendments

Schedule 9 Revocations, savings and transitional provisions

The National Assembly for Wales, being 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, hereby makes the following Regulations -

Part I

Introductory provisions

Title, application and commencement
1. - (1) These Regulations may be cited as the TSE (Wales) Regulations 2002.

(2) These Regulations apply to Wales.

(3) These Regulations come into force on 27 May 2002.

Application
2. - (1) Subject to paragraph (2) below, these Regulations do not apply to the production or placing on the market of the products, medical devices, starting materials, intermediate products and live animals referred to in Article 1(2) of the Community TSE Regulation.

(2) In so far as necessary to avoid the cross-contamination or substitution referred to in Article 2 of the Community TSE Regulation, these Regulations apply to the use of specified risk material in the production or placing on the market of any product, medical device, starting material or intermediate product referred to in Article 1(2) of the Community TSE Regulation.

(3) Part III of these Regulations applies in relation to mammalian protein, mammalian meat and bone meal, meat and processed animal protein intended for the feeding of animals (excluding humans).

(4) Part III of these Regulations does not apply in relation to -

(a) catering waste; or

(b) eggs and egg products.

Interpretation
3. - (1) In these Regulations, unless the context otherwise requires -

"ABPO approved" in relation to premises, means approved under article 7, or registered under article 12, of the Animal By-Products Order 1999[3] and "ABPO approval" shall be construed accordingly;

"the Agency" means the Food Standards Agency;

"animal by-product" has the same meaning as in the Animal By-Products Order

1999;

"agricultural land" means land used or capable of use for the purposes of a trade or business in connection with agriculture;

"agriculture" includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodlands, and horticulture (except the propagation of plants and the growing of plants with greenhouses and glass or plastic structures);

"catering waste" has the same meaning as in the Animal By-Products Order 1999;

"the Commission Decision" means Commission Decision 2001/9/EC[4] concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

"the Community 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[5];

"the Community Transitional Measures" means -

(a) Commission Regulation (EC) No. 1248/2001 of 22 June 2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies[6];

(b) Commission Regulation (EC) No. 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to Regulation (EC) No. 999/2001 of the European Parliament and of the Council for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation[7]; and

(c) Commission Regulation (EC) No. 270/220 of 14 February 2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissable spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof[8];

"the Council Decision" means Council Decision 2000/766/EC[9] concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

"cutting premises" means premises used for the purpose of cutting up fresh meat intended for sale for human consumption;

"Divisional Veterinary Manager" means the veterinary inspector appointed to receive information in relation to animals suspected of being affected by a TSE or animals affected by a TSE, or the carcase of such animals for the area in which such animals or carcases are located;

"farmed animal" means any creature, including a fish, which is kept, fattened or bred for the production of food;

"feeding stuff" has the meaning given to it by section 66(1) of the Agriculture Act 1970[10], save that it shall apply to products and substances for oral feeding to any creature except a human being, and section 66(2)(b) of that Act shall have effect for the purposes of these Regulations as it does for the purposes of that Act;

"food" has the same meaning as in the Food Safety Act 1990[11];

"inspector" means -

(a) a person appointed as such for the purposes of these Regulations by the Secretary of State or the National Assembly, including a veterinary inspector;

(b) a person appointed as such for the purposes of these Regulations by the Agency, including in relation to Part IV of these Regulations, a person -

> **(i) designated as an OVS in accordance with regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995[12]; and**
>
> **(ii) appointed as an inspector in accordance with regulation 8(2) of those Regulations; and**

(c) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations;

"listed premises" means those premises listed by the Agency as being listed for the purposes of these Regulations and published by notice in the London Gazette;

"livestock" means -

(a) any creature, including a fish, kept, fattened or bred for the production of food, wool, skin or fur;

(b) any creature other than a dog kept for use in the farming of land; and

(c) any equine animals;

"local authority" means -

(a) in respect of a county or county borough the council of that county or county borough;

(b) where there is a Port Health Authority, that authority in addition to the authority specified in paragraph (a) above;

"MBM product" means any product containing mammalian meat and bone meal;

"mammalian meat and bone meal" means -

(a) mammalian protein (including greaves), other than processed animal protein, derived from the whole or part of any dead mammal by -

(i) the process of rendering; or

(ii) in the case of a product or material originating outside Wales or England, by an equivalent process; or

(b) any material derived from mammalian protein;

and for this purpose "protein" means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;

"monitoring notification", in respect of any category of notifiable animal, means a notification of the death of the animal to the National Assembly;

"the National Assembly" means the National Assembly for Wales;

"a notifiable animal" means any TSE susceptible animal in relation to which the annual programme of monitoring referred to in Article 6 of the Community TSE Regulations applies;

"OVS" means an official veterinary surgeon designated as such in accordance with regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995;

"occupier", in relation to any premises, means any person carrying on a business there;

"premises" means any place, including any land, building, structure (moveable or otherwise), tent or vehicle -

(a) in which TSE susceptible animals may be bred, grazed, handled, held, kept, marketed or shown to the public;

(b) in which processed animal protein or mammalian meat and bone meal may be handled, kept or disposed of;

(c) in which specified risk material may be removed from a carcase of an animal, handled, kept or disposed of; or

(d) any place where blood, carcases or parts of the carcases derived from any creature except man may be kept;

and includes any such place occupied as a private dwelling;

"processed animal protein" means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatin and any other similar products, and includes mixtures, feeding stuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;

"production" includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

"rendering" means subjecting any material at a rendering, fishmeal or other

plant to any of the systems of treatment or procedures mentioned in Schedule 2 to the Animal By-Products Order 1999;

"ruminant animal" means a bovine animal, a sheep or a goat;

"scheme animal" means a bovine animal -

(a) which has been slaughtered pursuant to the purchase scheme introduced under Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom; or

(b) which the Secretary of State has caused to be slaughtered under the Animal Health Act 1981[13] for the prevention of bovine spongiform encephalopathy;

"sealed vehicle" means a vehicle sealed in accordance with regulation 41(3) below;

"the Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"slaughterhouse" means any premises for slaughtering animals the flesh of which is intended for sale for human consumption;

"specified risk material" includes -

(a) any part of -

> **(i) a bovine animal, other than a carcase of a bovine animal containing vertebral column which has been imported in accordance with the Specified Risk Material Order 1997[14],**
>
> **(ii) a sheep or a goat,**

remaining attached to specific risk material after dissection of the carcase of the animal;

(b) any animal material which comes into contact with specified risk material after it has been removed from the carcase; and

(c) specified solid waste;

"specified solid waste" means any solid matter resulting from the slaughter or death of a bovine animal, sheep or goat, or from the subsequent processing of the carcase of a bovine animal, sheep or goat, which is collected in any part of the drainage system draining any place specified risk material is handled;

"stained blue" has the meaning given in regulation 39 below;

"stained yellow" has the meaning given in regulation 39 below;

"TSE" means transmissible spongiform encephalopathies;

"TSE susceptible animal" means any animal (whether it is a farmed animal or not) which is capable of being affected by a TSE;

"tallow" means fat derived from animal tissues by a process of rendering;

"UK specified risk material" means specified risk material derived from an animal which has died or was slaughtered in the United Kingdom;

"vertebral column" excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;

"veterinary inspector" means a person appointed by the Secretary of State as a veterinary inspector;

"veterinary surgeon" means a veterinary surgeon (or veterinary practitioner) registered under section 2 of the Veterinary Surgeon's Act 1966 or the supplementary veterinary register kept under section 8 of that Act; and

"young lamb stamp" means the stamp described in regulation 38(2) below.

(2) Expressions in these Regulations which are not defined in paragraph (1) above and which appear in the Community TSE Regulation or in the Community Transitional Measures have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation or the Community Transitional Measures.

(3) Expressions in Part III of these Regulations which are not defined in paragraph (1) above and which appear in the Council Decision or the Commission Decision have the same meaning in these Regulations as they have for the purposes of those Decisions.

(4) For the purposes of these Regulations material shall be treated as a feeding stuff whether it is used or intended to be used as a feeding stuff by itself or as an ingredient in something which is so used or intended for such use.

Part II

TSE monitoring

TSE monitoring

4. - (1) An inspector may make any enquiries and carry out any investigations he or she considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) For the purpose of paragraph (1) an inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, may enter, at all reasonable times, any premises (excluding premises used only as a dwelling) to -

(a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;

(b) ascertain whether -

(i) any TSE exists or has existed on the premises or any other premises; or

(ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;

(c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of that animal to arrange for the collection and penning of the animal;

(d) inspect and examine the carcase of any TSE susceptible animal;

(e) take samples from, and undertake tests in relation to, any TSE susceptible animal, or the carcase of any TSE susceptible animal, as he or she considers necessary;

(f) mark for identification purposes any TSE susceptible animal, or the carcase of that animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;

(g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase of that animal;

(h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase of that animal;

(i) seize any TSE susceptible animal or the carcase of that animal;

(j) serve any notice in connection with the slaughter of any TSE susceptible animal;

(k) slaughter any TSE susceptible animal;

(l) examine any record, in whatever form the record may be held, and take copies of the record;

(m) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him or her such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

(n) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of such contravention or failure.

(3) No person except an inspector may remove or otherwise interfere with any mark applied to a TSE susceptible animal or the carcase of such an animal under paragraph 2(f) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identification device attached to or otherwise administered to a TSE susceptible animal or the carcase of such an animal under that paragraph.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and that either -

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

(b) an application for admission, or the giving of 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 absent,

the justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall -

(a) provide such reasonable facilities and reasonable assistance to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation; and

(b) if required by an inspector, give such information as he or she possesses as to -

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

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

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

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him or her -

(a) such other persons as he or she considers necessary to provide such assistance as considered necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures.

(7) An inspector who enters any unoccupied premises shall on leaving the premises ensure that they are secured as effectively against unauthorised entry as when he or she found them.

Prohibitions and restrictions on the movement of TSE susceptible animals
5. - (1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal from or to any premises.

(2) By notice in writing served on the owner or person in charge of the animal an inspector may prohibit or restrict the movement of the animal or carcase from or to

any premises described in the notice for the period, and subject to the conditions, he or she considers necessary for that purpose as specified in the notice.

(3) During the period in which the notice is in force an inspector may renew the notice for the same or a shorter period subject to any conditions he or she considers necessary.

(4) A notice which is renewed may be renewed from time to time in a similar manner by an inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase from premises provided that a licence is obtained from an inspector, an inspector may issue a licence for this purpose subject to any conditions he or she considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase being so moved must carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his or her name and address.

Slaughter of TSE susceptible animals at slaughterhouses
6. - (1) This regulation and regulation 7 below apply where the Secretary of State is satisfied it is necessary to slaughter any TSE susceptible animal for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

(2) If the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at a slaughterhouse an inspector must so inform the occupier of the slaughterhouse concerned and may direct the manner in which and the time within which the occupier must slaughter the animal.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he or she must consider the requirements as to hygiene, specified risk material or animal welfare with which the occupier must comply at the slaughterhouse in relation to -

(a) the slaughter of the animal; and

(b) any related operation, including -

(i) the handling of the animal before and at slaughter, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or

(ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, and the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) If the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must -

(a) slaughter any other animal at the slaughterhouse; or

(b) carry out any such related operation,

the inspector must give directions to the occupier as to the manner and period within which the other animal is to be slaughtered or any related operation is to be carried out.

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to -

(a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;

(b) the arrangements for the slaughter at the slaughterhouse of any animal under a direction given under this regulation; and

(c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given except where the Secretary of State is satisfied that it is not proportionate for that person to bear some or all of that expense.

(7) Where the Secretary of State is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction he or she shall give notice to that person of the proportion of the expense, if any, which he or she is satisfied the person should bear.

(8) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

Slaughter of TSE susceptible animals at other premises
7. - (1) If the Secretary of State is satisfied that it is necessary to slaughter a TSE susceptible animal at premises other than a slaughterhouse a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of the animal -

(a) informing him or her of that intention; and

(b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After the expiry of that period the Secretary of State, after considering any representations received during this period from the owner or person in charge of the animal, must either -

(a) withdraw the notice of intended slaughter; or

(b) serve on the owner or person in charge of the animal a notice of confirmation

of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

Retention, seizure and disposal of carcases etc. of TSE susceptible animals
8. - (1) This regulation applies where the National Assembly is satisfied that for any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation it is necessary -

(a) to require an occupier of premises to retain on the premises a carcase, or part of a carcase, of a TSE susceptible animal, or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal; or

(b) to seize from any premises, or dispose of, the carcase, or part of the carcase, of a TSE susceptible animal or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal.

(2) For the purpose of paragraph (1) an inspector may -

(a) direct the occupier of the premises to retain on the premises a carcase of a TSE susceptible animal on the premises, or any part of the carcase or any blood derived from the carcase or part of the carcase; or

(b) seize or dispose of -

(i) any carcase, or any part of a carcase, of a TSE susceptible animal from any premises, whether or not it is a carcase or part of a carcase which has been required to be retained under the direction of an inspector; or

(ii) any blood derived from a carcase, or any part of a carcase, of a TSE susceptible animal whether or not the carcase or part of the carcase from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcase, part of a carcase or blood derived from any carcase or part may include directions in relation to the treatment, storage and disposal of the carcase, part or blood.

(4) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given except where the National Assembly is satisfied that it is not proportionate for that person to bear some or all of that expense.

(5) Where the National Assembly is satisfied that it is not proportionate for a person to whom a direction is given to bear some or all of the expense of complying with the direction it shall give notice to that person of the proportion of the expense, if any, which it is satisfied the person should bear.

(6) If a direction under this regulation in relation to the treatment, storage or

disposal of a carcase, part or blood is not complied with, an inspector may arrange for it to be complied with at the expense of the person to whom the direction is given.

Compensation for slaughtered TSE susceptible animals
9. - (1) Where a TSE susceptible animal is slaughtered under regulation 6 or 7 above the Secretary of State must pay compensation to the owner of the animal in accordance with the provisions of Part I of Schedule 1 to these Regulations.

(2) The Secretary of State shall pay compensation in accordance with the provisions of Part II of that Schedule to the owner of any carcase, part of a carcase or blood seized or disposed of under regulation 8 above.

Notifications
10. - (1) For any purpose connected with the administration or enforcement of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation, the National Assembly may certify in respect of any category of notifiable animal that a monitoring notification in respect of animals in that category is required and may appoint an agent to receive any notification on its behalf.

(2) Where -

(a) in respect of a category of notifiable animal the National Assembly has certified that a monitoring notification is required; or

(b) the National Assembly appoints an agent for the purposes of receiving notifications under this regulation on its behalf,

the National Assembly shall publish by such means as it thinks fit the details of the certificate or the name of the agent, the address of the agent and other relevant contact information and the date on and after which notifications under this regulation shall be made to the agent instead of to the National Assembly.

(3) Where in respect of a category of notifiable animal the National Assembly has certified that a monitoring notification in respect of animals in that category is required and has published the certification under paragraph (2) above -

(a) a person who is in possession or in charge of an animal of that category, or the carcase of an animal of that category, must within 24 hours from the time when the animal dies or was killed or the carcase comes into his or her possession or charge, notify the fact, and such other information as may be required by virtue of the monitoring notification, to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent; and

(b) any veterinary surgeon or other person who, in the course of his or her duties examines or inspects an animal of that category which dies during the examination or inspection, or examines or inspects the carcase of an animal of that category, must within 24 hours from the time when the animal dies or the carcase is examined or inspected, notify that fact, and such other information as may be required by virtue of the monitoring notification, to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent.

(4) A person who has in his or her possession or under his or her charge on any premises any animal or carcase in respect of which the National Assembly has

certified that a monitoring notification is required shall detain it on the premises until it has been collected by or on behalf of the National Assembly.

Part III

Animal feeding

Mammalian protein and mammalian meat and bone meal

Mammalian protein
11. - (1) Subject to paragraph (2) below, it is prohibited for any person -

(a) knowingly to sell or supply for feeding to ruminant animals; or

(b) to feed to a ruminant animal

any feeding stuff in which he or she knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibition in paragraph (1) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes.

Mammalian meat and bone meal for use in feeding stuffs for livestock
12. - (1) Subject to paragraphs (5) and (6) below, it is prohibited for any person -

(a) to sell or supply for incorporation into any feeding stuff for livestock any mammalian meat and bone meal;

(b) to use any mammalian meat and bone meal in the production of any feeding stuff for livestock;

(c) to sell or supply for feeding to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated; or

(d) to feed to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6) below, it is prohibited for any person to undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feeding stuff for livestock is produced.

(3) Subject to paragraphs (5) to (8) below, it is prohibited for any person to have in his or her possession any mammalian meat and bone meal or any MBM product on any premises where -

(a) any livestock is kept;

(b) any feeding stuff for livestock is produced; or

(c) any feeding stuff for livestock is stored but not produced and no livestock are kept.

(4) Subject to paragraphs (6) and (8) below, it is prohibited for any person to transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feeding stuff for livestock is being transported.

(5) The prohibitions in paragraphs (1) and (3) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes or to the possession of feeding stuff at such an establishment for such purposes.

(6) In any proceedings for an offence under paragraphs (1) to (4) above it shall be a defence for any person charged to prove -

(a) that he or she did not know or have reason to suspect that the material in question was or contained mammalian meat and bone meal; and

(b) that he or she had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.

(7) In any proceedings for an offence under paragraph (3) above in relation to any MBM product it shall be a defence for any person charged to prove -

(a) in the case of an offence under paragraph (3)(a), that the MBM product was in his or her possession solely for feeding to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;

(b) in the case of an offence under paragraph (3)(c), that both the MBM product and the feeding stuff for livestock were offered for sale on those premises;

(c) that the MBM product was stored and used in a place which was physically separated from any place where feeding stuff for livestock was stored or to which livestock had access; and

(d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feeding stuff for livestock.

(8) In any proceedings for an offence under paragraph (3) or (4) above it shall be a defence for any person charged to prove that at all material times both the mammalian meat and bone meal or MBM product (as the case may be) and the feeding stuff for livestock were securely packaged and that no spillage or leakage took place.

(9) No person may transport from or to any premises, or store in bulk at any premises, any mammalian meat and bone meal the sale or supply of which is prohibited by paragraph (1)(a) above, unless he or she and the premises are registered by the Secretary of State for the purpose and the premises are not used for the preparation of feeding stuffs for livestock.

(10) The Secretary of State shall register premises under this regulation where the

occupier declares the premises are capable of being used in accordance with this Part of these Regulations.

Mammalian meat and bone meal for use in fertilisers on agricultural land
13. - (1) It is prohibited for any person to sell or have in his or her possession with a view to sale, for use as a fertiliser on agricultural land, any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal.

(2) No person may use on agricultural land as a fertiliser any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal.

(3) Subject to paragraph (4) below, it is prohibited for any person -

(a) to sell or have in his or her possession with a view to sale, for use as a fertiliser on any land other than agricultural land; or

(b) to use as a fertiliser on any such land,

any mammalian meat and bone meal or any material derived from or containing any mammalian meat and bone meal unless the mammalian meat and bone meal concerned was manufactured in accordance with paragraph (5) below.

(4) Nothing in paragraph (3) above shall prevent -

(a) the sale for use on any land other than agricultural land;

(b) the possession with a view to such sale; or

(c) the use on any such land,

of any fertiliser consisting solely of mammalian meat and bone meal or derived from or containing mammalian meat and bone meal if that mammalian meat and bone meal was manufactured before the date of coming into force of the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998[15], and the contract for its purchase by the manufacturer of that fertiliser was made before that date.

(5) It is prohibited for any person to manufacture mammalian meat and bone meal for use as or in any fertiliser except by a rendering process in which -

(a) the particle size of the raw material prior to processing is reduced so that the maximum dimension of no particle exceeds 50 mm; and

(b) the material is heated to a core temperature of more than 133°C for at least 20 minutes at a pressure of at least 3 bar.

(6) In this regulation -

(a) mammalian meat and bone meal does not include any mammalian meat and bone meal derived solely from blood; and

(b) the references to mammalian meat and bone meal being "manufactured" are

references to the rendering process by which the mammalian meat and bone meal concerned was derived.

Processed animal protein

Feeding of processed animal protein to farmed animals
14. - (1) Subject to paragraph (2) below, it is prohibited for any person to feed any processed animal protein to a farmed animal.

(2) The prohibition in paragraph (1) above shall not apply to -

(a) the feeding to farmed animals other than ruminants of fishmeal -

(i) produced in Wales in premises approved under regulation 16, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of that approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of that approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or

(iv) produced in a third country and which -

- before being sold or supplied in Wales, has been analysed in accordance with Commission Directive 98/88/EC[16];

- is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 2 to these Regulations; and

- is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;

(b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive 70/524/EEC[17] concerning additives in feeding stuffs;

(c) the feeding to farmed animals other than ruminants of dicalcium phosphate -

(i) produced in Wales in premises approved and used as mentioned in regulation 17(1) and (3) below;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval;

(d) the feeding to farmed animals other than ruminants of hydrolysed protein -

(i) produced in Wales in premises approved and used as mentioned in regulation 17(2) and (3) below;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval; or

(e) the feeding to farmed animals of milk and milk products.

Sale or supply of processed animal protein intended for the feeding of farmed animals
15. - (1) Subject to paragraph (2) below, it is prohibited for any person to sell or supply any processed animal protein intended for the feeding of any farmed animal.

(2) The prohibitions in paragraph (1) above shall not apply to the sale or supply of -

(a) fishmeal referred to in regulation 14(2)(a) above for feeding to farmed animals other than ruminants;

(b) gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive 70/524/EEC concerning additives in feeding stuffs;

(c) dicalcium phosphate referred to in regulation 14(2)(c) above for feeding to farmed animals other than ruminants;

(d) hydrolysed protein referred to in regulation 14(2)(d) above for feeding to farmed animals other than ruminants; or

(e) milk and milk products.

Production of fishmeal for feeding to farmed animals other than ruminants
16. - (1) It is prohibited for any person to use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless -

(a) the premises are approved for this purpose by the National Assembly under this regulation; and

(b) fishmeal produced at the premises -

(i) is not transported from the premises otherwise than in accordance with the conditions specified in paragraphs 1 and 2 of Schedule 2 to these Regulations; and

(ii) is not intermediately stored otherwise than in accordance with the condition specified in paragraph 3 of that Schedule.

(2) On an application made to it under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the National Assembly shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, it is satisfied that -

(a) the premises will be dedicated only to fishmeal production;

(b) the premises are ABPO approved; and

(c) the occupier of the premises will be able to ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations.

(3) The person carrying on any business at premises approved under this regulation must ensure that -

(a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of this regulation;

(b) any person employed by him or her, and any person invited to the premises, complies with those provisions; and

(c) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him or her to carry out their functions under these Regulations in relation to the premises and that he or she is given all reasonable assistance and access to those records (including any records held in electronic form) that he or she may at any reasonable time require for that purpose.

Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants
17. - (1) It is prohibited for any person to use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless -

(a) the premises -

(i) are approved for this purpose by the National Assembly under this regulation; and

(ii) are used for this purpose in accordance with the conditions specified in Schedule 3 to these Regulations; and

(b) transport of dicalcium phosphate to the premises is in accordance with the conditions specified in paragraph 4 of that Schedule.

(2) It is prohibited for any person to use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless -

(a) the premises -

(i) are approved for this purpose by the National Assembly under this regulation; and

(ii) are used for this purpose in accordance with the conditions specified in Schedule 4 to these Regulations; and

(b) transport of the hydrolysed protein to the premises is in accordance with the conditions specified in paragraph 3 of that Schedule.

(3) On an application made to it for the approval of premises for the production of dicalcium phosphate or hydrolysed protein, the National Assembly shall approve the premises for the production concerned if, following an inspection of the premises by a veterinary inspector, it is satisfied that -

(a) the premises are ABPO approved;

(b) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval;

(c) in respect of an application for approval of the premises for production of dicalcium phosphate, the occupier of the premises will be able to comply with the conditions specified in Schedule 3 to these Regulations; and

(d) in respect of an application for approval of the premises for production of hydrolysed protein, the occupier of the premises will be able to comply with the conditions specified in Schedule 4 to these Regulations.

(4) The occupier of premises approved under this regulation must ensure that -

(a) in respect of the production of dicalcium phosphate at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 3 to these Regulations;

(b) in respect of the production of hydrolysed protein at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 4 to these Regulations;

(c) any person employed by him or her, and any person invited to the premises, complies with those provisions; and

(d) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable him or her to carry out their functions under these Regulations in relation to the premises and that he or she is given all reasonable assistance and access to those records (including any records held in electronic form) that he or she may at any reasonable time require for that purpose.

Transport and storage of processed animal protein
18. - (1) It is prohibited for any person to transport from or to any premises, or store in bulk at any premises, any processed animal protein the sale or supply of which is

prohibited by regulation 15 above, unless he or she and the premises are registered by the Secretary of State for the purpose and the premises are not used for the preparation of feeding stuffs for ruminant animals.

(2) The Secretary of State shall register premises under this regulation where the occupier declares the premises are capable of being used in accordance with the Commission Decision.

(3) Where a vehicle used for the transport of any dicalcium phosphate, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other product, the person using the vehicle for the transport of such dicalcium phosphate or hydrolysed protein must ensure the vehicle is thoroughly cleaned and inspected before the transport of the other product and before the first subsequent transport of any dicalcium phosphate or hydrolysed protein for feeding to farmed animals other than ruminants.

Approvals of premises

Applications for approvals and approvals of premises
19. - (1) An application for approval of premises under regulation 16 or 17 above must be made in writing to the National Assembly by or on behalf of the person carrying on or proposing to carry on the business at the premises to which the application relates.

(2) The National Assembly shall notify the applicant in writing of its decision on an application made to it in accordance with this regulation; and, if it refuses to approve the premises in respect of which an application is made, it shall notify the applicant in writing of its reasons for the refusal.

(3) An approval of premises under regulation 16 or 17 above shall specify -

(a) the name and address of the person to whom the approval is granted and the address of the approved premises;

(b) the use of the premises for the description of production for which the approval is granted; and

(c) the conditions subject to which the approval is granted.

(4) If the National Assembly refuses to approve the premises or grants an approval subject to any condition it shall give to the applicant a statement of -

(a) the reasons for the refusal or the condition; and

(b) the right of the applicant under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person or tribunal to whom an appeal may be made.

Suspension and withdrawal of approvals
20. - (1) The National Assembly may suspend or withdraw an approval of any premises approved under this Part of these Regulations if it appears to it that -

(a) the premises are being used otherwise than in accordance with these Regulations or the approval;

(b) any condition specified in a Schedule to these Regulations which relates to the approval of the premises has not been complied with;

(c) the premises are not ABPO approved;

(d) inspection of the premises for the purposes of these Regulations is being hampered or denied;

(e) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and -

(i) the National Assembly is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required; and

(ii) as a result there is a risk that the premises will be used otherwise than in accordance with the approval, any condition specified in the approval will not be complied with or inspection of the premises for the purposes of these Regulations will be hampered or denied;

(f) the person using the premises for the use for which they are approved no longer wishes to carry on that use of the premises; or

(g) the premises are not being used for the use for which they are approved.

(2) Before suspending or withdrawing an approval the National Assembly must -

(a) give notice of the intended suspension or withdrawal to the occupier of the premises (or, in the case of a suspension or withdrawal under paragraph (1)(g) above, to the person known to the National Assembly as the last person to use the premises for the use for which they are approved and to any other person who appears to it to be in current occupation of the premises); and

(b) have regard to any representations made to it by that person in relation to the intended suspension or withdrawal.

(3) If the National Assembly decides to suspend or withdraw an approval it must issue to that person a notice of suspension or withdrawal which includes the following information -

(a) a summary of the decision of the National Assembly to suspend or withdraw the approval and a description of the use of the premises for which the approval is suspended or withdrawn;

(b) the reason for the suspension or withdrawal;

(c) the time from which the suspension or withdrawal takes effect, which -

(i) in respect of a suspension, may be any time after the notice is given; and

(ii) in respect of a withdrawal, must be at least 21 days after the date on which the notice is given;

(d) in respect of a suspension, the matters which must be remedied for the suspension to be lifted;

(e) a statement of the right of the person to whom the notice is given to appeal under this Part of these Regulations against the suspension or withdrawal and the period within which and the person or tribunal to whom an appeal may be made; and

(f) in respect of a withdrawal, any conditions for the protection of public or animal health to which any continued use under paragraphs (7) and (8) below of the premises for an approved use after the withdrawal takes effect is subject pending an appeal.

(4) Where a suspension of an approval of premises under this regulation has taken effect the premises must be treated as if they were not approved for the use for which the approval is suspended.

(5) The National Assembly must lift a suspension of an approval where -

(a) it is satisfied that -

(i) the reason for the suspension no longer applies; and

(ii) the person who would use the premises for the use for which they are approved will use the premises in accordance with the approval and the conditions of the approval; or

(b) the determination of an appeal under this Part of these Regulations against the suspension is that the approval should not have been suspended.

(6) Where the National Assembly lifts a suspension it shall give notice of this to the person to whom it gave notice of the suspension.

(7) Premises may continue to be used by the occupier for a use for which an approval is withdrawn during the period of 21 days after the notification to the occupier of the withdrawal.

(8) After the expiry of this period the premises may not be used for the use for which the approval is withdrawn unless before the period expired an appeal was made in accordance with regulation 21 below and the appeal has not been finally disposed of or abandoned.

(9) Where the National Assembly has given notice of a decision to withdraw the approval of premises the occupier of the premises must not use the premises for that use pursuant to paragraphs (7) and (8) above except in accordance with any conditions for the protection of public or animal health included in the notice of withdrawal.

Appeals
21. - (1) When in respect of any premises the National Assembly has given notice of a decision under this Part of these Regulations -

(a) to refuse to approve any premises; or

(b) to grant an approval of any premises subject to conditions;

(c) to suspend the approval of any premises; or

(d) to withdraw the approval of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person or tribunal specified in the notice.

(2) An appeal under this regulation must be made by written statement given to the person or tribunal specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as the notice may specify.

(3) When on an appeal under this regulation the person or tribunal hearing the appeal determines that -

(a) the grant of an approval should not have been refused; or

(b) unreasonable conditions have been attached to the grant of an approval; or

(c) an approval should not have been suspended or withdrawn,

the National Assembly shall give effect to that determination.

Feeding stuffs

Manufacture of feeding stuffs containing processed animal protein
22. - (1) Subject to paragraph (2) below, it is prohibited for any person to manufacture any feeding stuff, including petfood, which is destined for animals other than farmed animals, and which contains processed animal protein, in premises which prepare feed for farmed animals.

(2) If any feeding stuff is produced with no processed animal protein other than fishmeal, dicalcium phosphate or hydrolysed protein, it may be manufactured in premises which prepare feed for farmed animals other than ruminants.

Production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants
23. - (1) Subject to paragraph (3) below, it is prohibited for any person to use any premises for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants unless -

(a) the premises are not used for the preparation of feeding stuffs for ruminant animals; and

(b) the premises are registered for the purpose of paragraph 6 of Annex I to the Commission Decision by the National Assembly.

(2) The National Assembly shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants in accordance with paragraph 6 of Annex I to the Commission Decision.

(3) The prohibition in paragraph (1) above shall not apply to the use of premises for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants and for the preparation of feeding stuffs for ruminant animals if -

(a) the fishmeal satisfies the requirements of regulation 14(2)(a) above;

(b) the transport to and from the premises, or the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;

(c) the storage, manufacturing and packaging facilities at the premises, and the transport to and from the premises, of compound feeding stuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and

(d) the person using the premises for the preparation of feeding stuffs for ruminant animals carries out routine tests on the feeding stuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above is not present in those feeding stuffs.

(4) No person may produce any feeding stuff containing fishmeal for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words "contains fishmeal - cannot be fed to ruminant animals".

(5) No person may use any vehicle for the transport to or from any premises of bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(6) If a vehicle used for the transport of bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants is subsequently used for the transport of any other product, the person using the vehicle for the transport of the bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants must ensure it is thoroughly cleaned before the transport of the other product and before the first subsequent transport of any bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants.

Production of feeding stuffs containing dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants
24. - (1) Subject to paragraph (4) below, no person may use any premises for the production of feeding stuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless -

(a) the premises are not used for the preparation of feeding stuffs for ruminant animals; and

(b) the premises are registered for the purpose of paragraph 3 of Annex II to the Commission Decision by the National Assembly.

(2) Subject to paragraph (4) below, no person may use any premises for the production of feeding stuffs containing hydrolysed protein for feeding to farmed animals other than ruminants unless -

(a) the premises are not used for the preparation of feeding stuffs for ruminants animals; and

(b) the premises are registered for the purpose of paragraph 2 of Annex III to the Commission Decision by the National Assembly.

(3) The National Assembly shall register premises under this regulation for the purposes of paragraph 3 of Annex II and paragraph 2 of Annex III of the Commission Decision when the occupier declares as appropriate that the premises are capable of being used for the production of -

(a) feeding stuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants in accordance with paragraph 3 of Annex II to the Commission Decision; or

(b) feeding stuffs containing hydrolysed protein for feeding to farmed animals other than ruminants in accordance with paragraph 2 of Annex III to the Commission Decision.

(4) The prohibitions in paragraphs (1) and (2) above shall not apply to premises used for the preparation of feeding stuffs for ruminant animals which are used for the production of feeding stuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for other animal species if -

(a) in respect of dicalcium phosphate, it satisfies the requirements of regulation 14(2)(c) above;

(b) in respect of hydrolysed protein, it satisfies the requirements of regulation 14(2)(d) above;

(c) the transport to and from the premises, and the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;

(d) the storage, manufacturing and packaging facilities at the premises, and the transport to and from the premises, of compound feeding stuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and

(e) the occupier of the premises carries out routine tests on the feeding stuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above are not present in those feeding stuffs.

(5) No person may produce any feeding stuff containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words "contains dicalcium phosphate from defatted bones - cannot be fed to ruminant animals".

(6) No person may produce any feeding stuff containing hydrolysed protein for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words "contains hydrolysed protein - cannot be

fed to ruminant animals".

(7) No person may use any vehicle for the transport to or from any premises of bulk feeding stuffs for feeding to farmed animals other than ruminants containing dicalcium phosphate from defatted bones or hydrolysed protein, at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(8) If a vehicle used for the transport of bulk feeding stuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other product, the person using the vehicle for the transport of the bulk feeding stuffs must ensure the vehicle is thoroughly cleaned before the transport of the other product and before the first subsequent transport of any bulk feeding stuffs containing dicalcium phosphate from defatted bones or hydrolysed protein for feeding to farmed animals other than ruminants.

Use and storage of feeding stuffs containing fishmeal, dicalcium phosphate or hydrolysed protein
25. - (1) Subject to paragraph (2) below, it is prohibited for any person to use or store any feeding stuff, other than petfood referred to by Chapter 4 of Annex I to Council Directive 92/118/EEC[18], containing any -

(a) fishmeal;

(b) dicalcium phosphate derived from defatted bones; or

(c) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(2) Paragraph (1) above shall not apply to the use or storage of any feeding stuff containing any fishmeal, dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm sufficient to prevent the feeding stuff being fed to those ruminant animals.

Administration and enforcement

Records relating to mammalian meat and bone meal and processed animal protein
26. - (1) Any person who consigns mammalian meat and bone meal or processed animal protein must keep for two years from the date of consignment (or, in the case of mammalian meat and bone meal or processed animal protein produced outside the United Kingdom, for two years from the date on which it was imported into the United Kingdom) a record indicating -

(a) the date and nature of the material consigned;

(b) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it is consigned;

(c) the destination of the consignment;

(d) the name and address of the consignee;

(e) the registration number of the vehicle in which the consignment was

received; and

(f) the name and address of the operator of that vehicle.

(2) Any person receiving a consignment of mammalian meat and bone meal or processed animal protein shall keep for two years from the date of receipt of the consignment a record indicating -

(a) the date on which it was received and the nature of the material received;

(b) its weight on receipt and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;

(c) the place from which it was consigned;

(d) the name and address of the person by whom it was consigned;

(e) the registration number of the vehicle in which the consignment was received; and

(f) the name and address of the operator of that vehicle.

(3) Any person receiving a consignment of mammalian meat and bone meal or processed animal protein shall keep for two years from the date of any use, disposal or further consignment a record indicating -

(a) in the case of any use, the nature of the material used and details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;

(b) in the case of disposal, the weight disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and

(c) in the case of further consignment, the information required by paragraph (1) above.

(4) Any person who controls a vehicle in which mammalian meat and bone meal or processed animal protein is transported must keep, for two years from the date on which each consignment of that material is first transported in the vehicle (or, in the case of an import, from the date on which that material entered the United Kingdom), a record of -

(a) the person and place from which that consignment was transported and the nature of the material consigned;

(b) the date on which it was collected from that person;

(c) the weight consigned and, unless consigned loose, the number and weight of the packages, pallets or other containers in which it was consigned;

(d) the registration number, and the name and address of the driver, of the vehicle in which it was transported and, if the vehicle includes a trailer, the

number of the trailer;

(e) the person and place to which it was or was to be delivered; and

(f) the date or intended date of delivery to that person.

(5) The driver of a vehicle in which a consignment of mammalian meat and bone meal or processed animal protein is transported must have a document recording the information required by paragraph (4) above in his or her possession at all times when he or she is in charge of that vehicle.

(6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraphs (1)(e), (2)(e) and (4)(d) above shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) When a vehicle is used for the transport of bulk feeding stuffs for feeding to farmed animals other than ruminants containing -

(a) fishmeal for feeding to farmed animals other than ruminants;

(b) dicalcium phosphate from defatted bones; or

(c) hydrolysed protein;

the person using the vehicle for the transport of such bulk feeding stuff must keep, for two years from the date of such transport, a record of each cleaning of the vehicle carried out as required by regulation 23(6) or 24(8) above.

Cleansing and disinfection
27. - (1) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertiliser that is not for use on agricultural land.

(2) Subject to paragraphs (3) and (4) below, any person who stores or transports mammalian meat and bone meal or any MBM product, or who makes any arrangement for that storage or transport, must ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for that storage or transport as soon as possible after that storage or transport ceases and in any event before they are used for any other purpose.

(3) It shall be a defence for any person charged with an offence under paragraph (2) above to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence under paragraph (2) above by virtue of any arrangement made by him or her to show that they took all reasonable steps to ensure that the premises, equipment or vehicle in question were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An inspector may serve on the occupier of any premises or on the owner or operator of any vehicle or equipment on or in which there is, or has been -

(a) any mammalian meat and bone meal; or

(b) any MBM product

a notice requiring him or her to cleanse and disinfect, at his or her own expense, all or any part of the premises or vehicle or any equipment or any other thing used in connection with the mammalian meat and bone meal or MBM product. A notice served under this regulation may specify the manner in which and the period within which the owner or occupier must carry out the work required by the notice.

(6) If any person on whom a notice is served under paragraph (5) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so may be recovered from the person in default by the authority on whose behalf the inspector served the notice.

Powers of inspectors
28. - (1) An inspector may make such enquiries and carry out such investigations as he or she considers necessary for any purpose connected with the administration or enforcement of the provisions of this Part of these Regulations.

(2) For the purposes of paragraph (1) an inspector shall, on producing, if required to do so, some duly authenticated document showing his or her authority, have the right at all reasonable times to enter any premises (excluding premises used only as a dwelling) to -

(a) ascertain whether any -

(i) TSE susceptible animal; or

(ii) any mammalian meat and bone meal or processed animal protein, or any feed or feeding stuff,

is being or has been kept on the premises;

(b) ascertain whether -

(i) any TSE exists or has existed on the premises or any other premises; or

(ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;

(c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;

(d) inspect and examine -

(i) any mammalian meat and bone meal or processed animal protein;

(ii) any feeding stuff;

(iii) any production, storage, transport or other operation carried out under this Part of these Regulations and anything used for the marking and identification of any mammalian meat and bone meal or processed animal protein, or feeding stuff; or

(iv) the carcase of TSE susceptible animal;

(e) make any tests and take any samples from any mammalian meat and bone meal, processed animal protein, feeding stuff, or TSE susceptible animal, or the carcase of a TSE susceptible animal, as he or she considers necessary;

(f) mark for identification purposes any mammalian meat and bone meal, processed animal protein, feeding stuff, or TSE susceptible animal or the carcase of a TSE susceptible animal;

(g) serve a notice to restrict or prohibit the movement of any mammalian meat and bone meal, processed animal protein, feeding stuff, TSE susceptible animal or the carcase of a TSE susceptible animal;

(h) serve a notice under regulation 29(2) or (3) below or in accordance with regulation 29(4) below carry out or cause to be carried out the requirements of any notice so served;

(i) issue a licence in connection with the movement of any mammalian meat and bone meal or processed animal protein, feeding stuff, TSE susceptible animal or the carcase of a TSE susceptible animal;

(j) seize any mammalian meat and bone meal or processed animal protein, feeding stuff, TSE susceptible animal or the carcase of a TSE susceptible animal;

(k) serve any notice in connection with the seizure;

(l) slaughter any TSE susceptible animal or serve any notice in connection with the slaughter of the animal;

(m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;

(n) examine any record, in whatever form the record may be held, and take copies of the record;

(o) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him or her such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

(p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is

reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either -

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

the justice of the peace may by warrant signed by him or her authorise an inspector to enter the premises, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises, shall -

(a) provide reasonable facilities and assistance to the inspector, and comply with the reasonable requirements of the inspector, as considered by the inspector to be necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and

(b) if required by an inspector, give any information he or she possesses as to -

(i) any mammalian meat and bone meal or processed animal protein, or any animal or carcase which is or has been on the premises;

(ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises may have come into contact; and

(iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been in his or her possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her -

(a) any other persons he or she considers necessary to give such assistance as he or she considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures; and

(7) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

(8) Any notice under this regulation shall be complied with at the expense of the person on whom the notice is served.

(9) If a notice under this regulation is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.

Disposal and recall of mammalian meat and bone meal and MBM products
29. - (1) Paragraph (2) below applies where an inspector finds -

(a) any mammalian meat and bone meal or any MBM product possessed or transported in contravention of regulation 12(3) or (4) above; or

(b) any processed animal protein sold or supplied in contravention of regulation 15(1) above.

(2) When this paragraph applies an inspector may serve a notice on the person in possession of the mammalian meat and bone meal, MBM product or processed animal protein requiring that person to dispose of it, and any other mammalian meat and bone meal, MBM product or processed animal protein with which it has come into contact, in the manner and within the period as the inspector may specify in the notice.

(3) An inspector may serve on any person who has sold or supplied -

(a) any feeding stuff the sale or supply of which is prohibited by regulation 11(1) or 12(1) above, or which the inspector reasonably suspects of being so prohibited; or

(b) any processed animal protein the sale or supply of which is prohibited by regulation 15(1) above or which the inspector reasonably suspects of being so prohibited,

a notice requiring that person to collect at his or her own expense that feeding stuff or processed animal protein from the person to whom it was supplied or sold, or from any other person to whom it may subsequently have been supplied or sold. A notice served under this paragraph may also specify the place to which and the time within which the product is to be transported.

(4) If any person on whom a notice is served under paragraph (2) or (3) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so may be recovered from the person in default by the authority on whose behalf the inspector served the notice.

Part IV

Specified Risk Material

Introductory provisions

Interpretation of expressions used in this Part
30. - (1) For the purposes of this Part of these Regulations material shall be treated as a cosmetic, pharmaceutical or medical product whether it is used or intended for use as such by itself or as an ingredient or additive in something which is so used or intended for such use.

(2) In this Part of these Regulations the expression "mechanical means" does not include the use of hand held powered knives which do not use powered pressure or suction.

(3) In this Part of these Regulations, the word "whole" in each of the phrases "intended for export whole" and "exporting it whole" means without having been longitudinally split through the middle of its vertebral column.

(4) The provisions of this Part of these Regulations shall apply to specified risk material from scheme animals, save that the provisions appearing in column 1 of the table in Schedule 5 to these Regulations shall apply only to the extent, and subject to the modifications, specified in column 2 of that table.

Extended meaning of sale etc.
31. - (1) For the purposes of this Part of these Regulations the supply in the course of a business, otherwise than on sale, of -

(a) food;

(b) feeding stuffs;

(c) cosmetic, pharmaceutical or medical products; or

(d) specified risk material,

shall be deemed to be a sale of the food, feeding stuff, product or material, and references to purchasers and purchasing shall be construed accordingly.

(2) This Part of these Regulations shall apply -

(a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment, including any social gathering, amusement, exhibition, performance, game, sport or trial of skill, to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;

(b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and

(c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in sub-paragraph (a) or (b) above, as if the food were, or had been, exposed for sale by the occupier of the premises.

Presumption that food is intended for human consumption
32. - (1) For the purposes of this Part of these Regulations any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption.

(2) The following, namely -

(a) any food commonly used for human consumption which is found on premises used for the preparation, storage or sale of that food; and

(b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,

shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption; and

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Carcases and specified risk material

Removal of specified risk material from carcases in slaughterhouses
33. - (1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that all specified risk material is removed from the rest of the carcase as soon as is reasonably practicable after the animal is slaughtered and before the carcase is presented for inspection pursuant to regulation 35 below.

(2) When a sheep or goat is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that -

(a) subject to regulation 37 below, all specified risk material is removed from the rest of the carcase at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcase is presented for inspection pursuant to regulation 35 below; or

(b) in the case of a sheep or goat in which there was at least one permanent incisor tooth erupted, the head, spleen and tonsils are removed at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcase is presented for inspection pursuant to regulation 35 below, and the rest of the carcase is consigned to a licensed slaughterhouse or licensed cutting premises.

(3) Subject to the following provisions of this regulation and to regulation 36 below, the occupier of the slaughterhouse shall ensure that the specified risk material which has been removed is stained blue immediately after removal from the carcase.

(4) Without prejudice to the storage requirements of regulation 52 below, the occupier of the slaughterhouse shall ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of a TSE which is required to be disposed of as if it were specified risk material) while in the slaughterhouse and that it is disposed of in accordance with this Part of these Regulations.

(5) An occupier of a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE

shall, if he or she disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(6) Material which is not specified risk material may be separated from intestines which have been removed from the carcase before the intestines are stained.

(7) In the case of specified risk material which is intended to be examined by or on behalf of an inspector or a veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(8) In the case of scheme animals, the occupier of the slaughterhouse must ensure that, once the specified risk material has been removed, the remainder of the carcase (excluding the hide), is immediately stained yellow.

(9) Nothing in paragraph (2) above shall require the removal of a spinal cord, being specified risk material, from the carcase of a sheep which has been slaughtered in a slaughterhouse if -

(a) the carcase is intended for export whole direct to listed premises;

(b) the occupier of the slaughterhouse concerned provides a written declaration to an OVS -

(i) indicating that he or she believes that the carcase is intended for export whole direct to listed premises; and

(ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and

(c) the carcase has been marked in accordance with regulation 16A of the Specified Risk Material Regulations 1997[19].

(10) Nothing in paragraph (1) above shall require the removal of the vertebral column from the carcase of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996[20] if the carcase is consigned to a licensed cutting premises.

Removal of specified risk material from carcases elsewhere
34. - (1) Subject to the following provisions of this regulation, when specified risk material is removed from the carcase of a ruminant animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified risk material is removed must ensure that it is removed as soon as is reasonably practicable after the death of the animal and that it is stained blue immediately.

(2) The occupier of those premises must ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of TSE which is required to be disposed of as if it were specified risk material) while on the premises and that it is disposed of in accordance with this Part of these Regulations.

(3) In the case of specified risk material which is intended to be examined by or on

behalf of an inspector, the specified risk material shall not be stained until after the completion of the examination.

(4) An occupier of premises other than a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he or she disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(5) The provisions of this regulation do not apply in the case of a post-mortem examination carried out by a veterinary surgeon at a farm, provided that he or she makes arrangements for the disposal of the whole of the carcase by burial there.

Inspection and marking of carcases in a slaughterhouse
35. - (1) The occupier of any slaughterhouse must permit an inspector, or a person acting under the responsibility of an inspector, to -

> **(a) inspect the carcase of any ruminant animal slaughtered there, so that he or she can check whether the requirements of this Part of these Regulations have been complied with; and**
>
> **(b) mark each carcase which has been so checked and found to comply with the requirements of this Part of these Regulations.**

(2) The occupier of any slaughterhouse must give to any inspector, or a person acting under the responsibility of an inspector, all reasonable assistance that he or she may require.

(3) The occupier of a slaughterhouse or cutting premises must permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any sheep or goat consigned there so that he or she can check whether the specified risk material has been removed from the carcase in accordance with this Part of these Regulations; and the occupier must give to that person all reasonable assistance that he or she may require.

Removal of vertebral column of bovine animals in cutting premises
36. - (1) When a carcase of a bovine animal containing vertebral column which is specified risk material -

> **(a) is consigned as referred to in regulation 33(10) above to licensed cutting premises; or**
>
> **(b) is imported and transported in accordance with the Community TSE Regulation or the Community Transitional Measures to licensed cutting premises,**

the occupier of those cutting premises must ensure that the vertebral column is removed from the rest of the carcase at the premises as soon as is practicable after the arrival of the carcase there.

(2) The occupier of licensed cutting premises must permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any bovine animal consigned there so that it can be checked whether the specified risk material has been removed from the carcase in accordance with these Regulations; and the

occupier shall give to that person all reasonable assistance that he or she may require.

(3) The occupier of licensed cutting premises at which vertebral column is removed in accordance with this regulation must ensure that it is -

(a) stained in accordance with regulation 33(3) above; and

(b) disposed of as specified risk material in accordance with these Regulations.

(4) If the vertebral column which is specified risk material is removed at any premises other than a slaughterhouse or cutting premises, for the purposes of veterinary or scientific examination, after that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

(5) In this regulation, "carcase" means any whole carcase, half carcase or quarter carcase.

Removal of SRM spinal cord of bovine animals, sheep and goats
37. - (1) Where a carcase of a bovine animal, sheep or goat, or bone-in carcase meat from a bovine animal, sheep or goat, is consigned to a licensed slaughterhouse or a licensed cutting premises the occupier of that slaughterhouse or cutting premises must ensure that the spinal cord which is specified risk material is removed from the rest of the carcase or meat.

(2) If the spinal cord which is specified risk material is removed in a licensed slaughterhouse or at a licensed cutting premises, the occupier must ensure that it is stained in accordance with regulation 33(3) above, and disposed of as specified risk material in accordance with this Part of these Regulations.

(3) If the spinal cord which is specified risk material is removed at any premises, other than a licensed slaughterhouse or a licensed cutting premises, for the purposes of veterinary or scientific examination, after that examination the spinal cord must be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

The young lamb stamp
38. - (1) Where a sheep or goat is slaughtered in a slaughterhouse, and at the time of slaughter there was no permanent incisor tooth erupted or it was aged not more than 12 months, the carcase of the animal must be marked with the young lamb stamp.

(2) The young lamb stamp shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high the words "MHS" and "YL", and shall be applied by an OVS, or inspector or a meat technician acting under the responsibility of an OVS, and no other person shall apply the young lamb stamp or possess the equipment for applying the stamp.

(3) No person may use any stamp so resembling the young lamb stamp, or in such a way, as to be likely to suggest that any carcase other than a carcase of a sheep or goat in which there was no permanent incisor tooth erupted, is such a carcase.

(4) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as is necessary to assist the OVS and inspectors in carrying out their functions under paragraph (2) above.

Staining of specified risk material
39. - (1) In this Part of these Regulations "stained blue" in relation to any material

means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051[21]) in such a way that the colouring is clearly visible -

(a) in the case of specified risk material other than the head of a sheep or goat, over the whole surface of the material; and

(b) in the case of the head of a sheep or goat, over the whole of the cut surface and majority of the head,

except that, if the tongue is to be removed, this must be done immediately after slaughter and the head must be stained immediately after the removal of the tongue.

(2) In this Part of these Regulations "stained yellow" in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Tartrazine (E102, Colour Index No. 19140) in such a way that the colouring is clearly visible over the whole surface of the material.

(3) The requirement in regulations 33 and 34 above to stain specified risk material shall not apply -

(a) if the specified risk material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or

(b) to specified risk material which is intended to be used at premises licensed under regulation 57 below.

(4) Where specified risk material has been stained in accordance with regulations 33 or 34 above, the occupier of any premises at which the material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, must take appropriate measures to ensure that colouring remains visible -

(a) in the case of stained specified risk material other than the head of a sheep or goat, over the whole surface of the material; and

(b) in the case of the head of a sheep or goat, over the whole of the cut surface and the majority of the head,

until the stained specified risk material is incinerated or rendered.

(5) Where specified risk material is required to be stained in accordance with regulation 33 or 34 above but has not been so stained, the occupier of any premises at which that material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, must, as soon as practicable after he or she becomes aware that the specified risk material was required to be stained in accordance with regulation 33 or 34 above, inform the National Assembly and detain the specified risk material until it has been inspected or collected on behalf of the National Assembly or the National Assembly has informed him or her that it may be disposed of in accordance with the requirements of this Part of these Regulations.

Consignment of specified risk material after removal from carcases

40. - (1) Once specified risk material has been removed from the carcase and treated in accordance with this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery must, without unreasonable delay, send it directly to -

(a) a licensed collection centre;

(b) a licensed rendering plant;

(c) a licensed incinerator;

(d) premises licensed under regulation 57 below; or

(e) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes.

Presence of an OVS
41. - (1) An OVS, or inspector or meat technician acting under the responsibility of an OVS, must be present at any slaughterhouse where any carcase of a sheep or goat that is not marked with a young lamb stamp is being loaded for delivery to licensed cutting premises, and must supervise the loading.

(2) An OVS, or inspector or meat technician acting under the responsibility of an OVS, must be present at any cutting premises where any carcase of a sheep or goat that is not marked with a young lamb stamp is being unloaded, and must supervise the unloading.

(3) Immediately after the loading referred to in paragraph (1) above the delivery vehicle must be sealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may seal that vehicle.

(4) On arrival at licensed cutting premises a sealed vehicle must be unsealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may unseal that vehicle.

(5) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as are necessary to assist the OVS and inspectors in carrying out their functions under this regulation.

Prohibitions: slaughter and carcases

Pithing
42. - (1) No person shall pith, prior to slaughter, any animal referred to in point 4 of Part A of Annex XI to the Community TSE Regulation.

(2) No person may use any meat which is derived from a bovine, ovine or caprine animal that has been pithed in the preparation of any food for sale for human consumption or any feeding stuff.

Prohibition on sale of non-compliant carcases for human consumption
43. No person may sell the carcase of any bovine animal, sheep or goat for human consumption unless it has been inspected as required by this Part of these Regulations and on such inspection found to comply with these requirements.

Prohibition on the removal of brain and eyes

44. - (1) Subject to paragraph (2) below, no person may remove the brain or eyes -

(a) from the carcase of a bovine animal which was slaughtered or has died at an age greater than six months, or

(b) from a carcase of a sheep or goat in which there was at least one permanent incisor tooth erupted through the gum or which was aged more than 12 months at the time it was slaughtered.

(2) The prohibitions in paragraph (1) above shall not apply to brain or eyes removed from carcases in premises for the purposes of veterinary or scientific examination or research, providing that the part of the premises in which the examination or research is carried out is kept free from food, feeding stuffs, any cosmetic, pharmaceutical or medical product and their starting materials or intermediate products.

Prohibition on the removal of spinal cord
45. - (1) No person may remove the spinal cord or any part of it from the vertebral column of a sheep or goat in which there was at least one permanent incisor tooth erupted or which was aged more than 12 months at the date of slaughter, except -

(a) in an licensed slaughterhouse or at licensed cutting premises by -

(i) longitudinally splitting the whole vertebral column; or

(ii) removing a longitudinal section of the whole vertebral column containing the spinal cord; or

(b) in premises for the purposes of veterinary or scientific examination.

(2) No person may remove the spinal cord or any part of it from the vertebral column of a bovine animal aged six months or more, or longitudinally split the vertebral column of such an animal, except -

(a) in a slaughterhouse; or

(b) in premises for the purposes of veterinary or scientific examination.

Transport of unmarked carcases of sheep and goats
46. - (1) No person may transport from a slaughterhouse a carcase of a sheep or goat suitable for human consumption that is not marked with a young lamb stamp, except -

(a) to cutting premises that are co-located with the slaughterhouse;

(b) a carcase which has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations 1995 and which is moved in a sealed vehicle;

(c) when all specified risk material has been removed from the carcase; or

(d) in the case of a sheep carcase, one which -

(i) contains its spinal cord (that cord being specified risk material);

(ii) is intended for export whole direct to listed premises; and

(iii) is moved in a sealed vehicle.

(2) No person may transport a carcase in accordance with paragraph (1) above unless the carcase is accompanied by a document indicating -

(a) the name, address and licence number of the slaughterhouse from which the carcase is being transported;

(b) where the carcase is being transported to cutting premises, the name, address and licence number of those premises; and

(c) in the case of a sheep carcase transported under sub-paragraph (d) of paragraph (1) above, the name and address of the listed premises to which it is intended that the carcase will be exported.

Possession of unmarked carcases of sheep and goats
47. - (1) No person may have in his or her possession elsewhere than in a licensed slaughterhouse, in a sealed vehicle or at licensed cutting premises a carcase of a sheep or goat intended for sale for human consumption containing spinal cord, unless it is stamped with a young lamb stamp.

(2) No person may transport a sheep carcase -

(a) intended for export whole direct to listed premises; and

(b) containing its spinal cord, that cord being specified risk material,

unless, he or she has in his or her possession, in addition to the document required by regulation 46(2) above, a copy of the declaration required by regulation 33(9)(b) above and the carcase has been marked with the export mark required by regulation 16A of the Specified Risk Materials Regulations 1997.

(3) Where an inspector certifies that any sheep carcase has been possessed in contravention of paragraph (1) above or transported in contravention of paragraph (2) above that carcase must be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

Prohibitions on sale and use of specified risk material

Prohibition on sale of specified risk material for human consumption
48. - (1) No person may sell or supply any specified risk material, or any food containing specified risk material, for human consumption.

(2) No person may use any specified risk material in the preparation of food for sale for human consumption.

(3) No person may sell or supply any specified risk material for use in the

preparation of any food for sale for human consumption.

(4) For the purposes of this regulation "specified risk material" includes anything derived from it.

Prohibition on feeding specified risk material to animals
49. - (1) Subject to paragraph (2) below, no person may -

(a) sell or supply any specified risk material for use in the preparation of any feeding stuff; or

(b) use any specified risk material in the preparation of any feeding stuff.

(2) Paragraph (1) above shall not apply to -

(a) the sale or supply of any specified risk material for use in; or

(b) the use of any specified risk material in,

the preparation of any feeding stuff for feeding to any animal for research purposes in a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(3) Subject to paragraph (4) below, no person may sell or supply any specified risk material, or any feeding stuff which he or she knows or has reason to suspect contains any specified risk material, for feeding to any animal.

(4) Paragraph (3) above shall not apply to the sale or supply of any feeding stuff to a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(5) Subject to paragraph (6) below, no person may feed to any animal -

(a) any specified risk material;

(b) any feeding stuff which he or she knows or has reason to suspect contains any specified risk material; or

(c) a whole carcase or any part of a sheep, goat or bovine animal from which specified risk material has not been removed in accordance with these Regulations.

(6) Paragraph (5)(a) and (b) above shall not apply to the feeding to any animal of any specified risk material or feeding stuff for research purposes in a research establishment licensed under these Regulations and in accordance with any conditions subject to which the licence is issued; or

(7) For the purposes of this regulation -

(a) "specified risk material" includes anything derived from it; and

(b) "animal" does not include a human being.

(8) It shall be a defence for any person charged with an offence under this regulation to prove that they did not know or have any reason to believe that the material or the feeding stuff in relation to which they have been charged comprised or contained, specified risk material.

Specified risk material for use in cosmetic, pharmaceutical and medical products
50. - (1) No person may sell any UK specified risk material for use in the preparation or manufacture of any cosmetic, pharmaceutical or medical product.

(2) No person may use any UK specified risk material in the preparation or manufacture of any ingredient to be sold for use in the preparation or manufacture of a cosmetic, pharmaceutical or medical product.

(3) The prohibitions in paragraphs (1) and (2) above apply to anything derived from UK specified risk material as if it were UK specified risk material.

(4) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove that they did not know or have any reason to believe that the material was, or was derived from, UK specified risk material.

Mechanically recovered meat
51. - (1) Any person who contravenes or fails to comply with point 3 of Part A of Annex XI to the Community TSE Regulation in the production of mechanically recovered meat shall be guilty of an offence.

(2) No person may use any mechanically recovered meat which is derived from any bone of a bovine, ovine or caprine animal in the preparation of any food for sale for human consumption or any feeding stuff.

Prohibitions on collection, transport, rendering, incineration etc. and storage of specified risk material

Use of premises for collection, rendering, incineration etc. of specified risk material
52. No person may use any premises for any purpose in connection with -

(a) the collection of specified risk material;

(b) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material,

unless the premises are licensed for the purpose under this Part of these Regulations by the Licensing Authority.

Storage of specified risk material
53. - (1) Subject to paragraph (2) below, no person may store specified risk material in the same room on any premises as any food, feeding stuff or any cosmetic, pharmaceutical or medical product.

(2) The requirement in paragraph (1) above shall not apply where an inspector has approved the storage of specified risk material in the same room as any food, feeding stuff or any cosmetic, pharmaceutical or medical product, on being satisfied that the arrangements for storage will ensure the adequate separation of the specified risk material from the food, feeding stuff or product.

(3) No person may store specified risk material otherwise than in an impervious

container which -

(a) contains nothing but specified risk material;

(b) is labelled as containing specified risk material;

(c) is not left uncovered when containing specified risk material; and

(d) after use for storage is thoroughly washed and disinfected before being used for any other purpose.

Transport of specified risk material
54. - (1) No person may transport specified risk material unless -

(a) the specified risk material is in a container marked with the words "specified risk material", the place of destination and the name of the person to whom it is being sent; and

(b) they provide a written statement to the person to whom it is sent of the premises from which the specified risk material was collected for delivery.

(2) No person may transport specified risk material unless -

(a) it is transported in a container which -

(i) is not being used at the same time to transport any material other than specified risk material;

(ii) is impervious; and

(b) it is kept covered at all times while in the container except when necessary for loading or unloading into the container or examination by an inspector.

(3) Any person transporting specified risk material must ensure that the container in which the specified risk material is transported is thoroughly washed and disinfected before being used for any other purpose.

Procedure for bringing in specified risk material from England, Scotland or Northern Ireland
55. - (1) No person shall bring specified risk material into Wales from England, Scotland or Northern Ireland unless -

(a) it is stained in accordance with legislation having effect in England, Scotland or Northern Ireland and corresponding to the provisions of this Part of these Regulations relating to staining;

(b) it is exempt from the requirement to stain under that legislation by virtue of provisions corresponding to regulation 39(3) above; or

(c) it is transported in a sealed vehicle in accordance with the provisions of legislation having effect in, as the case may be, England, Scotland or Northern

Ireland corresponding to the provisions of regulation 46 above.

(2) Any person bringing specific risk material into Wales from England, Scotland or Northern Ireland shall immediately transport it to one of the destinations specified in regulation 40 above.

Licensing

Licensing
56. - (1) The Licensing Authority may -

(a) licence any occupier of premises to use the premises for any use in connection with -

(i) the collection or transport of specified risk material,

(ii) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material; and

(b) licence any occupier of a slaughterhouse or cutting premises to use the slaughterhouse or cutting premises in connection with -

(i) the removal referred to in regulation 36(1) above of vertebral column or 37 above of spinal cord; or

(ii) the removal referred to in regulation 45(1)(a) above of the spinal cord, or any part of the spinal cord, from the vertebral column of a sheep or goat,

subject to such conditions as it believes necessary to ensure the occupier of the slaughterhouse or cutting premises is able to comply with the requirements of Part A of Annex XI to the Community TSE Regulation and these Regulations which apply to the use concerned.

(2) Subject to paragraph (3) on an application made by an occupier of any premises to the Licensing Authority for a licence under this regulation the Licensing Authority must grant the occupier a licence if it is satisfied that -

(a) the occupier has in place facilities, procedures and methods of operation sufficient for the occupier to be able to comply with those requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the use of the premises to which the application relates;

(b) in respect of an application for a licence to use premises in connection with rendering of specific risk material, the premises have the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable the occupier of the premises to render the specified risk material at the premises by one of the methods specified in Part II of that Schedule; and

(c) there is no significant risk that inspection on behalf of the Licensing Authority of the use of the premises will be hampered or denied.

(3) In considering applications for a licence for the purposes of this regulation the Licensing Authority may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this Part of these Regulations.

(4) In this Part of these Regulations -

(a) in relation to -

(i) premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995[22];

(ii) premises which are licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995[23];

(iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations 1995[24];

(iv) combined premises as defined in the Meat Products (Hygiene) Regulations 1994[25]; and

(v) combined premises as defined in the Minced Meat and Meat Preparations (Hygiene) Regulations 1995[26],

"the Licensing Authority" is the Agency; and

(b) in relation to any other premises, "the Licensing Authority" is the National Assembly.

(c) "licensed collection centre" means premises used for any use in connection with the collection or transport of specified risk material which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations;

(d) "licensed incinerator" and "licensed rendering plant" means an incinerator or, as the case may be, a rendering plant, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations; and

(e) "licensed slaughterhouse" and "licensed cutting premises" means a slaughterhouse or, as the case may be, cutting premises, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations.

Licensing for the use of specified risk material in production or research
57. - (1) The Secretary of State may licence the occupier of any premises to use the premises for -

(a) the use of specified risk material in relation to the production referred to in Article 2 of the Community TSE Regulation; or

(b) the use of specified risk material or other source of TSE infectivity in relation to keeping live animals used in or intended for research,

subject to any conditions he or she believes necessary to ensure the occupier of the premises is able to comply with the separation requirements of that Article which apply to the production or the keeping concerned.

(2) On an application made to the Secretary of State under this regulation for a licence the Secretary of State shall grant the licence if he or she is satisfied that -

(a) the occupier of the premises has in place facilities and procedures for tracing through the production or keeping to which the application relates all specified risk material delivered to the premises sufficient to be able to show that -

(i) all specified risk material delivered to the premises is used for the purpose for which it was delivered or is disposed of in accordance with the conditions that may be specified in the licence; or

(ii) no product produced at the premises is used as, or in connection with or in the production of, any food or feeding stuff or any cosmetic, pharmaceutical or medical product; and

(b) the use of the specified risk material in the production or keeping concerned does not give rise to risk

(i) to human health; or

(ii) with the exception of the health of the animals for whose keeping the licence is required, to animal health.

(3) The occupier of premises licensed under this regulation must -

(a) ensure that the use of the premises for the licensed purpose is in accordance with -

(i) the conditions of the licence; and

(ii) the provisions of this Part of these Regulations and Schedule 6 to these Regulations relating to that use; and

(b) ensure that any person employed by him or her, and any person invited to the premises, complies with these conditions.

(4) The occupier of any premises licensed under this regulation must permit an inspector, or a person acting under the responsibility of an inspector, to -

(a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and

(b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,

and must give to an inspector, or any person acting under the responsibility of the inspector, all reasonable assistance that he or she may require.

(5) No person may carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with any conditions specified in the licence and with the provisions of this Part of these Regulations and Schedule 6 relating to that operation.

Applications for licences
58. - (1) An application for a licence under this Part of these Regulations must be made in writing to the Licensing Authority by or on behalf of the occupier of the premises to which the application relates.

(2) The Licensing Authority must notify the applicant in writing of its decision on an application made to it in accordance with this regulation.

(3) A licence under this Part of these Regulations must specify -

(a) the name and address of the person to whom the licence is granted and the address of the licensed premises;

(b) the use of the premises for which the licence is granted; and

(c) the conditions subject to which the licence is granted.

(4) If the Licensing Authority refuse to grant a licence or grants a licence subject to any condition it must give to the applicant a statement of -

(a) the reasons for the refusal or the condition; and

(b) the applicant's right under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person or tribunal to whom an appeal may be made.

Requirements of use of licensed premises
59. - (1) An occupier licensed to use premises under this Part of these Regulations must -

(a) ensure that the use of the premises for the licensed use is in accordance with the requirements of these Regulations and the conditions of the licence;

(b) ensure that any person employed by him or her, and any person invited to the premises, complies with these requirements and conditions.

(2) An occupier licensed to use premises under this Part of these Regulations must permit an inspector, or a person acting under the responsibility of an inspector, to -

(a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and

(b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,

and must give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as he or she may require.

(3) No person may carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with the requirements of these Regulations and any conditions specified in the licence.

Suspension of licences
60. - (1) The Licensing Authority may suspend a licence under this Part of these Regulations if it considers that -

(a) the premises are being used otherwise than in accordance with

(i) the licence; or

(ii) this Part of these Regulations or Schedule 6 to these Regulations,

(b) any condition specified in the licence has not been complied with;

(c) inspection of the premises for the purposes of these Regulations is being hampered or denied;

(d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Licensing Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required.

(2) Before suspending a licence the Licensing Authority must -

(a) give notice of the intended suspension to the occupier of the premises; and

(b) have regard to any representations made to it by that person in relation to the intended suspension.

(3) If the Licensing Authority decides to suspend a licence it must issue to the occupier of the premises a notice of suspension which includes the following

information -

(a) a summary of the decision of the Licensing Authority to suspend the licence and a description of the use of the premises for which the licence is suspended;

(b) the reason for the suspension;

(c) the date on which the suspension takes effect (which may be the same date as the date on which the notice is issued);

(d) the matters which must be remedied for the suspension to be lifted; and

(e) a statement of the right of the person to whom the notice of suspension is given to appeal under this Part of these Regulations against the suspension and the period within which and the person or tribunal to whom an appeal may be made.

(4) Where a suspension of a licence of premises under this regulation has taken effect the premises must be treated as if they were not licensed for the use for which the licence is suspended.

(5) The Licensing Authority must lift a suspension of a licence where -

(a) it is satisfied that -

(i) the reason for the suspension no longer applies; and

(ii) the person who would use the premises for the use for which they are licensed will use the premises in accordance with the licence and the conditions of the licence, and this Part of these Regulations and Schedule 6 to these Regulations; or

(b) the determination of an appeal under this Part of these Regulations against the suspension is that the licence should not have been suspended.

(6) If the Licensing Authority lifts a suspension it must give notice of this to the person to whom it gave notice of the suspension.

Revocation of licences
61. - (1) The Licensing Authority may revoke a licence under this Part of these Regulations if it considers that -

(a) the premises are being used otherwise than in accordance with

(i) the licence; or

(ii) this Part of these Regulations or Schedule 6 to these Regulations,

(b) any condition specified in the licence has not been complied with;

(c) inspection of the premises for the purposes of these Regulations is being hampered or denied;

(d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Licensing Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;

(e) the person using the premises for the use for which they are licensed no longer wishes to carry on that use of the premises; or

(f) the premises are not being used for the use for which they are licensed.

(2) Before revoking a licence the Licensing Authority must -

(a) give notice of the intended revocation to the occupier of the premises (or, in the case of a revocation under paragraph (1)(f) above, to the person known to the Licensing Authority as the last person to use the premises for the use for which they are licensed and to any other person who appears to the Licensing Authority to be in current occupation of the premises); and

(b) have regard to any representations made to it by that person in relation to the intended revocation.

(3) If the Licensing Authority decides to revoke a licence it must issue to that person a notice of revocation which includes the following information -

(a) a summary of the decision of the Licensing Authority to revoke the licence and a description of the use of the premises for which the licence is revoked;

(b) the reason for the revocation;

(c) the date on which the revocation takes effect, which may not be before the period of 21 days after the date on which the notice is given;

(d) a statement of the right of the person to whom the notice of revocation is given to appeal against the revocation and the period within which and the person or tribunal to whom an appeal may be made; and

(e) a statement -

(i) that, for the protection of public or animal health pending an appeal, continued use of the premises for the use for which the licence is revoked is prohibited; or

(ii) of any conditions for the protection of public or animal health to which the continued use of the premises for a licensed use is subject pending an appeal.

(4) Subject to paragraph (7) below, where a statement under paragraph 3(e)(ii) above is included in a notice of revocation of a licence, premises may continue to be used by the occupier for a use for which a licence is revoked during the period of 21 days after the notification to the occupier of the revocation.

(5) After the expiry of this period the premises may not be used for the use for which the licence is revoked unless before the period expired an appeal was made in

accordance with regulation 62 below and the appeal has not been finally disposed of or abandoned.

(6) Where the Licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph 3(e)(i) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked.

(7) Where the Licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph 3(e)(ii) above, the occupier of the premises must not use the premises for the use for which the licence is revoked except in accordance with the conditions specified in the statement.

Appeals against suspension, refusal and revocation of licences
62. - (1) Where in respect of any premises the Licensing Authority has given notice of a decision under this Part of these Regulations -

(a) to refuse to license any premises; or

(b) to grant a licence of any premises subject to conditions;

(c) to suspend the licence of any premises; or

(d) to revoke the licence of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person or tribunal specified in the notice.

(2) An appeal under this regulation must be made by written statement given to the person or tribunal specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as may be so specified in the notice.

(3) If on an appeal under this regulation the person or tribunal hearing the appeal determines that -

(a) the grant of a licence should not have been refused; or

(b) unreasonable conditions have been attached to the grant of a licence; or

(c) a licence should not have been suspended or revoked,

the Licensing Authority shall give effect to that determination.

Collection centres and incinerators

Collection centres
63. - (1) Any person delivering specified risk material to a licensed collection centre must state in writing to the operator of the collection centre concerned the place from which that specified risk material was collected for delivery to that collection centre.

(2) No person may take delivery of specified risk material at a collection centre, or operate a collection centre for specified risk material, unless it has been licensed and has sufficient facilities for storing and handling specified risk material in a manner

which keeps it separate from other animal material.

(3) The operator of a licensed collection centre must ensure that -

(a) without prejudice to the storage requirements of regulation 52 above, all specified risk material in the collection centre is kept separate from all other animal material; and

(b) all equipment used in relation to the collection or storage of specified risk material that comes into contact with such material is thoroughly washed and disinfected before he or she uses the equipment or allows it to be used in relation to the collection or storage of any other material.

(4) No person may consign specified risk material from a licensed collection centre except to a licensed incinerator or a licensed rendering plant.

Incinerators
64. - (1) Any person delivering specified risk material to an incinerator licensed under regulation 56 must state in writing to the operator of the incinerator concerned the place from which that specified risk material was collected for delivery to that incinerator.

(2) No person may operate an incinerator incinerating specified risk material unless -

(a) the incinerator has been licensed as having suitable facilities to incinerate specified risk material in accordance with paragraphs (3) and (4) below;

(b) they dispose of the ash by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990[27] or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000[28] or the Pollution Prevention and Control (Scotland) Regulations 2000[29]; and

(c) the incinerator is equipped with a refractory lining.

(3) The occupier of a licensed incinerator must incinerate all specified risk material delivered to him or her to a standard specified in the licence and in such a way that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the licence.

(4) No person may remove specified risk material from a licensed incinerator unless it has been completely incinerated.

Rendering plants

Delivery of specified risk material to rendering plants
65. - (1) Any person delivering specified risk material to a licensed rendering plant must state in writing to the operator of the rendering plant concerned the place from which that specified risk material was collected for delivery to that rendering plant.

(2) No person may take delivery of specified risk material at a rendering plant, or operate a rendering plant for specified risk material, unless at the time of the delivery the plant is licensed under this Part of these Regulations as having the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable it to render

the specified risk material by one of the methods specified in Part II of that Schedule.

(3) The occupier of a licensed rendering plant must ensure that all containers, receptacles and vehicles which have been used for the transport of specified risk material are cleaned, washed and disinfected before they leave the premises.

Storage etc. of specified risk material at rendering plants
66. - (1) Subject to paragraph (2) below, and without prejudice to the storage requirements of regulation 52 above, the operator of a licensed rendering plant must ensure that all specified risk material in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(2) The operator of a licensed rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided -

(a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and

(b) the operator keeps a record for two years of the exact quantity of the specified risk material and the exact quantity of the other material together with which the specified risk material is kept, handled, stored and rendered.

(3) For the purposes of this Part of these Regulations, references to specified risk material shall include references to any -

(a) specified risk material kept, handled, stored or rendered together with other material; and

(b) any other material together with which the specified risk material is kept, handled, stored or rendered.

Rendering of specified risk material
67. - (1) The operator of a licensed rendering plant must ensure that specified risk material is processed without undue delay and in any event within seven days of delivery using one of the methods described in Part II of Schedule 6 to these Regulations.

(2) No person may move from the unclean section of a licensed rendering plant, as so specified by the occupier in accordance with paragraph 3 of Part I of Schedule 6 to these Regulations, into the clean section as so specified without first changing his working clothes and footwear and disinfecting the latter.

(3) The operator of an approved rendering plant must ensure (except as provided by paragraph (4) below) that any equipment used for processing specified risk material is used only for that purpose.

(4) Subject to paragraph (5) below, the National Assembly may, on application by the operator of a licensed rendering plant, consent to the use for other purposes of equipment previously used for processing specified risk material.

(5) No consent given under paragraph (4) above shall be effective until the National Assembly has indicated in writing that it is satisfied that the equipment concerned has

been cleaned in accordance with any conditions specified in that consent.

(6) No person may take equipment or utensils from the unclean section of a licensed rendering plant into the clean section of a licensed rendering plant unless the equipment or utensils are first washed and disinfected.

(7) The occupier of a licensed rendering plant must ensure that systematic measures are taken to control birds, rodents, insects and other vermin on the premises.

(8) The occupier of a licensed rendering plant must ensure that the premises and equipment on the premises are kept in a good state of repair and that measuring equipment is regularly calibrated.

Rendered material
68. - (1) After any specified risk material has been rendered at a licensed rendering plant the operator of the plant must ensure that the rendered material is placed in a container labelled "specified risk material" and disposed of -

(a) by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990 or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000; or

(b) as specified in the licence for the rendering plant; or

(c) by sending to a licensed incinerator.

(2) An operator of an approved rendering plant must ensure that no rendered material produced from any specified risk material -

(a) is consigned from the plant for disposal by burial; or

(b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 6 to these Regulations.

(3) Material rendered from animal material, other than specified risk material from scheme animals, must be disposed of by burning in a manner which has been authorised under the Environmental Protection Act 1990, the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000.

Administration and enforcement

Records
69. - (1) Any person who consigns any specified risk material for transport from any premises must make on consignment a record of each consignment showing -

(a) the date on which the specified risk material was consigned from the premises;

(b) the quantity, weight and description of the material;

(c) the destination to which it was consigned; and

(d) the name of the haulier transporting it.

(2) Any person who transfers any specified risk material from any part of any premises licensed for the removal, collection, disposal or destruction of any specified risk material to another part of the premises must make on transfer a record of each transfer showing the date on which the specified risk material was transferred and the quantity and description of the material transferred.

(3) A person who collects any specified risk material from any premises for the purpose of transporting it must make on collection a record showing -

(a) the address of the premises from which the material was collected;

(b) the date on which the material was collected;

(c) the quantity, weight and description of the material; and

(d) the destination to which it is to be taken,

and must ensure this record accompanies the specified risk material during transport.

(4) A person who receives any specified risk material collected from any premises must make on receipt a record showing -

(a) the address of the premises from which the material was collected;

(b) the date on which the material is received;

(c) the quantity, weight and description of the material; and

(d) name and address of the person who transported it.

(5) In addition to any records he or she is required to make under paragraph (1) and (4) above, an occupier of rendering premises must make a record of any specified risk material he or she renders at the premises showing -

(a) the quantity and weight rendered and the date of rendering;

(b) the temperature of the material achieved during rendering;

(c) in a batch system, the time for which the material was rendered;

(d) the particle size to which the material was reduced before rendering;

(e) if appropriate, the pressure to which the by-products is subjected during rendering;

(f) if appropriate, the feed rate of the material;

(g) if appropriate, the fat re-cycling rate;

(h) the quantity, weight and description of rendered material produced;

(i) in the case of all rendered material -

(i) the method of disposal;

(ii) the quantity, and weight disposed of;

(iii) the date of disposal;

(iv) the name of the person transporting it for disposal; and

(v) the address of the disposal premises.

(6) Any record required to be made under this regulation must be kept by or on behalf of the person who is required to make it for a period of two years from the date on which the record is made.

Cleansing and disinfection
70. - (1) If an inspector suspects that any vehicle, container or premises constitute a disease risk he or she may serve a notice on the person in charge of the vehicle or container, or on the occupier of the premises, requiring that person to cleanse and disinfect, at his or her own expense, all or any part of the vehicle, container or premises, or any equipment or any other thing used in connection with any such vehicle, container or premises.

(2) The notice may -

(a) specify the manner in which and the period within which the vehicle, container, premises or equipment must be cleansed and disinfected;

(b) specify the method of disposal of any specified risk material remaining in the vehicle, container or premises; and

(c) prohibit the movement of specified risk material into the vehicle or container or on to the premises until the required cleansing and disinfection has been satisfactorily completed.

(3) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of that default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the authority on whose behalf the inspector served the notice.

Powers of inspectors
71. - (1) An inspector may make such enquiries and carry out such investigations as he or she considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations.

(2) An inspector on producing, if required to do so, some duly authenticated document showing his or her authority, may enter at all reasonable times any premises (excluding premises used only as a dwelling) to -

(a) ascertain whether any -

(a) TSE susceptible animal; or

(b) any specified risk material,

is being or has been kept on the premises;

(b) ascertain whether -

(i) any TSE exists or has existed on the premises or any other premises; or

(ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;

(c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any TSE susceptible animal to arrange for the collection and penning of the animal;

(d) inspect and examine -

(a) specified risk material; or

(b) the carcase of any TSE susceptible animal;

(e) take such samples from, and make such tests in relation to, any -

(i) TSE susceptible animal;

(ii) carcase of a TSE susceptible animal;

(iii) specified risk material or any other material appearing to him or her to be derived from an animal;

(iv) food or feeding stuff;

(v) cosmetic, pharmaceutical or medical product,

as he or she considers necessary;

(f) mark for identification purposes any specified risk material or TSE susceptible animal, or the carcase of a TSE susceptible animal;

(g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any TSE susceptible animal, or in possession of any specified risk material, a notice -

(i) to restrict or prohibit the movement of the TSE susceptible animal, the carcase of any TSE susceptible animal or specified risk material; or

(ii) in respect of the carcase of any TSE susceptible animal or specified risk material, to require the person to dispose of the carcase or specified risk

material in the manner and period specified in the notice.

(h) issue a licence in connection with the movement of any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal;

(i) seize any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal;

(j) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;

(k) serve any notice -

(i) in connection with the seizure of any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal; or

(ii) under regulation 72(1) or (2) below;

(l) inspect -

(i) any part of the premises; or

(ii) any equipment at the premises;

(m) inspect any facility, operation or procedure at the premises including -

(i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or

(ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;

(n) issue any licence, suspension of a licence, withdrawal of a licence or revocation of a licence under this Part of these Regulations;

(o) give any direction under regulation 73 below;

(p) examine any record, in whatever form the record may be held, and take copies of the record;

(q) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to the inspector such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

(r) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or Schedule 6 to these Regulations or any evidence of any contravention or failure.

(3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either -

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

the justice of the peace may by warrant signed by him or her authorise an inspector to enter the premises, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any specified risk material or any animal or carcase, which is or has been on the premises, must -

(a) provide reasonable facilities and assistance to the inspector and comply with all reasonable requirements of the inspector as considered by the inspector to be necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and

(b) if required by an inspector, give any information he or she possesses as to -

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

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

(iii) the location, transport and movement of any specified risk material or any animal or carcase, which is or has been in his or her possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her -

(a) any other persons he or she considers necessary to give such assistance as he or she considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures; and

(7) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

Recall, seizure and destruction of feeding stuffs
72. - (1) An inspector may serve on any person in whose possession is found any feeding stuff containing specified risk material, except a feeding stuff prepared for use at premises licensed for that use under regulation 56 above, a notice requiring that person to dispose of the feeding stuff and any other feeding stuff or material with which it has come into contact. A notice served under this paragraph may specify the manner in which and the period within which the material is to be disposed of.

(2) An inspector may serve on any person who has sold or supplied any feeding stuff containing specified risk material a notice requiring that person to collect at his or her own expense that feeding stuff from the person to whom it was supplied or sold, or from any other person to whom it may subsequently have been supplied or sold. A notice served under this paragraph may also specify the place to which and the time within which the product is to be transported.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of the default, carry out or cause to be carried out the requirements of the notice.

(4) The amount of any expenses reasonably incurred by or on behalf of an inspector acting pursuant to paragraph (3) above shall be recoverable as a debt from the person in default by the authority on whose behalf the inspector served the notice.

Directions
73. - (1) If the National Assembly or the Agency is satisfied that specified risk material cannot be disposed of under the provisions of these Regulations, whether for reasons of mechanical breakdown of equipment or otherwise, it may give written directions to the owner or person in control of the specified risk material for its disposal in a safe manner.

(2) In the event of any person not complying with directions given by the National Assembly, the National Assembly may make arrangements for the disposal of the specified risk material.

(3) In the event of any person not complying with directions given by the Agency, the Agency may make arrangements for the disposal of the specified risk material.

(4) The expenses of the National Assembly or the Agency under paragraph (2) or (3) above shall be recoverable as a debt from the person who has failed to comply with the direction.

Compliance with notices
74. - (1) Any notice served under this Part of these Regulations must be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under this Part of these Regulations is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of any arrangement shall be recoverable as a debt from the person who has failed to comply with the notice.

Slaughterhouse staff training
75. The occupier of any slaughterhouse where specified risk material is removed from carcases pursuant to this Part of these Regulations must arrange or establish in consultation with an OVS a staff training programme to train staff to comply with those requirements of this Part of these Regulations which they perform at the slaughterhouse.

Occupier's duty and offences
76. - (1) An occupier of any premises used for the purposes of a business in the course of which any commercial operation with respect to food or food sources is carried out must take all practicable steps to secure compliance by his or her employees with the provisions of these Regulations which apply to those operations in relation to those premises.

(2) If any person contravenes or fails to comply with -

(a) paragraph (1) above;

(b) a direction of the National Assembly or the Agency under regulation 73 above;

(c) a notice under regulation 74 above; or

(d) any other prohibition or requirement imposed by or under this Part of these Regulations,

that person shall be guilty of an offence.

(3) A person guilty of an offence under this regulation shall be liable -

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

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

(4) No prosecution for an offence under any of the provisions referred to in paragraph (2) above shall be begun after the expiry of -

(a) three years from the commission of the offence; or

(b) one year from its discovery by the prosecutor,

whichever is the earlier.

(5) In this regulation "commercial operation" and "food source" have the same meanings as in the Food Safety Act 1990.

Inspection and seizure of suspected food
77. - (1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of this Part of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act is to be construed as a reference to this Part of these Regulations -

(a) section 9 (inspection and seizure of suspected food), subject to the modification that it applies to an inspector as it applies to an authorised officer of a food authority;

(b) section 30(8) (evidence of certificate of analysis or examination); and

(c) section 44 (protection of officers acting in good faith), subject to the modifications that it applies to a person -

(i) appointed as an inspector for the purpose of these Regulations by a local authority or the Agency; or

(ii) designated as an inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995, and

as it applies to an authorised officer of a food authority.

(2) On an inspection for the purposes of this Part of these Regulations of any food intended for human consumption an inspector may certify that the food fails to comply with a provision of this Part.

(3) Where any food is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

Part V

Control and eradication of TSEs: Chapter IV of the Community TSE Regulation

Notifications for the purposes of Chapter IV of the Community TSE Regulation
78. - (1) A person who is in possession or in charge of an animal suspected of being affected by a TSE, and any veterinary surgeon or other person who, in the course of his or her duties, examines or inspects any such animal, must, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his or her possession or under his or her charge on any premises an animal suspected of being affected by a TSE, must detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of an animal, reasonably suspects the presence of a TSE must -

(a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;

(b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and

(c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to the veterinary inspector.

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

(a) in any laboratory; or

(b) on any premises, whether or not a laboratory, licensed by the Licensing

Authority under regulation 56 above.

Measures for the purposes of Chapter IV of the Community TSE Regulation
79. - (1) An inspector may make any enquiries and carry out any investigations he or she considers necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation.

(2) For any such purpose an inspector may, on producing, if required to do so, some duly authenticated document showing his or her authority, enter at all reasonable times any premises (excluding premises used only as a dwelling) to -

(a) ascertain whether any TSE susceptible animal is being or has been kept on the premises;

(b) ascertain whether -

(i) any TSE exists or has existed on the premises or any other premises; or

(ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;

(c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any TSE susceptible animal to arrange for the collection and penning of the animal;

(d) inspect and examine the carcase of a TSE susceptible animal;

(e) make any tests and take any samples from any TSE susceptible animal, or the carcase of any TSE susceptible animal, as he or she considers necessary;

(f) mark for identification purposes any TSE susceptible animal, or the carcase of any TSE susceptible animal, or administer or otherwise attach to any TSE susceptible animal an electronic identification device;

(g) serve a notice to restrict or prohibit the movement of any TSE susceptible animal or the carcase or any TSE susceptible animal;

(h) issue a licence in connection with the movement of any TSE susceptible animal or the carcase or any TSE susceptible animal;

(i) seize any TSE susceptible animal, the carcase, or any part of the carcase, of any TSE susceptible animal or any blood, and serve any notice in connection with the seizure;

(j) give any direction under regulation 83 below;

(k) serve any notice in connection with the slaughter of any TSE susceptible animal;

(l) slaughter any TSE susceptible animal;

(m) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;

(n) examine any record, in whatever form the record may be held, and take

copies of the record;

(o) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him or her such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

(p) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector may remove or otherwise interfere with any mark applied to a TSE susceptible animal or the carcase of a TSE susceptible animal under paragraph 2(f) above and no person except a veterinary inspector may remove or otherwise interfere with any electronic identification device attached to or otherwise administered to a TSE susceptible animal under that paragraph.

(4) If a justice of the peace is satisfied, on sworn information in writing, that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose referred to in paragraph (2) above and that either -

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

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

the justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, must -

(a) provide reasonable facilities and assistance to the inspector and comply with all reasonable requirements of the inspector as considered by the inspector to be necessary for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation; and

(b) if required by an inspector, give such information as he or she possesses as to -

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

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

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

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her -

(a) such other persons as he or she considers necessary to give such assistance as he or she considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures.

(7) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

Movement prohibitions and restrictions of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation
80. - (1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary to prohibit or restrict the movement of any TSE susceptible animal, whether or not the animal is suspected of being affected by a TSE, from or to any premises.

(2) For the purpose of paragraph (1) an inspector may, by notice in writing served on the owner or person in charge of the animal, prohibit or restrict the movement of the animal from or to any premises described in the notice for the period, and subject to the conditions, he or she considers necessary for that purpose as specified in the notice.

(3) During the period in which the notice is in force a veterinary inspector may renew it subject to any requirements or conditions he or she consider necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by a veterinary inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal suspected of being affected by a TSE from premises provided that a licence is obtained from a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to any requirements or conditions he or she considers necessary.

(6) Where an animal or carcase is being moved under the authority of a licence issued under this Part of these Regulaions the person in charge of the animal or carcase being so moved must carry the licence during the authorised movement and must, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on demand, furnish his or her name and address.

Slaughter of TSE susceptible animals at slaughterhouses for the purposes of Chapter IV of the Community TSE Regulation
81. - (1) This regulation and regulation 82 below apply where the Secretary of State is satisfied it is necessary to slaughter any TSE susceptible animal for the purposes of Chapter IV of the Community TSE Regulation.

(2) Where the Secretary of State is satisfied that it is necessary for these purposes to slaughter a TSE susceptible animal at a slaughterhouse an inspector must so inform the occupier of the slaughterhouse and direct the occupier to slaughter the animal. Any direction given under this paragraph may specify the manner in which and the period within which the animal is to be slaughtered.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he or she must consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to -

(a) the slaughter of the animal; and

(b) any related operation, including -

(i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or

(ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must -

(a) slaughter any other animal at the slaughterhouse; or

(b) carry out any related operation,

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

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to -

(a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;

(b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and

(c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of any arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

Slaughter of TSE susceptible animals at other premises for the purposes of Chapter IV of the Community TSE Regulation
82. - (1) Where the Secretary of State is satisfied that it is necessary for the purposes of Chapter IV of the Community TSE Regulation to slaughter a TSE susceptible animal at premises other than a slaughterhouse a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of the animal -

(a) informing him or her of that intention; and

(b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Secretary of State must either -

(a) withdraw the notice of intended slaughter; or

(b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of the annual programme of monitoring referred to in Article 6 of the Community TSE Regulation.

Retention, seizure and disposal of carcases etc. of TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation
83. - (1) This regulation applies where the National Assembly is satisfied that for any purpose connected with the administration or enforcement of Chapter IV of the Community TSE Regulation it is necessary -

(a) to require an occupier of premises to retain on the premises a carcase of a TSE susceptible animal, any part of the carcase of a TSE susceptible animal or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal; or

(b) to seize from any premises, or dispose of, the carcase of a TSE susceptible animal, any part of the carcase of a TSE susceptible animal or any blood derived from the carcase, or part of the carcases, of a TSE susceptible animal.

(2) For any such purpose an inspector may -

(a) direct the occupier of the premises to retain on the premises a carcase of a TSE susceptible animal, any part of the carcase or any blood derived from the carcase, or part of the carcase, of a TSE susceptible animal; or

(b) seize or dispose of -

(i) any carcase of a TSE susceptible animal from the premises, or any part of the carcase of a TSE susceptible animal, whether or not it is a carcase or part of a carcase which the occupier has been required to retain under the direction of an inspector; or

(ii) any blood derived from a carcase of a TSE susceptible animal or any part of the carcase of a TSE susceptible animal, whether or not the carcase or part of the carcase from which the blood is derived has been required to be retained under the direction of an inspector or has been seized by an inspector.

(3) Directions from an inspector to an occupier under this regulation to retain a carcase, part of a carcase or blood derived from any carcase, or part of the carcase, of a TSE susceptible animal may include directions in relation to the treatment, storage and disposal of the carcase, part or blood.

(4) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of any arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

Compensation for slaughtered TSE susceptible animals for the purposes of Chapter IV of the Community TSE Regulation
84. - (1) Where a TSE susceptible animal is slaughtered under regulation 81 or 82 above the Secretary of State must pay compensation to the owner of the animal in accordance with the provisions of Part III of Schedule 1 of these Regulations.

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

Prohibition of sale, supply and use of milk from affected or suspected animals
85. - (1) Subject to paragraph (2) below, it is prohibited for any person knowingly to -

(a) sell or supply for human consumption or for feeding to a farmed animal or poultry;

(b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or

(c) feed to an animal or poultry,

any milk which he or she knows or has reason to suspect has been produced by a bovine animal suspected of being affected by bovine spongiform encephalopathy, a bovine animal in which the presence of bovine spongiform encephalopathy has been officially confirmed or any bovine animal referred to in Article 13 of, and point 1(a) of Annex VII to, the Community TSE Regulation as being at risk of being affected by bovine spongiform encephalopathy.

(2) The prohibitions in paragraph (1) above shall not apply -

(a) to the feeding to its own calf of any milk produced by a cow; or

(b) to the feeding to an animal or poultry of -

(i) any milk for research purposes in a research establishment under the authority of a licence granted by the Secretary of State under regulation 57 above and in accordance with any conditions subject to which the licence is granted; or

(ii) to the sale or supply of any milk to a research establishment under the authority of a licence granted by the Secretary of State under regulation 57 above and in accordance with any conditions subject to which the licence is granted for those purposes.

Cleansing and disinfection
86. - (1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, a TSE susceptible animal, or the carcase of a TSE susceptible animal, a notice requiring him or her to cleanse and disinfect, at his or her own expense in the manner and within that period as may be specified in the notice, -

(a) all or any part of the premises; or

(b) any equipment or any other thing used in connection with that animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so will be recoverable from the person in default by the authority on whose behalf the inspector served the notice.

Part VI

Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation

Notification of progeny of certain TSE suspect and confirmed animals
87. - (1) A person who is in possession or in charge of any -

(a) first generation progeny of -

(i) a female bovine animal infected with a TSE;

(ii) a BSE confirmed ovine or caprine animal; or

(b) any semen, embryos or ova derived from a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal,

and any veterinary surgeon or other person who, in the course of his or her duties, examines or inspects any such progeny, semen, embryos or ova, must with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his or her possession or under his or her charge on any premises any animal he or she reasonably suspects is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal must detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of an animal, or any semen, embryos or ova derived from an animal, reasonably suspects it is an animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal, must -

(a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;

(b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and

(c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

Measures to administer and enforce Article 15(2) of and Chapter B of Annex VIII to the Community TSE Regulation
88. - (1) An inspector may make such enquiries and carry out such investigations as he or she considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

(2) For the purpose of paragraph (1) above an inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, may enter at all reasonable times any premises (excluding premises used only as a dwelling) to -

(a) ascertain whether any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal, is being or has been kept on the premises;

(b) collect, pen, inspect and examine any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal, and for this purpose may require the keeper of the animal to arrange for the collection and penning of the animal;

(c) inspect and examine, and make those tests and take those samples he or she considers necessary from, any -

(i) female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;

(ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-

confirmed ovine or caprine animal;

(iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal; or

(iv) carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE-confirmed ovine or caprine animal;

(d) mark for identification purposes, or administer or otherwise attach an electronic identification device to, any -

(i) female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(ii) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;

(iii) carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal; or

(iv) carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE-confirmed ovine or caprine animal;

(e) serve a notice to restrict or prohibit the movement, or issue a licence in connection with the movement, of -

(i) any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal; or

(iv) any carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE confirmed ovine or caprine animal;

(f) seize or dispose of -

(i) any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(ii) any animal of first generation progeny of, or semen, embryos, ova or blood derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal; or

(iv) any carcase of an animal of first generation progeny, of a female

bovine animal infected with a TSE or of a BSE confirmed ovine or caprine animal;

(g) serve any notice in connection with the slaughter, or slaughter, -

(i) any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal; or

(ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(h) give a direction under regulation 92 below;

(i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;

(j) examine any record, in whatever form the record may be held, and take copies of the record;

(k) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to him or her such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or

(l) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.

(3) No person except an inspector may remove or otherwise interfere with any mark applied to any animal or carcase under paragraph (2)(d) above and no person except a veterinary inspector shall remove or otherwise interfere with any electronic identifiction device attached to or otherwise administered to any animal or carcase under that paragraph.

(4) If a justice of the peace is satisfied on sworn information in writing that there are reasonable grounds for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and that either -

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

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

the justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose, if need be by reasonable force.

(5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any animal or carcase which is or has been on the premises, must -

(a) provide all reasonable facilities and assistance to the inspector and comply with all reasonable requirements the inspector considers necessary for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation; and

(b) if required by an inspector, give such information as he or she possesses as to -

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

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

(iii) any semen, embryos or ova derived from any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal; and

(iv) the location and movement of any animal or carcase, or any semen, embryos or ova derived from a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal,

which is or has been in his or her possession or charge.

(6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her -

(a) such other persons as he or she considers necessary to give such assistance as he or she considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures; and

(7) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

Movement prohibitions and restrictions
89. - (1) This regulation applies where an inspector is satisfied that for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation it is necessary to prohibit or restrict the movement from or to any premises of -

(a) any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(b) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(c) any carcase of a female bovine animal infected with a TSE or any carcase of a BSE confirmed ovine or caprine animal;

(d) any carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE confirmed ovine or caprine animal.

(2) Where an inspector is satisfied as provided for in paragraph (1) above, the inspector may, by notice in writing served on the owner or person in charge of any animal, carcase, semen, embryos, or ova prohibit or restrict the movement of the animal or carcase, or semen, embryos or ova, from or to any premises described in the notice for that period, and subject to those conditions, as he or she considers necessary for that purpose and specifies in the notice.

(3) During the period in which the notice is in force a veterinary inspector may renew it subject to any conditions he or she considers necessary for the same or a shorter period.

(4) A notice which is renewed may be renewed from time to time in a similar manner by a veterinary inspector.

(5) Where a notice is in force under this regulation the requirements or conditions of which allow movement of any animal or carcase or semen, embryos or ova, from premises provided that a licence is obtained from a veterinary inspector, a veterinary inspector may issue a licence for this purpose subject to any requirements or conditions he or she considers necessary.

(6) Where an animal or carcase or semen, embryos or ova, is being or are being moved under the authority of a licence issued under this Part of these Regulations the person in charge of the animal or carcase or semen, embryos or ova being so moved must carry the licence during the authorised movement and must, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and must also, on such demand, furnish his or her name and address.

Slaughter at slaughterhouses
90. - (1) This regulation and regulation 91 below apply where for the purposes of the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation, the Secretary of State is satisfied it is necessary to slaughter -

(a) any female bovine animal infected with a TSE or any BSE confirmed ovine or caprine animal; or

(b) any animal of first generation progeny of -

(i) a female bovine animal infected with a TSE; or

(ii) a BSE-confirmed ovine or caprine animal.

(2) Where the Secretary of State is satisfied that for these purposes it is necessary to slaughter any animal referred to in paragraph (1) above, at a slaughterhouse an inspector must so inform the occupier of the slaughterhouse and direct the occupier to slaughter the animal in the manner and within the period the inspector directs.

(3) Before an inspector gives an occupier a direction to slaughter an animal under this regulation he or she shall consider the hygiene, specified risk material or animal welfare requirements with which the occupier must comply at the slaughterhouse in relation to -

(a) the slaughter of the animal; and

(b) any related operation, including -

(i) the handling of the animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase; or

(ii) any operation in relation to any other animal or the slaughter of any other animal at the slaughterhouse, including the handling of any other animal before and at slaughter, or the handling, storage, treatment and disposal of the carcase, any part of the carcase or any blood derived from the carcase or any part of the carcase of any other animal.

(4) Where the inspector is satisfied that for the purpose of complying with any of these requirements the occupier must -

(a) slaughter any other animal at the slaughterhouse; or

(b) carry out any related operation,

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

(5) Directions from an inspector to an occupier under this regulation may include directions in relation to -

(a) the keeping and handling before and at slaughter of any animal at the slaughterhouse, whether or not it is to be slaughtered under a direction given under this regulation;

(b) the arrangements for the slaughter at the slaughterhouse of any animal slaughtered under a direction given under this regulation; and

(c) the treatment, storage and disposal of the carcase of any animal slaughtered at the slaughterhouse or any part of the carcase or any blood derived from the carcase or any part of the carcase.

(6) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given.

(7) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

Slaughter at other premises
91. - (1) Where the Secretary of State is satisfied that it is necessary to slaughter any animal referred to in regulation 90(1) above, at premises other than a slaughterhouse, a veterinary inspector must serve a notice of intended slaughter on the owner or person in charge of the animal -

(a) informing him or her of that intention; and

(b) specifying the period within which representations from the owner or person in charge of the animal may be made to the Secretary of State.

(2) After considering any representations received during this period from the owner or person in charge of the animal, the Secretary of State must either -

(a) withdraw the notice of intended slaughter; or

(b) serve on the owner or person in charge of the animal a notice of confirmation of intention to slaughter the animal.

(3) After service of the notice to confirm the intended slaughter of the animal the Secretary of State shall cause the animal to be slaughtered as soon as possible having regard to the requirements of Article 15(2) of, and Chapter B of Annex VIII to, the Community TSE Regulation.

Retention, seizure and disposal of carcases etc.
92. - (1) This regulation applies where for any purpose connected with the administration or enforcement of Article 15(2) of, and Chapter B of Annex VIII to, Community TSE Regulation, the National Assembly is satisfied it is necessary -

(a) to require an occupier of premises to retain on the premises -

(i) any female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(ii) any animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE-confirmed ovine or caprine animal;

(iii) any carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal;

(iv) any carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE-confirmed ovine or caprine animal; or

(v) any part of a carcase, or any blood derived from any carcase or any part of a carcase, as described in paragraphs (iii) and (iv) above; or

(b) to seize from any premises any animal, semen, embryos, ova, carcase, part of a carcase or blood.

(2) Where the National Assembly is satisfied as provided for in paragraph (1) above

the inspector may -

(a) direct the occupier of the premises to retain on the premises any animal, semen, embryos, ova, carcase, part of a carcase or blood; or

(b) seize or dispose of any animal, semen, embryo, ova, carcase, part of a carcase or blood whether or not it is an animal, semen, embryo, ova, carcase, part of a carcase or blood which the occupier has been required to retain under the direction of an inspector.

(3) Directions from an inspector to an occupier under this regulation may include directions in relation to the treatment, storage and disposal of the animal, semen, embryo, ova, carcase, part of a carcase or blood.

(4) Any direction under this regulation must be complied with at the expense of the person to whom the direction is given.

(5) If a direction under this regulation is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of such an arrangement shall be recoverable as a debt from the person who has failed to comply with the direction.

Compensation for slaughtered animals
93. - (1) Where an animal is slaughtered under regulation 90 or 91 above the Secretary of State must pay compensation to the owner of the animal in accordance with the provisions of Part V of Schedule 1 to these Regulations.

(2) Subject to paragraph (3) below, the Secretary of State shall pay compensation in accordance with the provisions of Part VI of Schedule 1 to these Regulations to the owner of any animal, semen, embryo, ova, carcase, part of a carcase or blood seized or disposed of under regulation 92 above.

Offspring slaughter
94. Schedule 7 to these Regulations shall have effect for the purpose of continuing the implementation of Council Decision 98/256/EC[30] (concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC) in relation to offspring of bovine animals.

Cleansing and disinfection
95. - (1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, any -

(a) female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(b) animal of first generation progeny of, or semen, embryos or ova derived from, a female bovine animal infected with a TSE or a BSE confirmed ovine or caprine animal;

(c) any carcase of a female bovine animal infected with a TSE or carcase of a BSE confirmed ovine or caprine animal; or

(d) any carcase of an animal of first generation progeny, of a female bovine animal infected with a TSE or of a BSE confirmed ovine or caprine animal

a notice requiring him or her to cleanse and disinfect, at his or her own expense in the manner and within that period as may be specified in the notice, all or any part of the premises or any equipment or any other thing used in connection with that animal or carcase.

(2) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of the default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so will be recoverable from the person in default by the authority on whose behalf the inspector served the notice.

Part VII

Sampling and laboratory methods

Sampling and laboratory methods
96. No person may use any premises for the sampling and laboratory testing for the presence of a TSE unless the premises are used for these purposes in accordance with the methods and protocols laid down in Chapter C of Annex X to the Community TSE Regulation.

Part VIII

Community controls, offences, penalties and enforcement

Community controls: powers of inspectors
97. - (1) An inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, may enter at all reasonable times any premises (excluding premises used only as a dwelling) for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (1) above and either -

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

the justice of the peace may issue a warrant authorising an inspector to enter the premises for that purpose, if need be by reasonable force.

(3) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, any animal or carcase which is or has been on the premises, or any specified risk material which is or has been on the premises, must -

(a) provide all reasonable facilities and assistance to the inspector and comply with all reasonable requirements the inspector considers necessary for any purpose in relation to the checks and assistance referred to in Article 21 of the Community TSE Regulation; and

(b) if required by an inspector, give such information as he or she possesses as to -

(i) any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been on the premises;

(ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been on the premises may have come into contact; and

(iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, any animal or carcase, or any specified risk material, which is or has been in his or her possession or charge.

(4) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her -

(a) such other persons as he or she considers necessary to give such assistance as he or she considers necessary; and

(b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures; and

(5) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

Obstruction
98. - (1) It is prohibited for any person -

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

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

(c) to furnish to any person acting in the execution of these Regulations any information which he or she 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 or her.

Offences

99. - (1) If a person contravenes or fails to comply with any prohibition or requirement imposed by or under these Regulations, and the contravention or failure is not made an offence by any other provision of these Regulations, he or she shall be guilty of an offence.

(2) A person guilty of an offence under this regulation shall be liable -

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

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

(3) No prosecution for an offence under any of the provisions of these Regulations shall be begun after the expiry of -

(a) three years from the commission of the offence;

(b) one year from its discovery by the prosecuter,

whichever is the earlier.

(4) 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 or she, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) For the purposes of paragraph (4) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(6) In this regulation "prohibition or requirement" does not include a prohibition or requirement imposed on the National Assembly, the Secretary of State or the Agency.

Offences due to fault of another person and defence of due diligence
100. - (1) Where the commission by any person of an offence under any of the provisions of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this paragraph of this regulation whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under any of the provisions of these Regulations, it shall, subject to paragraph (3) below, be a defence for the person charged to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or herself or by a person under his or her control.

(3) If in any case the defence provided by paragraph (2) above involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless -

(a) at least seven clear days before the hearing; and

(b) where he or she has previously appeared before a court in connection with the alleged offence, within one month of that first appearance,

he or she has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his or her possession.

(4) In paragraph (3) above any reference to appearing before a court must be construed as including a reference to being brought before a court.

Enforcement
101. - (1) Part II and Part IV of these Regulations shall be enforced -

(a) in relation to premises which are -

(i) licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995;

(ii) licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995[31];

(iii) licensed under the Wild Game Meat (Hygiene and Inspection) Regulations 1995[32];

(iv) combined premises as defined in the Meat Products (Hygiene) Regulations 1994[33]; and

(v) combined premises as defined in the Minced Meat and Meat Preparations (Hygiene) Regulations 1995[34];

by the Agency, by the National Assembly or by the Secretary of State; and

(b) in relation to any other premises, by the local authority.

(2) The other Parts of these Regulations shall be enforced by the local authority.

(3) The National Assembly may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this regulation shall be discharged by the National Assembly and not by the local authority.

Part IX

Supplementary provisions

Service of notices and other documents
102. - (1) Any notice or other document to be given or served on any person under or in relation to these Regulations may be given or served either -

(a) by delivering it to that person;

(b) in the case of an incorporated body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it by post to him or her at that office; or

(c) in the case of any other person, by leaving it, or sending it by post to him or her, at their usual or last known address.

(2) Where a notice or other document is to be given or served on the owner, proprietor, operator or occupier of any premises and it is not practicable after reasonable enquiry to ascertain the name and address of the person to or on whom it should be given or served, or the premises are unoccupied, the document may be given or served by addressing it to the person concerned by the description of "owner", "proprietor", "operator" or "occupier" of the premises (naming them) and -

(a) by delivering it to some person on the premises; or

(b) if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Amendments
103. - (1) The Specific Risk Material Order 1997[35] is amended in accordance with the provisions of Part I of Schedule 8 to these Regulations.

(2) The Specific Risk Material Regulations 1997 are amended in accordance with the provisions of Part II of Schedule 8 to these Regulations.

(3) The Processed Animal Protein (Wales) Regulations 2001[36] are amended in accordance with the provisions of Part III of Schedule 8 to these Regulations.

Revocations and savings and transitional provisions
104. - (1) Subject to the savings referred to in the remaining provisions of this regulation the provisions of the Regulations and Orders specified in an entry in the first column of Part I of Schedule 9 to these Regulations are revoked to the extent specified in the corresponding entry in the first column of that Part of Schedule 9.

(2) Part II of Schedule 9 has effect for the purposes of making savings in respect of things done under the Bovine Spongiform Encephalopathy (No. 2) Order 1996[37] having effect at the coming into force of these Regulations.

(3) Part III of Schedule 9 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Order 1997 having effect at the coming into force of these Regulations.

(4) Part IV of Schedule 9 has effect for the purpose of making savings in respect of things done under the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations.

(5) Part V of Schedule 9 has effect for the purpose of making savings in respect of things done under the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of

Manufacture) Regulations 1998[38] having effect at the coming into force of these Regulations.

(6) Part VI of Schedule 9 has effect for the purpose of making savings in respect of things done under the Sheep and Goats Spongiform Encephalopathy Order 1998[39], and the Sheep and Goats Spongiform Encephalopathy Regulations 1998[40], having effect at the coming into force of these Regulations.

7 Part VII of Schedule 9 has effect for the purpose of making savings in respect of things done under the Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999[41] having effect at the coming into force of these Regulations.

8 Part VIII of Schedule 9 has effect for the purpose of making savings in respect of things done under the BSE Monitoring (Wales) Regulations 2001[42] having effect at the coming into force of these Regulations.

9 Part IX of Schedule 9 has effect for the purpose of making savings in respect of things done under the Processed Animal Protein (Wales) Regulations 2001[43] having effect at the coming into force of these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[44]

J.E. Randerson
The Minister for Culture, Sport and the Welsh Language

24th May 2002

SCHEDULE 1

Regulation 9, 84 and 93

Compensation

Part I

Compensation for TSE susceptible animals slaughtered under regulation 6 or 7

1. The compensation payable for a TSE susceptible animal slaughtered under regulations 6 or 7 above shall be an amount equal to the market value of the animal.

2. The market value of the animal shall be determined -

(a) by agreement between the Secretary of State and the owner of the animal; or

(b) by a valuer appointed by the Secretary of State.

3. A valuer appointed for the purpose of paragraph 2 shall be paid by the Secretary of State.

4. The valuer must give to the Secretary of State and the owner a certificate in writing of the value he or she has determined.

5. Where an animal was certified by a veterinary surgeon before slaughter as -

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not fit for human consumption by virtue of its condition; and

(c) having no market value as a consequence,

there shall be no compensation payable for the animal.

Part II

Compensation for carcases, parts of carcases or blood of TSE susceptible animals seized or disposed of under regulation 8

1. Subject to paragraph 5 below, the compensation for any carcase, part of any carcase or any blood seized or disposed of under regulation 8 shall be compensation to the owner of the carcase, part or blood of an amount equal to the value of the carcase, part or blood at the time it was seized or disposed of.

2. The value of any carcase, part or blood seized or disposed of under regulation 8 shall be determined -

(a) by agreement between the Secretary of State and the owner of the carcase, part or blood seized or disposed of; or

(b) by arbitration.

3. The owner of a carcase, part of a carcase or blood seized or disposed of under regulation 8 shall pay any reasonable costs or expenses incurred by the Secretary of State or the National Assembly in connection with the seizure or disposal.

4. These costs or expenses may be deducted from the amount of any compensation payable to the owner for the value of the carcase, part or blood seized or disposed of.

5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State or the National Assembly may serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the authority serving the notice ("the serving authority").

6. The owner shall pay to the serving authority the amount of the excess within the period specified in the notice.

7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the serving authority from the owner.

Part III

Compensation for TSE susceptible animals slaughtered under regulation 81 or 82

Compensation for sheep and goat

1. The compensation payable for a sheep or goat slaughtered under regulation 81 or 82 above shall be as specified in paragraphs 2 and 3 below.

2. Where an examination at a veterinary laboratory of tissues taken from the carcase of the sheep or goat confirms that it was an animal affected with a TSE, the compensation shall be -

(a) in the case of an animal at the end of its productive life, the amount of £30; and

(b) in the case of any other such animal, the amount of £90.

3. Where an examination at a veterinary laboratory of tissues taken from the carcase of the sheep or goat does not confirm that it was an animal affected with a TSE, the compensation shall be whatever is the greater of -

(a) the amount which would be payable under the preceding paragraph if the examination had confirmed it was an animal affected with a TSE; and

(b) such sum as appears to the Secretary of State, having regard to any information provided by the owner of the animal slaughtered and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for bovine animals

4. The compensation payable for a bovine animal slaughtered under regulation 81 or 82 above shall be as specified in the remaining paragraphs of, and the Annexes to, this Part of this Schedule.

5. The following definitions apply for the purposes of this Part of this Schedule as it relates to compensation payable for bovine animals -

"affected animal" means a bovine animal which is affected with a TSE;

"barrener cattle" means adult female bovine animals which have had one or more calves and which are being sold for either immediate slaughter or further fattening before slaughter;

"bovine animal" means a bull, cow, steer, heifer or calf;

"exposed animal" means a bovine animal which has been exposed to the infection of a TSE;

"indicative market price" means a price calculated in accordance with Annex 1 to this Part of this Schedule;

"market value" means -

(a) in the case of a bovine animal aged 30 months or over, either -

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected or suspected animal or an exposed animal; or

(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, as amended,

whichever is the higher; and

(b) in the case of a bovine animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an affected, suspected or exposed animal; and

"suspected animal" means a bovine animal which is suspected of being affected with bovine spongiform encephalopathy.

6. The compensation payable for an affected animal shall be an amount equal to either -

(a) the market value of the animal; or

(b) the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

7. Where a suspected animal is slaughtered and an examination at a veterinary laboratory of tissues taken from the carcase of the animal does not confirm that it was an animal affected with a TSE, the compensation shall be an amount equal to either -

(a) the market value of the animal; or

(b) 125% of the indicative market price for the month in which the market value of the animal was determined,

whichever is the less.

8. The market value of an affected or suspected bovine animal shall, for the purposes of payment of compensation under this Part of this Schedule, be determined -

(a) by agreement between the Secretary of State and the owner of the animal;

(b) by one valuer appointed jointly by the Secretary of State and the owner; or

(c) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

9. A valuer appointed or nominated under paragraph 8(b) or (c) above shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

10. The Secretary of State shall take such steps as he or she considers appropriate for the purpose of bringing to the notice of persons concerned the indicative market price in respect of each month and the total number of animals and the total sale price on which the calculation of such indicative market price was based.

11. The compensation payable for an exposed animal shall be an amount equal to either -

(a) in the case of a female animal, 90% of the replacement value of the animal calculated in accordance with paragraph (2) below, or, if higher, the market value of the animal; and

(b) in the case of a male animal, the market value of the animal,

enhanced, where the Secretary of State causes 10% or more of a herd to be slaughtered as exposed animals, by a percentage calculated in accordance with Annex 2 to this Part of this Schedule.

12. For the purposes of paragraph 11(a) above the replacement value of a bovine animal is the value, at the time of valuation, of an animal in its first lactation of the same breed and quality as that animal.

13. For the purposes of paragraph 11 above and Annex 2 to this Part of this Schedule "herd" means the bovine animals kept on a holding which -

(a) in the case of female animals, are in milk or in calf; and

(b) in the case of male animals, have been used for breeding purposes,

and are managed as a separate production unit at the time notice of the decision of the Secretary of State to slaughter the animal is given to the keeper or other person in charge of the animal.

14. In ascertaining the percentage of a herd slaughtered for the purpose of calculating any enhancement under paragraph 11 above, animals slaughtered under any voluntary slaughter scheme introduced in relation to exposed animals shall be included in the calculation as if they were animals caused to be slaughtered by the Secretary of State.

15. The replacement value or market value, as the case may be, of an exposed animal which the Secretary of State causes to be slaughtered shall, for the purposes of payment of compensation under this part of this Schedule, be determined -

(a) by agreement between the Secretary of State and the owner of the animal;

(b) by one valuer appointed jointly by the Secretary of State and the owner; or

(c) failing such agreement or appointment, by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

16. A valuer appointed or nominated under paragraph 15(b) or (c) above shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value of the animal valued under the appointment or nomination.

17. Where an animal was certified by a veterinary surgeon before slaughter as -

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not fit for human consumption by virtue of its condition; and

(c) having no market value as a consequence,

there shall be no compensation payable for the animal.

Annex 1 to Part III of Schedule 1

(Paragraph 5)

CALCULATION OF INDICATIVE MARKET PRICE

The indicative market price for each month shall be calculated using data collected in Great Britain relating to the month occurring two months before the month of slaughter and in accordance with the following formula:

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

where -

A equals the number of cattle aged less than 7 years when valued which were slaughtered as BSE suspects;

B equals the average price for Friesian and Holstein cows in milk and in calf, first calving cows in milk and down calving heifers, in each case of first and second quality;

C equals the number of cattle aged 7 years or more when valued which were slaughtered as BSE suspects; and

D equals the average purchase price paid in the case of barrener cattle of dairy breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional measures for the support of the beef market in the United Kingdom, as amended,

the final figure being rounded down to the nearest multiple of £1.

Annex 2 to Part III of Schedule 1

(Paragraph 11)

CALCULATION OF ENHANCEMENT OF COMPENSATION

CALCULATION OF ENHANCEMENT OF COMPENSATION

1. - (1) For bovine animals not in a closed herd, where the Secretary of State causes 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall, subject to sub-paragraphs (2) and (3) below, be enhanced by (10+E)%, where E equals half the percentage by which the percentage of the herd caused to be slaughtered exceeds 10%.

(2) Where the amount of compensation payable for a bovine animal exceeds £1,000, that amount shall be treated as £1,000 for the purpose of calculating under sub-paragraph (1) above the amount by which the amount of compensation payable should be enhanced.

(3) Where the calculation in sub-paragraph (1) above produces an enhancement percentage in excess of 25%, the amount of compensation payable shall be enhanced by 25%.

2. For bovine animals in a closed herd, where the Secretary of State causes 10% or more of the herd to be slaughtered as exposed animals, the amount of compensation payable shall be enhanced by a percentage that is 1½ times the enhancement percentage produced by the calculation in paragraph 1 above.

3. In this Schedule "closed herd" means a herd into which no female bovine animal has been introduced since 15th October 1990.

Part IV

Compensation for carcases, parts of carcases or blood of TSE susceptible animals seized or disposed of under regulation 83

1. Subject to paragraph 5 below, the compensation for any carcase, part of any carcase or any blood seized or disposed of under regulation 83 shall be compensation to the owner of the carcase, part or blood of an amount equal to the value of the carcase, part or blood at the time it was seized or disposed of.

2. The value of any carcase, part or blood seized or disposed of under regulation 83 shall be determined -

(a) by agreement between the Secretary of State and the owner of the carcase, part or blood retained, seized or disposed of; or

(b) by arbitration.

3. The owner of a carcase, part of a carcase or blood seized or disposed of under regulation 83 shall pay any reasonable costs or expenses incurred by the Secretary of State or the National Assembly in connection with the seizure or disposal.

4. These costs or expenses may be deducted from the amount of any compensation payable to the owner for the value of the carcase, part or blood seized or disposed of.

5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State or the National Assembly may serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the authority serving the notice ("the serving authority").

6. The owner shall pay to the serving authority the amount of the excess within the period specified in the notice.

7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the serving authority from the owner.

Part V

Compensation for any TSE suspect or confirmed animal or a first generation progeny of any TSE suspect or confirmed animal slaughtered under regulation 90 or 91.

The compensation payable for a TSE suspect or confirmed animal, or a first generation progeny of any TSE suspect or confirmed such animal, slaughtered under regulation 90 or 91 above shall be an amount equal to the market value of the animal.

2. The market value of the animal shall be determined -

(a) by agreement between the Secretary of State and the owner of the animal; or

(b) by a valuer appointed by the Secretary of State.

3. A valuer appointed for the purpose of paragraph 2 shall be paid by the Secretary of State.

4. The valuer must give to the Secretary of State and the owner a certificate in writing of the value he or she has determined.

5. Where an animal was certified by a veterinary surgeon before slaughter as -

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not fit for human consumption by virtue of its condition; and

(c) having no market value as a consequence,

there shall be no compensation payable for the animal.

Part VI

Compensation for seizure or disposal under regulation 92

1. Subject to paragraph 5 below, the compensation for any -

(a) carcase of a TSE suspect or confirmed animal or the carcase of a first generation progeny of any TSE suspect or confirmed animal;

(b) part of the carcase of, or any blood derived from the carcase or part of the carcase of, a TSE suspect or confirmed animal; or

(c) semen, embryos or ova derived from any TSE suspect or confirmed animal;

seized or disposed of under regulation 92 shall be compensation to the owner of the carcase, part, blood or semen, embryos or ova of an amount equal to the value of the carcase, part, blood or semen, embryos or ova at the time it was seized or disposed of.

2. The value of any carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 92 shall be determined -

(a) by agreement between the Secretary of State and the owner of the carcase, part, blood or semen, embryos or ova retained, seized or disposed of; or

(b) by arbitration.

3. The owner of a carcase, part, blood or semen, embryos or ova seized or disposed of under regulation 92 shall pay any reasonable costs or expenses incurred by the Secretary of State or the National Assembly in connection with the seizure or disposal.

4. These costs or expenses may be deducted from the amount of any compensation payable to the owner for the value of the carcase, part, blood or semen, embryos or ova seized or disposed of.

5. If the amount of these costs and expenses exceed the amount of compensation payable to the owner, the Secretary of State or the National Assembly may serve on the owner a notice specifying the amount of the excess and the period for payment of this amount to the authority serving the notice ("the serving authority").

6. The owner must pay to the serving authority the amount of the excess within the period specified in the notice.

7. On the expiry of this period, the amount of the excess shall be recoverable as a debt by the serving authority from the owner.

SCHEDULE 2

Regulation 14(2)(a) and 16

Conditions for the transport of fishmeal for feeding to farmed animals other than ruminants

1. Fishmeal for use in the manufacture of feed for farmed animals other than ruminants must be transported directly from the premises where the fishmeal is produced to the premises manufacturing the animal feed by means of a vehicle which

at the same time is not used for the transport of other feed materials.

2. If a vehicle used for the transport of fishmeal for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of any other product, it must be thoroughly cleaned and inspected before the transport of the other product and before the first subsequent transport of fishmeal for use in manufacture of feed for farmed animals other than ruminants.

3. Intermediate storage of fishmeal is allowed only if it is carried out in dedicated storage plants.

4. Fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants must be transported directly from the border inspection post in accordance with the conditions laid down in article 8 of Council Directive 97/78/EC[45] to the establishment manufacturing the animal feed by means of a vehicle which at the same time is not used for the transport of other feed materials.

5. If a vehicle used for the transport of fishmeal imported from a third country for use in the manufacture of feed for farmed animals other than ruminants is subsequently used for the transport of any other product, it must be thoroughly cleaned and inspected before the transport of the other product and before the first subsequent transport of fishmeal from a third country for use in the manufacture of feed for farmed animals other than ruminants.

SCHEDULE 3

Regulation 17

Conditions for the production of dicalcium phosphate for feeding to farmed animals other than ruminants

1. Dicalcium phosphate for feeding to farmed animals other than ruminants must be produced from defatted bones.

2. The dicalcium phosphate must be derived from bones derived from animals fit for human consumption following ante- and post-mortem inspection.

3. The dicalcium phosphate must be produced by a process which ensures that all bone material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at a minimum concentration of 4% and pH<1.5) over a period of at least two days followed by a treatment of the obtained phosphoric liquor with lime, resulting in a precipitate of dicalcium phosphate at pH 4 to 7, which is finally air dried with inlet temperature of 65°C - 325°C and end temperature between 30°C - 65°C or by an equivalent process approved in accordance with the procedure of Article 17 of Council Directive 89/662/EEC[46] concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

4. Dicalcium phosphate for use in manufacture of feed for farmed animals other than ruminants shall be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

SCHEDULE 4

Regulation 17

Conditions for the production of hydrolysed protein for feeding to farmed animals other than ruminants

1. Hydrolysed protein from hides and skins must -

(a) be derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and whose carcases have been found fit for human consumption following ante- and post-mortem inspection; and

(b) be produced by a production process which involves appropriate measures to minimise contamination of hides and skins, preparation of the raw material by brining, liming and intensive washing followed by exposure of the material to a pH of >11 for >3 hours at temperature >80°C and followed by heat treatment at >140°C for 30 minutes at >3.6 bar; or by an equivalent production process approved in accordance with the procedure of Article 17 of Council Directive 89/662/EEC[47] concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.

2. Hydrolysed protein from fish, feather, hides and skins must be sampled after processing and found to have a molecular weight below 10,000 Dalton.

3. Hydrolysed protein for use in manufacture of feed for farmed animals other than ruminants must be transported by means of a vehicle which at the same time is not used for the transport of other feed materials.

SCHEDULE 5

Regulation 30(4)

Application of Part IV of the Regulations to scheme animals

PROVISION OF THE REGULATIONS	*EXTENT TO WHICH PROVISION APPLIES TO SCHEME ANIMALS*
regulation 33(3)	Subject to the modification that the tongue may not be removed
regulation 33(4)	Subject to the modification that from the point at which specified risk material derived from a scheme animal is removed from the slaughterhouse, it may come into contact with any other animal material from such an animal
regulation 34	Not applicable
regulation 39(3)	Not applicable

(b)	
regulation 54(2)	Subject to the modification that the impervious container may also contain animal material from scheme animals
regulation 57	Not applicable
regulation 66(1)	Subject to the modification that specified risk material may come into contact with any animal material from a scheme animal
regulation 67(3)	Subject to the modification that equipment used for processing specified risk material may be used for processing any part of a scheme animal
regulation 68(1)	Subject to the modification that protein and tallow produced from specified risk material of scheme animals shall be disposed of by burning by means which have been licensed under the Environmental Protection Act 1990
Paragraph 1 of Part I of Schedule 5	Subject to the modification that specified risk material need not be stored, handled and processed separately from animal material from scheme animals

SCHEDULE 6

Regulations 56(2)(b), 65(2), 67(1) and 68(2)

Rendering requirements

Part 1

Requirements for premises used for rendering specified risk material

1. The premises must be adequately separated from the public highway and other premises. Notwithstanding this, they may occupy the same site as premises where animal products which are not specified risk material are rendered provided that specified risk material is stored, handled and processed separately from other animal material and by means of equipment used only for specified risk material.

2. Unauthorised persons and animals must not be permitted to have access to the premises.

3. The premises or part of the premises used to process specified risk material must have a clean and an unclean section specified by the occupier, adequately separated. The unclean section must have a covered place to receive and store the specified risk material for processing and must be constructed in such a way that it is easy to clean and disinfect. Floors must be laid in such a way as to facilitate the draining of liquids. The premises must have adequate lavatories, changing rooms and washbasins for staff.

4. The premises must have sufficient capacity of hot water and steam production to render specified risk material in accordance with the method in Part II of this Schedule chosen by the operator.

5. The equipment used to render specified risk material must include -

(a) measuring equipment to check temperature and, if necessary, pressure at critical points;

(b) recording devices to record continuously the results of measurements; and

(c) an adequate safety system to prevent insufficient heating.

6. To prevent recontamination of processed specified risk material by incoming specified risk material, there must be clear separation between the area of the premises where the incoming specified risk material is unloaded and rendered and the areas set aside for further processing of the heated specified risk material and the storage of finished specified risk material products.

7. The premises must have adequate facilities for cleaning and disinfecting the containers or receptacles in which unprocessed specified risk material is received and the vehicles in which it is transported.

8. Adequate facilities must be provided for disinfecting the wheels, immediately before their departure, of vehicles transporting specified risk material or leaving the unclean section of the premises.

Part II

Methods of Rendering

METHOD 1

NATURAL FAT BATCH

Reduction

1. If the particle size of the animal by-products to be rendered is more than 150 millimetres, the animal by-products must be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 150 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process must be stopped and repairs made before the process is resumed.

Time and temperature

2. After reduction the animal by-products must be heated to a core temperature greater than 100°C for at least 125 minutes, a core temperature greater than 110°C for at least 120 minutes and a core temperature greater than 120°C for at least 50 minutes.

3. The rendering must be carried out in a batch system.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 2

NATURAL FAT

CONTINUOUS OR BATCH

Reduction

1. If the particle size of the animal by-products to be rendered is more than 30 millimetres, the animal by-products must be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process must be stopped and repairs made before the process is resumed.

Time and temperature

2. After reduction, the animal by-products must be heated to a core temperature greater than 100°C for at least 95 minutes, a core temperature greater than 110°C for at least 55 minutes and a core temperature greater than 120°C for at least 13 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 3

ADDED FAT

CONTINUOUS OR BATCH

Reduction

1. If the particle size of the animal by-products to be rendered is more than 30 millimetres, the animal by-products must be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 30 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process must be stopped and repairs made before the process is resumed.

Time and temperature

2. After reduction the animal by-products must be placed in a vessel with added fat and heated to a core temperature greater than 100°C for at least 16 minutes, a core temperature greater than 110°C for at least 13 minutes, a core temperature greater than 120°C for at least 8 minutes and a core temperature greater than 130°C for at least 3 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 4

CONTINUOUS OR BATCH PRESSURE

Reduction

1. If the particle size of the animal by-products to be rendered is more than 50 millimetres, the animal by-products must be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 50 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process must be stopped and repairs made before the process is resumed.

Time and temperature

2. After reduction the animal by-products must be heated to a core temperature of more than 133°C for at least 20 minutes without interruption at a pressure of at least 3 bar.

3. The rendering may be carried out in batch or continuous systems.

METHOD 5

DEFATTED

CONTINUOUS OR BATCH

Reduction

1. If the particle size of the animal by-products to be rendered is more than 20 millimetres, the animal by-products must be reduced in size using equipment specified in the licence, set so that the particle size after reduction is no greater than 20 millimetres or such smaller size as the licence shall specify. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than is permitted in the licence, the process must be stopped and repairs made before the process is resumed.

Time and temperature

2. After reduction the animal by-products must be heated until they coagulate and then pressed so that fat and water are removed from the proteinaceous material. The proteinaceous material shall then be heated to a core temperature greater than 80°C for at least 120 minutes and a core temperature greater than 100°C for at least 60 minutes.

3. The rendering may be carried out in batch or continuous systems.

4. The animal by-products may be cooked such that the time-temperature requirements are achieved at the same time.

METHOD 6

ADDED FAT CONTINUOUS ATMOSPHERIC

Equipment

1. The premises must be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

Crushing

2. The raw material must be reduced in size by crushing so that the particle size does not exceed 30 mm. Final reduction equipment must be checked daily and its condition recorded. Any broken equipment must be repaired without delay to ensure that the final particle size is achieved.

Cooking

3. The material must be passed into a steam heated vessel where a consistent level of hot liquid tallow is maintained by recycling tallow as appropriate. Passage of the raw material through the vessel must be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried material is discharged with all of its residual moisture removed as water vapour. The maximum feed rate for raw material, the maximum tallow recycle rate, and the minimum discharge temperature will be set for the vessel in the licence for the premises granted under these Regulations. The material must be cooked at a temperature in excess of 100°C for at least 16 minutes, a temperature in excess of 110°C for at least 13 minutes, a temperature in excess of 120°C for at least 8 minutes and a temperature in excess of 130°C for at least 3 minutes. Material may be cooked so that two or more time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

Separation and storage of final products

4. On discharge from the vessel, any surplus tallow not required to maintain the vessel's operating level must be removed, and the material separated into its tallow and protein components. Protein and tallow must be stored separately.

Records

5. All records must be kept for one year.

METHOD 7

DEFATTED CONTINUOUS ATMOSPHERIC

Equipment

1. The premises must be equipped with apparatus to crush specified risk material to the appropriate particle size, at least one cooker to cook the specified risk material, sufficient capacity of hot water and steam production to render specified risk material in accordance with this method, and equipment to separate protein from tallow and store those products.

Crushing

2. The raw material must be reduced in size by crushing so that the particle size does not exceed 20 mm. Final reduction equipment must be checked daily and its condition recorded. Any broken equipment must be repaired without delay to ensure that the final particle size is achieved.

Pre-heating

3. The crushed material must then be passed to a pre-heater. Passage of the raw material through the pre-heater must be controlled by means of displacement and mechanical restrictions to ensure that the cooked material is discharged at a temperature of at least 80°C and in a form in which water and tallow can be removed from the protein residue.

Pressing

4. The material discharged from the pre-heater must be passed through a screw

press so adjusted that all water and tallow are removed from the protein residue.

Drying

5. The protein residue must be passed into a steam heated vessel. Passage of the protein residue through the vessel must be controlled by means of displacement and mechanical restrictions to ensure that the cooked dried protein is discharged with all of its residual moisture removed as water vapour. A maximum feed rate for protein residue and a minimum discharge temperature will be set for the vessel in the licence for the premises granted under these Regulations. The material must be maintained at a temperature in excess of 80°C for at least 120 minutes and a temperature in excess of 100°C for at least 60 minutes. Material may be cooked so that both time/temperature requirements are carried out at the same time. The times and temperatures achieved during the cooking process must be recorded on a permanent recording system.

Storage of final products

6. Protein and tallow must be stored separately.

Records

7. All records must be kept for one year.

SCHEDULE 7

Regulation 94

Offspring Slaughter

Interpretation

1. - (1) For the purposes of this Schedule -

"barrener cattle" means adult female bovine animals which have had one or more calves and which are being sold either for immediate slaughter or for further fattening before slaughter;

"beef breeding offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for suckler production;

"beef offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of meat for human consumption;

"beef special premium" is the premium payable under Article 4(b) of Council Regulation (EEC) 805/68 as amended[48];

"bovine animal" includes buffalo of the species Bubalus bubalis and Bison bison;

"cattle passport" has the same meaning as in the Cattle Identification Regulations 1998[49];

"the Council Decision" means Council Decision 98/256/EC[50] concerning emergency measures to protect against bovine spongiform encephalopathy;

"dairy offspring animal" means an offspring animal, other than a pedigree offspring animal or a productive offspring animal, intended for the production of milk for human consumption;

"indicative market price" means a price calculated in accordance with paragraph 8 of this Schedule 7.

"market value" means -

(a) in the case of an offspring animal aged 30 months or over, either -

(i) the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal; or

(ii) the purchase price which would have applied had the animal been slaughtered at the time of valuation under the OTMS,

whichever is the higher; and

(b) in the case of an offspring animal aged under 30 months, the price which might reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal were not an offspring animal;

"offspring animal" means a bovine animal born on or after 1st August 1996 in the United Kingdom, to a dam which -

(a) was affected or suspected of being affected with BSE when it gave birth to the animal; or

(b) has subsequently become affected or suspected of being affected with BSE;

"OTMS" means the Over Thirty Months Scheme for the purchase and slaughter of bovine animals aged over thirty months referred to in Commission Regulation (EC) No. 716/96[51] adopting exceptional support measures for the beef market in the United Kingdom, as amended;

"pedigree offspring animal" means an offspring animal which is a pure-bred breeding animal of the bovine species within the meaning of Council Directive 77/504/EEC[52];

"productive offspring animal" means -

(a) a female offspring animal in milk or in calf;

(b) a male offspring animal, other than a pedigree offspring animal, kept for breeding purposes;

(2) For the purpose of calculating the compensation payable for an offspring animal the age of the animal at slaughter must be conclusively determined by reference to the date of birth of the animal shown on the cattle passport for the animal.

Requirements relating to offspring animals

2. - (1) If an inspector is of the opinion that there is an offspring animal on any premises, he or she may serve a notice in Form OC 1 on the person appearing to him

or her to be the owner or person in charge of that animal.

(2) On the service of a notice in Form OC 1 -

(a) the requirements contained in that notice must have effect; and

(b) the owner or person in charge of the animal who has been served with the notice must surrender the cattle passport for the animal to an officer of the National Assembly.

(3) The occupier of any premises and his or her 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, must -

(a) provide all reasonable facilities and assistance and comply with all reasonable requirements that are necessary to assist the inspector to form his or her opinion and carry out any inspection, examination, test, sampling or marking under this regulation; and

(b) if so required by an inspector, or by an officer of the National Assembly, give such information as he or she possesses as to -

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

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

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

(4) If an animal to which a notice in Form OC 1 relates is moved from premises under a licence issued by an officer of the National Assembly which is subject to a condition, the notice in Form OC 1 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(5) A notice in Form OC 1 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the person appearing to him or her to be the owner or person in charge of the animal to which the notice in Form OC 1 relates.

Notice of intended slaughter

3. - (1) The National Assembly may, if it thinks fit, cause to be slaughtered any offspring animal.

(2) Subject to sub-paragraph (5) below, where the National Assembly proposes to cause an offspring animal to be slaughtered under this paragraph a veterinary inspector must serve a notice of intended slaughter in Form OC 2 on the person appearing to him or her to be the owner or person in charge of the animal specifying the premises at which the animal is to be slaughtered.

(3) Following the service of a notice in Form OC 2 an inspector may insert or administer an implant for the purpose of electronically tagging an offspring animal.

(4) No person except an inspector may remove or otherwise interfere with an

implant inserted or administered under sub-paragraph (3) above.

(5) Where an animal is presented at any premises for slaughter for human consumption and a veterinary inspector is of the opinion that the animal is an offspring animal, the National Assembly may cause the animal to be slaughtered without any notice in Form OC 2 being served on the owner or person in charge of the animal before it is slaughtered.

(6) Where an offspring animal is slaughtered in accordance with sub-paragraph (5) above an inspector or officer of the National Assembly shall, as soon as reasonably practicable thereafter, give notice to the owner or other person in charge of the carcase of the slaughtered animal that the animal has been slaughtered as an offspring animal.

(7) If an animal to which a notice in Form OC 2 relates is moved from premises under a licence issued by an officer of the National Assembly which is subject to a condition, the notice in Form OC 2 shall, providing the animal is moved in accordance with the condition, cease to have effect on the expiry of the period in respect of which the condition applies.

(8) A notice in Form OC 2 may at any time be withdrawn by a notice in Form OC 3 served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form OC 2 relates.

Compensation for slaughtered offspring animals

4. - (1) Subject to the provisions of this paragraph, where the National Assembly causes an offspring animal to be slaughtered under paragraph 4 above the Secretary of State shall pay compensation in accordance with the provisions of this paragraph.

(2) The compensation payable for a pedigree offspring animal or a productive offspring animal shall be an amount equal to the market value of the animal.

(3) The compensation payable for a dairy offspring animal, a beef breeding offspring animal or a beef offspring animal shall be the percentage of the indicative market price for the month in which the animal is slaughtered specified in the table in paragraph 7 of this Schedule, for an animal of the description and age of the animal slaughtered; together with the amount (if any) specified in that table in respect of any beef special premium payable for the animal which has not been claimed.

(4) The market value of a pedigree offspring animal or a productive offspring animal shall, for the purposes of payment of compensation under these Regulations, be determined -

(a) by agreement between the National Assembly and the owner of the animal; or

(b) by one valuer appointed jointly by the National Assembly and the owner.

(5) If the market value of a pedigree offspring animal or a productive offspring animal cannot be agreed under sub-paragraph (4)(a) above, or if there is no valuer appointed jointly under sub-paragraph (4)(b) above, the market value of the animal shall be determined by a valuer nominated by the President of the Royal Institution of Chartered Surveyors.

(6) A valuer appointed or nominated for the purpose of this paragraph 5 shall be paid by the Secretary of State and shall give to the Secretary of State and the owner a certificate in writing of the value he or she has determined.

(7) Where an offspring animal is slaughtered as an offspring animal and was certified before slaughter by a veterinary surgeon as -

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not fit for human consumption by virtue of its condition; and

(c) having no market value as a consequence,

there shall be no compensation payable for the animal under this paragraph.

(8) Where an offspring animal is slaughtered as an offspring animal and was certified in form OC 4 before slaughter by a veterinary surgeon as -

(a) requiring slaughter for emergency reasons relating to the welfare of the animal;

(b) not unfit for human consumption by virtue of its condition,

compensation shall be payable for the animal in accordance with the compensation payable under sub-paragraph (3) above for a beef animal of the age of the animal slaughtered (without any amount in respect of beef special premium).

(9) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 17 of the Animal Health Act 1981[53] in its application to brucellosis or tuberculosis as an affected animal, an animal exposed to the infection of brucellosis or tuberculosis or an animal which is a reactor, within the meaning of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978[54] and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal must be ascertained in accordance with the Order concerned.

(10) Where a notice in Form OC 1 has been served on an offspring animal and the animal is slaughtered under section 32 of the Animal Health Act 1981 in its application to the disease bovine spongiform encephalopathy as an animal affected or suspected of being affected with that disease, and the notice in Form OC 1 has been withdrawn by the time of such slaughter or is withdrawn at that time, the compensation payable for the animal shall be ascertained in accordance with the provisions of regulation 84 and Part III of Schedule 1 to these Regulations.

(11) The National Assembly shall take such steps as it considers appropriate for the purpose of bringing to the notice of such organisations as appear to it to be representative of owners of bovine animals -

(a) the indicative market price in respect of each month; and

(b) the number of animals and the sale price of the animals on which the calculation of such indicative market price was based.

Forms

6. The following forms shall be used for the purposes of this Schedule -

FORM OC1

Notice of requirements relating to an offspring animal

To

of

Location of animal

I, the undersigned, being an inspector of the

---

hereby give you notice in accordance with the provisions of Schedule 7 to the TSE (Wales) Regulations 2002 that, as the person appearing to be the owner or person in charge of the bovine animal specified below, you are required to observe the requirements of this form as specified overleaf.

The Bovine animal to which the completed and signed notice applies is:

Official Ear Mark Description of bovine animal including age, breed and sex:

Signed Dated

Name in BLOCK LETTERS

Office Address

FORM OC1 REQUIREMENTS

Notice of requirements as respects the animal specified overleaf.

Requirements:

1. The animal must be detained at the location specified overleaf. If the owner or person in charge of the animal intends to move the animal off the premises he or she must first obtain a licence from an officer of the National Assembly or the Secretary of State for the animal to be moved; and the movement of the animal off the premises must be in accordance with any condition subject to which the licence is issued.

2. In the event of the animal dying, otherwise than as the result of being slaughtered, a veterinary inspector must be informed immediately.

3. In the event of the animal dying or being slaughtered on the premises -

(a) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;

(b) the carcase of the animal must be disposed of as required by the veterinary inspector; and

(c) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the National Assembly or the Secretary of State and in accordance with any conditions

subject to which the licence is issued.

Breach of the requirements of this notice may constitute an offence against the TSE (Wales) Regulations 2002 and render a person liable to penalties on conviction

FORM OC2

Notice of intended slaughter of an offspring animal

To

of

Location of animal

I, the undersigned, being a veterinary inspector of the

---

hereby give you notice in accordance with the provisions of the TSE (Wales) Regulations 2002 that, as the person appearing to me to be the owner or person in charge of the bovine animal specified below, the National Assembly proposes to cause the animal to be slaughtered at the premises specified below as an offspring animal under Schedule 7 to the TSE (Wales) Regulations 2002.

Signed Dated

Name in BLOCK LETTERS

Office Address:

The bovine animal to which the completed and signed notice applies is:

Official Ear Mark Description of bovine animal including age, breed and sex:

Premises at which the animal is to be slaughtered:

FORM OC3

Withdrawal of notice relating to an offspring animal

I, the undersigned, being a veterinary inspector of the

, hereby withdraw as from this

---

day of

---

the notice relating to the bovine animal specified below, signed by

---

and served on

---

on

---

day of

The bovine animal to which the completed and signed notice applies is:

Official Ear Tag Number/Offspring Slaughter Tag Number/Age/Breed/Sex:

Signed Dated

Name in BLOCK LETTERS

Office Address

FORM OC 4

Certificate that a casualty animal is not unfit for human consumption

Name and address of owner or person in charge of the animal

Telephone number

Animal details

Eartag	*Sex*	*Breed*	*Age*	*Other identifiers*

Reason for slaughter

After carrying out ante-mortem inspection, making due enquiries, and, where appropriate, carrying out the tests detailed below *, I certify that in my opinion -

(1) this animal was not affected with any disease or condition liable to render the whole carcase of the animal unfit for human consumption or that could be transmitted through the meat to humans or animals; and

(2) there is no evidence that any substances have been administered to the animal that might lead to a residue being present in the meat which might render meat from the animal unfit for human consumption or that the animal consumed any substance that might render meat from the animal unfit for human consumption.

***Tests performed and results**

Name of veterinary surgeon

Address

Time and date

Signed

Table of compensation

7. The following table of compensation shall be used for the purposes of this Schedule -

Ascertainment of amount of compensation for dairy offspring animals, beef breeding offspring animals and beef offspring animals by reference to the indicative market price for the month of slaughter.

Age (months)	*Dairy*	*Beef*	*Beef breeding*						
			Basic scale	+	*Slaughter premium*	+	*Steers*		*Bulls*
							Not yet entered a claim for first beef special premium	*Not yet entered a claim for second beef special premium*	*Not yet entered a claim for beef special premium*
Less than 1	20% of IMP	20% of IMP	20% of IMP						
1 - less than 3	30% of IMP	30% of IMP	30% of IMP	+	£30.04				
3 - less than 6	40% of IMP	40% of IMP	40% of IMP	+	£30.04				
6 - less than 7	50% of IMP	50% of IMP	50% of IMP	+	£30.04				
7 - less than 8	50% of IMP	50% of IMP	50% of IMP			+	£90.13		£126.18
8 - less than 9	50% of IMP	50% of IMP	50% of IMP	+	£48.07	+	£90.13		£126.18
9 - less than 12	60% of	60% of	60% of	+	£48.07	+	£90.13		£126.18

	IMP	IMP	IMP						
12 - less than 15	70% of IMP	70% of IMP	70% of IMP	+	£48.07	+	£90.13		£126.18
15 - less than 18	80% of IMP	80% of IMP	80% of IMP	+	£48.07	+	£90.13		£126.18
18 - less than 20	90% of IMP	90% of IMP	90% of IMP	+	£48.07	+	£90.13		£126.18
20 - less than 21	90% of IMP	90% of IMP	90% of IMP	+	£48.07	+		£90.13	£126.18
21 - less than 24	100% of IMP	100% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18
24 - less than 27	110% of IMP	110% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18
27 - less than 30	120% of IMP	120% of IMP	100% of IMP	+	£48.07	+		£90.13	£126.18
30 or over	130% of IMP	120% of IMP	OTMS rate	+	£48.07	+		£90.13	£126.18

CALCULATION OF INDICATIVE MARKET PRICE

8. The indicative market price for each month shall be calculated using data collected in Great Britain relating to the month occurring two months before the month of slaughter and in accordance with the following formula:

$$\frac{(A \times B) + (C \times D)}{(A + C)}$$

WHERE -

A equals the number of cattle aged less than 7 years when valued which were slaughtered as BSE suspects;

B equals the average price for Friesian and Holstein cows in milk and in calf, first calving cows in milk and down calving heifers, in each case of first and second quality;

C equals the number of cattle aged 7 years or more when valued which were slaughtered as BSE suspects; and

D equals the average purchase price paid in the case of barrener cattle of dairy

breeds slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional measures for the support of the beef market in the United Kingdom, as amended,

the final figure being rounded down to the nearest multiple of £1.

SCHEDULE 8

Regulation 103

AMENDMENTS

Part I

Regulation 103(1)

Amendments to the Specified Risk Material Order 1997

1. In the list of countries in article 3(3) the following shall be inserted respectively in the appropriate alphabetical places -

" El Salvador
Panama".

2. In article 4(5) the words "Austria, Finland or" shall be deleted.

3. In article 6(2A)(a) for the words "regulation 15A of the Specified Risk Material Regulations 1997" there shall be substituted the words "regulation 36 of the TSE (Wales) Regulations 2002[55]".

4. In Schedule 2, in the list of countries in the declaration on the form of importation certificate there shall be inserted in the appropriate alphabetical places -

" El Salvador
Panama".

Part II

regulation 103(2)

1. In the list of countries in regulation 3(5) the following shall be inserted respectively in the appropriate alphabetical places -

" El Salvador
Panama".

2. In regulation 4(7) the words "Austria, Finland or" shall be deleted.

Part III

Regulation 103(3)

1. In regulation 2 (Interpretation)

(a) in paragraph (1) -

(i) the definition of "the BSE (No. 2) Order" shall be deleted,

(ii) the definition of "swill" shall be deleted;

(b) immediately after paragraph (3) there shall be inserted the following paragraph -

" (4) Any reference in these Regulations to a Schedule or regulation is, unless the context otherwise requires a reference to a Schedule to these Regulations or a regulation of these Regulations.".

2. In regulation 3(2) -

(a) sub-paragraph (c) shall be deleted;

(b) for sub-paragraphs (a) and (b) there shall be substituted the following paragraphs -

" (a) catering waste; or

(b) eggs and egg products.".

3. In the following regulations for the words "a competent authority" there shall be substituted the words "the competent authority" -

(a) regulation 10(3)(d); and

(b) regulation 10(7)(e).

4. In regulation 11 the word "to" shall be inserted at the beginning of the following sub-paragraphs -

(a) regulation 11(5)(e);

(b) regulation 11(5)(f); and

(c) regulation 11(5)(g).

SCHEDULE 9

Regulation 104

Part I

Regulation 104(1)

Revocations

The Bovine Spongiform Encephalopathy (No. 2) Order 1996 (S.I. 1996/3183)	The whole Order
The Bovine Spongiform Encephalopathy Compensation Order 1996 (S.I. 1996/3184)	The whole Order
The Specified Risk Material Order 1997 (S.I. 1997/2964)	articles 5 and 7 to 14
The Specified Risk Material Regulations 1997 (S.I. 1997/2965)	regulations 5 to 11, 13, 14, 15, 15A, 16, 17, 18, 19 and 20 to 28
The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998 (S.I. 1998/954)	The whole Regulations
The Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 (S.I. 1998/955)	The whole Regulations
The Sheep and Goats Spongiform Encephalopathy Order 1998 (S.I. 1998/1645)	The whole Order
The Sheep and Goats Spongiform Encephalopathy Regulations 1998 (S.I. 1998/1646)	The whole Regulations
The Sheep and Goats Spongiform Encephalopathy (Compensation) Order 1998 (S.I. 1998/1647)	The whole Order
The BSE Offspring Slaughter Regulations 1998 (S.I. 1998/3070)	The whole Regulations
The Bovine Spongiform Encephalopathy (Feeding Stuffs and Surveillance) Regulations 1999 (S.I. 1999/882)	The whole Regulations
The Processed Animal Protein (Wales) Regulations 2001 (S.I. 2001/2780)	regulations 4 to 9, 12 to 16 and Schedules 1, 2 and 3
The BSE Monitoring (Wales) Regulations 2001 (S.I. 2001/2360)	The whole Regulations
The Restriction on Pithing (Wales) Regulations 2001 (S.I. 2001/1303)	regulation 2(1) and (3)

Part II

Regulation 104(2)

Savings of things done under the Bovine Spongiform Encephalopathy (No. 2) Order 1996[56]

1. Any notice issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 80 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a requirement of a notice issued under regulation 80 of these Regulations.

2. Any licence issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 80 of these Regulations.

3. Any notice of intended slaughter of -

(a) an affected or suspected animal in Form C; or

(b) an exposed animal in Form F,

issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of intended slaughter of the animal issued under regulation 82(1) of these Regulations.

4. Any notice of confirmation of intention to slaughter in Form G issued under the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice of confirmation of intention to slaughter issued under regulation 82(2)(b) of these Regulations.

5. Any notice requiring any cleansing and disinfection issued under article 9 of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 86 of these Regulations.

6. Any licence issued under article 12(2)(b) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the feeding to an animal or poultry of milk for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 85(2)(b)(i) of these Regulations.

7. Any licence issued under article 13(2) or 14(5) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 having effect at the coming into force of these Regulations to permit the feeding to an animal of any feeding stuff for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 11(2) or 12(5) of these Regulations.

8. Any notice issued under article 16(1) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations, requiring the disposal of any mammalian meat and bone meal or any MBM product and any other material with which it has come into contact, shall have effect as if it were a notice issued under regulation 29(2) of these Regulations.

9. Any notice issued under article 16(2) of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and having effect at the coming into force of these Regulations,

requiring the collection and transport of any feeding stuff, shall have effect as if it were a notice issued under regulation 29(3) of these Regulations.

Part III

Regulation 104(3)

Savings of things done under the Specified Risk Material Order 1997[57]

1. Any licence issued under article 8(5) of the Specified Risk Material Order 1997 having effect at the coming into force of these Regulations to permit the feeding to any creature of any specified risk material or feeding stuff for research purposes in a research establishment shall have effect as if it were a licence issued under regulation 49(6) of these Regulations.

2. Any approval issued under article 10(1) of the Specified Risk Material Order 1997 shall have effect as if it were a licence issued under regulation 57(1) of these Regulations.

3. Any approval issued under article 12(2) of the Specified Risk Material Order 1997 shall have effect as if it were an approval issued under regulation 53(2) of these Regulations.

Part IV

Regulation 104(4)

Savings of things done under the Specified Risk Material Regulations 1997[58]

1. Any approval issued by the National Assembly under regulation 6(1) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

2. Any authorisation by the Agency under regulation 6(2) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

3. Any authorisation by the Agency under regulation 15(7) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

4. Any designation by the Agency under regulation 15A(3) and (4) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were a licence issued under regulation 56(1) of these Regulations.

5. Any appointment by the Agency of a meat technician under regulation 16(4) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 38(4) of these Regulations.

6. Any appointment by the Agency of a meat technician under regulation 18(5) of

the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of the meat technician under regulation 41(5) of these Regulations.

7. Any approval of the storage of specified risk material under regulation 28(2) of the Specified Risk Material Regulations 1997 having effect at the coming into force of these Regulations shall have effect as if it were an approval under regulation 53(2) of these Regulations.

Part V

Regulation 104(5)

Savings of things done under the Fertilisers (Mammalian Meat and Bone Meat) (Conditions of Manufacture) Regulations 1998[59]

1. Any appointment of an authorised officer under regulation 9(1) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector for the purposes of these Regulations.

2. Any appointment of a person under section 67(3)(a) of the Agriculture Act 1970[60], deemed by virtue of regulation 9(3) of the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998 to be a person appointed under regulation 9(1) of those Regulations and having effect at the coming into force of these Regulations, shall have effect as if it were an appointment of that person as an inspector for the purposes of these Regulations.

Part VI

Regulation 104(6)

Savings of things done under the Sheep and Goats Spongiform Encephalopathy Order 1998[61] and the Sheep and Goats Spongiform Encephalopathy Regulations 1998[62]

1. Any notice issued under article 4 or 5 of the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations to prohibit or restrict the movement of an animal shall have effect as if it were a notice issued under regulation 80 of these Regulations to prohibit or restrict the movement of the animal; and a requirement of such a notice shall have effect as if it were a requirement of a notice issued under regulation 80 of these Regulations.

2. Any licence issued under the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations to permit the movement of an animal shall have effect as if it were a licence issued under regulation 80 of these Regulations.

3. Any notice requiring any cleansing and disinfection issued under article 6 of the Sheep and Goats Spongiform Encephalopathy Order 1998 and having effect at the coming into force of these Regulations shall have effect as if it were a notice issued under regulation 86 of these Regulations.

4. Any notice of intended slaughter of an affected or suspected animal in Form C served under article 7 the Sheep and Goats Spongiform Encephalopathy Order 1998 having effect at the coming into force of these Regulations shall have effect as if it were

a notice of intended slaughter of the animal issued under regulation 82(1) of these Regulations.

5. Any appointment of a veterinary inspector by the appropriate Minister for the purposes of the Sheep and Goats Spongiform Encephalopathy Regulations 1998 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

Part VII

Regulation 104(7)

Savings of things done under the Bovine Spongiform Encephalopathy (Feeding stuffs and Surveillance) Regulations 1999[63]

Any appointment of an authorised officer by the appropriate Minister or a local authority for the purposes of the Bovine Spongiform Encephalopathy (Feeding stuffs and Surveillance) Regulations 1999 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that officer as an inspector respectively by the National Assembly or the local authority for the purposes of these Regulations.

Part VIII

Regulation 104(8)

Savings of things done under the BSE Monitoring (Wales) Regulations 2001[64]

1. Any appointment of an inspector by the Minister or a local authority for the purposes of the BSE Monitoring (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector respectively by the Secretary of State or the local authority as an inspector for the purposes of these Regulations.

2. Any appointment of a veterinary inspector by the Minister for the purposes of the BSE Monitoring (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

3. Any appointment of an agent by the National Assembly under regulation 3 of the BSE Monitoring (Wales) Regulations 2001 to receive notifications under that regulation having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that agent by the National Assembly under regulation 10 of these Regulations to receive notifications under that regulation.

Part IX

Regulation 104(9)

Savings of things done under the Processed Animal Protein (Wales) Regulations 2001[65]

1. Any approval by the National Assembly under regulation 5 of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the National Assembly under regulation 16 of these Regulations.

2. Any approval by the National Assembly under regulation 6 of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the National Assembly under regulation 17(1) of these Regulations.

3. Any approval by the National Assembly under regulation 7 of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an approval by the National Assembly under regulation 17(2) of these Regulations.

4. Any authorisation of premises for the purposes of paragraph 6 of Annex I to the Commission Decision by the competent authority under regulation 13(2) of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 23(1)(b) of these Regulations.

5. Any authorisation of premises for the purposes of paragraph 3 of Annex II to the Commission Decision by the competent authority under regulation 14(2) of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 24(1)(b) of these Regulations.

6. Any authorisation of premises for the purposes of paragraph 2 of Annex III to the Commission Decision by the competent authority under regulation 15(2) of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were a registration of the premises for those purposes by the Secretary of State under regulation 24(2)(b) of these Regulations.

7. Any appointment of an inspector by the Minister or a local authority for the purposes of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that inspector as an inspector respectively by the Secretary of State or the local authority for the purposes of these Regulations.

8. Any appointment of a veterinary inspector by the Minister for the purposes of the Processed Animal Protein (Wales) Regulations 2001 having effect at the coming into force of these Regulations shall have effect as if it were an appointment of that veterinary inspector as a veterinary inspector by the Secretary of State for the purposes of these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These TSE Regulations make provision in Wales, otherwise than in relation to trade, for -

(a) the administration and enforcement of the following directly applicable Community legislation ("the Community TSE Regulation and Community Transitional Measures") -

- **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 (OJ No. L147, 31.5.2001, p.1) ("the Community TSE Regulation");**

- **Commission Regulation (EC) No. 1248/2001 of 22 June 2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies (OJ No. L173, 27.6.2001, p.12);**

- **Commission Regulation (EC) No. 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation (OJ No. L177, 30.6.2001, p.61); and**

- **Commission Regulation (EC) No. 270/2002 of 14 February 2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemio-surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof (OJ No. L45, 15.2.2002, p.4); and**

(b) continuing the implementation of Council Decision 2000/766/EC (OJ No. L306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision 2001/9/EC (OJ No. L2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision 2000/766/EC, in accordance with Article 1(2) of Commission Regulation (EC) No. 1326/2001.

The Regulations come into force on 27 May 2002.

Part I of these Regulations contain introductory provisions. These include the application provisions of regulation 2 and the interpretation provisions of regulation 3. (Provision as respects Wales for the administration and enforcement of the Community TSE Regulation and the Community Transitional Measures in relation to trade is intended to be made by a separate instrument.)

Part II of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to TSE monitoring. These are provisions for TSE monitoring, movement prohibitions and restrictions of TSE susceptible animals; slaughter of TSE susceptible animals at slaughterhouses and at other premises; retention and seizure of carcases etc. of TSE

susceptible animals; provision for compensation; and provision for notifications.

Part III of these Regulations makes provision in relation to animal feeding. It continues the implementation of Council Decision 2000/766/EC (OJ No. L306, 7.12.2000, p.32) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, and Commission Decision 2001/9/EC (OJ No. L2, 5.1.2001, p.32) concerning control measures required for the implementation of Council Decision 2000/766/EC, in accordance with Article 1(2) of Commission Regulation (EC) No. 1326/2001. Article 1(2) of Commission Regulation (EC) No. 1326/2001, and section C of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No. 1326/2001) provide that this Council Decision and Commission Decision remain in force. The implementation of these Decisions was previously provided by the Processed Animal Protein (Wales) Regulations 2001, revoked in part by these Regulations. Part III also includes provisions dealing with matters arising out of and related to these Decisions, including provisions relating to feeding ruminants with mammalian protein and livestock with mammalian meat and bone meal.

Part IV of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to specified risk material. These are prohibitions on the removal, collection or disposal of specified risk material except at licensed premises; provisions for licensing of premises for the removal, collection or disposal of specified risk material; prohibitions on the sale of specified risk material for human consumption; prohibitions relating to mechanically recovered meat and pithing; provisions for the separation of live animals and products of animal origin in premises which use specified risk material in production and live animals in or intended for research; prohibitions on feeding specified risk material to animals; provisions relating to transport and storage of specified risk material; requirements to make and keep records; requirements for cleansing and disinfection; powers of inspectors; provisions relating to compliance with notices, suspension and revocation of licences; appeals against suspension and revocation of licences; and offences.

Part V of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to control and eradication of TSE. These are provisions for notifications of animals suspected of being affected by a TSE; measures with respect to animals suspected of being affected by a TSE; movement prohibitions and restrictions of animals suspected of being affected by a TSE; slaughter of animals suspected of being affected by a TSE; retention and seizure of carcases etc. of TSE susceptible animals; provisions for compensation; prohibitions in respect of the sale or supply of milk from affected or suspected animals and requirements for cleansing and disinfection.

Part VI of these Regulations makes provision in relation to placing on the market of first generation progeny of, and semen, embryos and ova derived from, certain animals. Part VI also makes provision for the continued implementation of Council Decision 98/256/EC (OJ No. L113, 15.4.98, p.32), concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC, in relation to offspring of bovine animals. An offspring for this purpose is any bovine animal born to a dam which is affected or suspected of being affected with BSE when it gave birth to the animal or which subsequently becomes affected or suspected of being affected with BSE. Council Decision 98/256/EC remains in force as a transitional measure by virtue of Article 1(1) of Commission Regulation (EC) No. 1326/2001 and section D of Annex XI to the Community TSE Regulation (added by Article 3(3) of, and Annex IV to, Commission Regulation (EC) No. 1326/2001). The implementation of Council Decision 98/256/EC in relation to offspring animals was previously provided by the Offspring Slaughter Regulations 1998, S.I. 1998/3070, revoked by these Regulations.

Part VII of these Regulations makes provision for the administration and enforcement of the Community TSE Regulation and Community Transitional Measures in relation to sampling and laboratory methods.

Part VIII of these Regulations makes further provision for offences and penalties and provides for enforcement of the Regulations.

Part IX of these Regulations contains supplementary provisions for service of notices and other documents, amendments and revocations and savings.

A Regulatory Appraisal has been prepared in respect of these Regulations and is available from the National Assembly for Wales, Agricultural and Rural Development Department, Cathays Park, Cardiff CF10 3NQ.

Notes:

[1] S.I. 1999/2788.back

[2] 1972 c.68.back

[3] S.I. 1999/646.back

[4] OJ No. L2, 5.1.2001, p.32.back

[5] OJ No. L147, 31.5.2001, p.1.back

[6] OJ No. L173, 27.6.2001, p.12.back

[7] OJ No. L177, 30.6.2001, p.61.back

[8] OJ No. L45, 15.2.2002, p.4.back

[9] OJ No. L306, 7.12.2000, p.32.back

[10] 1970 c.40.back

[11] 1990 c.16.back

[12] S.I. 1995/539, as amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074 and S.I. 2000/656 and as amended in relation to Wales by S.I. 2000/2257 (W.150), S.I. 2001/1508 (W.105), S.I. 2001/1740 (W.123), S.I. 2001/1802 (W.131) and S.I. 2001/2627 (W. 216).back

[13] 1981 c.22.back

[14] S.I. 1997/2964 as amended by S.I. 2000/2811 and S.I. 2000/3546.back

[15] S.I. 1998/954; the Regulations came into force on 30th April 1998.back

[16] OJ No. L318, 27.11.1988, p.45.back

[17] OJ No. L270, 14.12.1970, p.1, as last amended by Directive 1999/70/EC (OJ No. L80, 25.3.1999, p.20).back

[18] OJ No. L62, 15.3.1993, p.49.back

[19] S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405, S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224).back

[20] S.I. 1996/2097.back

[21] Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.back

[22] S.I. 1995/539 as amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2418, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729 and S.I. 1997/2074.back

[23] S.I. 1995/540 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.back

[24] S.I. 1995/2148 as amended by S.I. 1995/3205.back

[25] S.I. 1994/3082 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1996/1499.back

[26] S.I. 1995/3205 as amended by S.I. 1996/3124.back

[27] 1990 c.43.back

[28] S.I. 2000/1973.back

[29] SSI 2000/323.back

[30] OJ No. L113, 15.4.98, p.32. Council Decision 98/256/EC remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No 1326/2001 and section D of annex XI to the Community TSE Regulation (added by article 3(3) of, and annex IV to, Commission Regulation (EC) No 1326/2001).back

[31] S.I. 1995/540 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.back

[32] S. I. 1995/2148 as amended by S.I. 1995/3205.back

[33] S. I. 1994/3082 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1996/1499.back

[34] S. I. 1995/3205 as amended by S.I. 1996/3124.back

[35] S.I. 1997/2964.back

[36] S.I. 2001/2780 (W.233).back

[37] S.I. 1996/3183 as amended by S.I. 1997/2387, S.I. 1998/3071 and S.I. 1999/921.back

[38] S.I. 1998/955.back

[39] S.I. 1998/1645.back

[40] S.I. 1998/1646.back

[41] S.I. 1999/882.back

[42] S.I. 2001/2360, as amended by S.I. 2001/4048.back

[43] S.I. 2001/2780.back

[44] 1998 c.38.back

[45] OJ No. L24, 30.1.1998, p.9.back

[46] OJ No. L395, 30.12.1989, p.13, as last amended by Directive 1992/118/EEC (OJ No. L62, 15.3.1993, p.49).back

[47] OJ No. L395, 30.12.1989, p.13, as last amended by Directive 1992/118/EEC (OJ No. L 62, 15.3.1993, p.49).back

[48] OJ No. L148, 28.6.68, p. 24 (OJ/SE Vol. I, p. 187); the last relevant amendment was made by Council Regulation (EC) No. 2222/96, OJ No. L 296, 21.11.96, p. 50.back

[49] S.I. 1998/871 as amended by S.I. 1998/1796.back

[50] OJ No. L113, 15.4.98, p.32 as amended by Commission Decision 98/564/EC (OJ No. L273, 9.10.98, p. 37) and Commission Decision 98/692/EC (OJ No. L328, 4.12.95, p.28) Council Decision 98/256/EC remains in force as a transitional measure by virtue of article 1(1) of Commission Regulation (EC) No. 1326/2001 and section D of Annex XI to the Commission TSE Regulation (added by article 3(3) of, and Annex IV to, Commission Regulation (EC) No. 1326/2001).back

[51] OJ No. L99, 20.4.96, p. 14, as amended by Commission Regulations (EC) Nos. 774/96 (OJ No. L104, 27.4.96, p. 21), 835/96 (OJ No. L112, 7.5.96, p. 17), 1512/96 (OJ No. L189, 30.7.96, p.93), 1846/96 (OJ No. L245, 26.9.96, p. 9), 1974/96 (OJ No. L262, 16.10.96, p. 2), 2149/96 (OJ No. L288, 9.11.96, p. 14), 2423/96 (OJ No. L329, 19.12.96, p. 43) and 1365/97 (OJ No. L188, 17.7.97, p. 6).back

[52] OJ No. L206, 12.8.77, p. 8 to which there are amendments not relevant to these Regulations.back

[53] 1981 c.22; section 35(1A) was inserted by section 1(2) of the Animal Health and Welfare Act 1984 (c.40).back

[54] S.I. 1978/1483, amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073.back

[55] S.I. 2002/1416 (W.142).back

[56] S.I. 1996/3183, as amended by S.I. 1998/3071 and S.I. 1999/921.back

[57] S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234, S.I. 2000/3377 and S.I. 2001/2650.back

[58] S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672, 2000/3381 and 2001/817.back

[59] S.I. 1998/954.back

[60] 1970 c.40. Section 67 was amended in its application to Great Britain by paragraph 38(5) of Schedule 16, and Schedule 18, to the Local Government (Wales) Act 1994 (1994 c.19) and paragraph 85(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (1994 c.39).back

[61] S.I. 1998/1645.back

[62] S.I. 1998/1646.back

[63] S.I. 1999/882.back

[64] S.I. 2001/1644, as amended by S.I. 2001/3960.back

[65] S.I. 2001/2376.back

ISBN 0 11090525 3

Other UK SIs | Home | National Assembly for Wales Statutory Instruments | Scottish Statutory Instruments | Statutory Rules of Northern Ireland | Her Majesty's Stationery Office

---

We welcome your comments on this site © Crown copyright 2002 *Prepared 30 July 2002*