



## **FALKLAND ISLANDS**

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### **Livestock and Meat Products (TSE Control) Regulations 2015**

**(S.R. & O. No. 29 OF 2015)**



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### Livestock and Meat Products (TSE Control) Regulations 2015

[DATE OF COMMENCEMENT: 24 DECEMBER 2015]

#### PART 1 INTRODUCTION

##### 1 Title

These regulations are the Livestock and Meat Products (TSE Control) Regulations 2015.

##### 2 Commencement

These regulations come into force on publication in the *Gazette*.

##### 3 Interpretation and application

(1) In these regulations-

**"abattoir operator"** means a person or company responsible for the day to day operation of activities that occur in an abattoir or slaughterhouse and includes activities in any co-located or related cutting plants, chilling or freezing establishments;

**"approved laboratory"** means a laboratory approved by the competent authority for the purpose of examining official samples;

**"BSE"** means bovine spongiform encephalopathy;

**"catering establishment"** means any establishment that prepares and provides food in return for payment;

**"Commission"** means the European Commission;

**"competent authority"** means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

**"farm"** means an area of land devoted to the keeping, rearing or raising of livestock;

**"livestock"** ...

*[s. 10/Ord. 7/22/w.e.f. 03/05/22]*

**"MSM"** means mechanically separated meat;

**"placing on the market"** means, in relation to meat and meat products, the sale, distribution or other transfer of the meat or meat product for payment;

**"product of animal origin"** means any product derived from or consisting of a product derived from any animal;

**"relevant EU legislation"** means Regulation (EC) 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;

**"sampling"** means the taking of samples, ensuring a statistically correct representation, from animals or their environment, or from products of animal origin, for the purpose of establishing a disease diagnosis, familial relationships, for health surveillance, or for the monitoring of the absence of microbiological agents or of certain materials in products of animal origin;

**"specified risk material (SRM)"** means the tissues specified under regulation 10;

**"starting materials"** means raw materials or any other product of animal origin out of which, or with the help of which, the products referred to under subregulation (3)(a) are manufactured; and

**"TSE"** means transmissible spongiform encephalopathies.

(2) A farm is placed under official control when the competent authority takes control of the farm and some or all of its operations.

(3) These regulations do not apply to the following-

- (a) cosmetic or medicinal products or medical devices, or to their starting materials or intermediate products;
- (b) products which are not intended for use in human food, animal feed or fertilisers, or to their starting materials or intermediate products;
- (c) products of animal origin intended for exhibition, teaching, scientific research, special studies or analysis, provided those products are not eventually consumed or used by humans or by animals other than those kept for the research projects concerned; and
- (d) live animals used in or intended for research.

## **PART 2**

### **BSE DETERMINATION AND CONTROL**

#### **4 Notifications of BSE outbreak**

- (1) Where there is a suspect case of BSE the competent authority must implement protective measures specified in the TSE contingency plan referred to under regulation 17.
- (2) Where a BSE case is confirmed, the competent authority must implement the contingency plan and immediately notify countries to which the live animals or products of animal origin are exported.

#### **5 Determination of BSE status**

- (1) The competent authority may undertake a risk analysis and surveillance to determine its BSE status.
- (2) Where the competent authority undertakes the analysis and surveillance referred to under subregulation (1), it must follow the criteria and monitoring specified in the relevant EU legislation.

## **PART 3**

### **PREVENTION OF TSE**

#### **6 Contamination**

- (1) Subject to subregulation (2), an abattoir operator must make sure that live animals and products of animal origin are kept separately to avoid any cross-contamination.
- (2) Where the abattoir operator is unable to keep live animals and products of animal origin separate, the abattoir operator must comply with the requirements of these regulations with regards to conditions of health protection in respect of TSEs.

#### **7 Monitoring**

- (1) The competent authority may put in place an annual monitoring programme for TSEs based on the annual monitoring referred to in the relevant EU legislation and the programme may include a screening procedure using rapid tests.
- (2) The annual monitoring programme referred to in subregulation (1) must cover as a minimum the following-
  - (a) all bovine animals above 24 months of age sent for emergency slaughter or during the normal ante-mortem inspections;
  - (b) all bovine animals above 30 months of age slaughtered normally for human consumption at the abattoir; and
  - (c) all bovine animals above 24 months of age not slaughtered for human consumption, which have died or been killed; on the farm, during transport or in an abattoir.

## **8 Breeding programmes**

The competent authority may introduce breeding programmes to assess or check for resistance to TSEs in the ovine population.

## **9 Prohibitions concerning animal feeding**

(1) Subject to the provisions of this regulation, a person must not feed the following products to ruminants-

- (a) protein derived from animals;
- (b) dicalcium phosphate of animal origin;
- (c) tricalcium phosphate of animal origin; or
- (d) any compound feed containing the items specified under paragraphs (a) to (c).

(2) The following products must not be fed to any non-ruminant livestock the meat of which is to be placed on the market for human consumption-

- (a) ruminant specified risk material;
- (b) ruminant meat and bone meal;
- (c) ruminant blood products;
- (d) ruminant collagen and gelatine;
- (e) compound feed containing the items specified under paragraphs (a) to (d); or
- (f) protein derived from the same species of animal.

(3) The competent authority may amend subregulation (1) or (2) to add other materials which are prohibited from being fed to ruminants and non-ruminants where there is clinical or scientific evidence that supports the addition.

(4) The competent authority may allow an unweaned ruminant to be fed from a feed which contains fish proteins.

(5) The competent authority may inspect and test any imported animal feed.

(6) It is an offence to import any animal feed for ruminant or non-ruminant livestock which contains any of the items specified in subregulations (1) and (2).

(7) It is an offence to make any compound feed in the Falkland Islands for ruminants or non-ruminants without the authorisation of the competent authority.

## **PART 4**

### **SPECIFIED RISK MATERIAL**

#### **10 Specified risk material**

(1) Any tissues derived from the following bovine animals are designated as specified risk material-

- (a) the skull excluding the mandible and including the brain and eyes, and the spinal cord of animals aged over 12 months;
- (b) the vertebral column excluding-
  - (i) the vertebrae of the tail,
  - (ii) the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, and
  - (iii) the median sacral crest and wings of the sacrum, but including the dorsal root ganglia, of animals aged over 30 months; and
- (c) the tonsils, the last four metres of the small intestine, the caecum and the mesentery of animals of all ages.

*[S.R. & O.10/2019/w.e.f. 10/4/2019]*

(2) Any tissue derived from the skull including the brain and eyes, and the spinal cord of ovine and caprine animals aged over 12 months or which have a permanent incisor erupted through the gum, are designated as specified risk material.

*[S.R. & O.10/2019/w.e.f. 10/4/2019]*

#### **11 Marking, storage and disposal - abattoirs**

(1) Specified risk material removed at abattoirs or cutting plants must be collected into clearly marked, dedicated containers and disposed of as soon as is practicably possible.

(2) Specified risk material must not be stored except in a dedicated, separate area where there is no risk of cross contamination of products of animal origin or of access by animals.

(3) Specified risk material must be disposed through incineration, burning or approved sea disposal.

#### **12 Removal of specified risk material**

(1) An abattoir operator must remove all specified risk material from carcasses that are to be placed on the market for human consumption.

(2) The competent authority must ensure that the carcasses of animals slaughtered in the abattoir are examined for the presence of specified risk material.

(3) Any carcass found to be or suspected of containing specified risk material must be kept separate from other animals and the specified risk material must be removed immediately.

(4) The competent authority and the abattoir operator must ensure that the staff at the abattoir are trained in the recognition and removal of specified risk material.

(5) Any meat or products of animal origin that are placed on the market for human consumption or used in any catering establishment must not contain any specified risk material.

(6) It is an offence for a person to contravene this regulation.

### **13 Products of animal origin from ruminants**

It is an offence to use bones of bovine, ovine and caprine animals from any country or region with a controlled or undetermined BSE risk in the production of mechanically separated meat.

## **PART 5 CONTROL AND ERADICATION OF TSEs**

### **14 Notifications**

(1) The competent authority must immediately notify the Commission and any country to which it exports products of animal origin of any cases of confirmed TSEs.

(2) Where there are any suspected cases of TSEs the competent authority must take all the measures set out under this Part.

(3) An animal is suspected of having a TSE if the animal (whether live, slaughtered or dead) shows or showed any neurological or behavioural disorders or a progressive deterioration of the general condition linked to impairment of the central nervous system and for which the information gathered on the basis of a clinical examination, response to treatment, a post-mortem examination or an ante or post-mortem laboratory analysis do not allow an alternative diagnosis to be established.

### **15 Measures to be taken- suspected cases of TSE**

(1) Any animal suspected of being infected by a TSE must be either placed under an official movement restriction until the results of a clinical and epidemiological examination carried out by an approved laboratory are known, or the animal is killed for laboratory examination under official control.

(2) Where TSE is suspected in a bovine animal at any farm or at the abattoir, all other bovine animals at that farm or at the abattoir must be placed under an official movement restriction until the results of the examination are available.

(3) Subject to subregulation (4), the competent authority must place all animals (ovine and caprine) at a farm under an official movement restriction where the TSE is officially suspected in any of the animals at that farm.

(4) The competent authority may place only the animal suspected of being infected by TSE where there is evidence that the farm where the animal was present when the TSE was suspected is unlikely to be the farm where the animal could have been exposed to the TSE.

(5) The competent authority may, if it considers it necessary, decide that other farms or only the farm of exposure be placed under official control depending on the epidemiological information available.

(6) Where the competent authority decides that the possibility of infection with a TSE cannot be ruled out, the animal suspected of being infected with a TSE must be killed and its brain and all other tissues as the competent authority may determine, must be removed and sent to an approved laboratory for examination in accordance with the testing methods laid down in regulation 21.

(7) All parts of the body of the suspect animal must be either retained under official control until a negative diagnosis has been made, or disposed of by burning in accordance with the specification laid out by the competent authority in the TSE contingency plan.

## **16 Measures to be taken- confirmed presence of TSE**

(1) The competent authority must-

- (a) as soon as possible after the presence of a TSE has been officially confirmed, dispose of all parts of the body of the animal in accordance with regulation 15(7);
- (b) place the farm which an animal that has tested positive for the presence of a TSE came from, under the official control of the competent authority; and
- (c) immediately issue a direction to all owners of animals susceptible to TSEs.

(2) If there is evidence that the farm where the affected animal was present when the TSE was confirmed is not likely to be the farm where the animal was exposed to the TSE, the competent authority may decide that only the farm of exposure be placed under official control.

(3) The competent authority may require the killing and testing of known parents, siblings or offspring of animals confirmed to be suffering from a TSE.

(4) A direction issued by the competent authority under subregulation (1)(c) to ensure that measures are in place for immediate tracing and identification of animals and products of animal origin may contain a requirement that-

- (a) all owners of animals susceptible to TSEs must first seek authority from the competent authority before moving any animals from the farms; and
- (b) any products of animal origin derived from animals susceptible to TSEs are authorised by the competent authority before they can be transferred to any other place outside the farm.

(5) An owner whose animals or products of animal origin are destroyed under this regulation may apply for compensation from the government.

(6) The competent authority must draw up a compensation scheme in consultation with the Financial Secretary.

(7) In addition to the notification requirement under regulation 14(1), the competent authority must notify the Commission about the confirmed presence of any TSE or any BSE on an annual basis.

## **17 TSE contingency plan**

- (1) The competent authority must draw up a TSE contingency plan specifying the national measures to be implemented and indicating competences and responsibilities where cases of any diseases including TSEs are confirmed.
- (2) The TSE contingency plan referred to under subregulation (1) must be in accordance with the relevant EU legislation.

## **PART 6 PLACING ON THE MARKET AND EXPORT**

### **18 Live animals, their semen and ova**

- (1) The competent authority must ensure that reproductive material from bovine, ovine or caprine animals imported into the Falkland Islands-
  - (a) is not collected from animals suspected of suffering from a TSE; and
  - (b) comes from countries where scrapie and BSE are notifiable diseases.
- (2) The competent authority must ensure that live bovine, ovine or caprine animals imported into the Falkland Islands-
  - (a) do not suffer from, neither are suspected of suffering from, a TSE; and
  - (b) come from countries where scrapie and BSE are notifiable diseases.
- (3) The competent authority must put in place import protocols regarding import of live animals and reproductive material into the Falkland Islands, including conditions that live animals, embryos and ova must be accompanied by the appropriate animal health certificates.
- (4) First generation progeny, semen, embryos and ova of TSE suspect or confirmed animals must not be placed on the local or international market.
- (5) The provisions of this regulation may be extended to other animals.

### **19 Placing on the market of products of animal origin - import and export**

- (1) The following products of animal origin derived from healthy ruminants are not subject to restrictions on placing on the market or for export-
  - (a) reproductive products of animal origin covered by regulation 18, in particular semen, embryos and ova;
  - (b) milk and dairy products;
  - (c) hides and skins; and
  - (d) gelatine and collagen derived from hides and skins.
- (2) The competent authority must ensure that products of animal origin to be exported come from healthy bovine, ovine and caprine animals which have not been subjected to a laceration of

the central nervous tissue or gas injection into the cranial cavity as provided for under the Livestock and Meat Products (Protection of Animals at Time of Slaughter or Killing) Regulations by carrying out the required inspections under the Livestock and Meat Products (Hygiene) Regulations.

*[Revision w.e.f. 31/07/2017]*

(3) The competent authority must ensure that inspections are carried out on products of animal origin imported into the Falkland Islands to be able to ensure that the products-

- (a) are not collected from animals suspected of suffering from a TSE; and
- (b) come from countries where scrapie and BSE are notifiable diseases.

(4) The provisions of subregulation (1) may be extended to products from other animals.

## **20 Health certificates**

The health certificate required under the Livestock and Meat Products (Hygiene) Regulations must reflect the BSE status of the Falkland Islands.

## **PART 7 TESTING AND CONTROLS**

### **21 Testing**

(1) The testing of any animal or product of animal origin for a TSE must be carried out at an approved laboratory.

(2) The competent authority must ensure that an approved laboratory uses the methods specified under the relevant EU legislation.

### **22 Community controls**

(1) For purposes of ensuring there is compliance with these regulations, the competent authority must assist and give experts from the Commission the access required to enable the experts to conduct on the spot checks and carry out pre-arranged audits of the abattoir and the competent authority's regulatory procedures.

(2) For purposes of these regulations, experts from the Commission have the same powers as authorised persons under section 9 of the Ordinance.

## **PART 8 MISCELLANEOUS PROVISIONS**

### **23 Obstruction of experts, inspectors, official veterinarian or competent authority officials**

(1) It is an offence to do one or more of the following-

- (a) intentionally to obstruct any person acting in the execution of these regulations;
- (b) knowingly to give any information that is false or misleading to any person acting in the execution of these regulations;
- (c) intentionally fail to disclose any material particular to any person acting in the execution of these regulations; or
- (d) to fail, without reasonable excuse-
  - (i) to give any assistance that any person acting in the execution of these regulations may require, or
  - (ii) to produce any record that any person acting in the execution of these regulations may require to be produced,

for the performance of that person's functions under these regulations.

(2) A person convicted of an offence under this regulation is liable to a term of imprisonment not exceeding 6 months, or to a fine not exceeding level 6 on the standard scale.

## **24 Offences and penalties**

(1) It is an offence for a person to contravene a provision of these regulations.

(2) A person convicted of an offence under these regulations for which no penalty is provided, is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

## **25 . . .**

*[Revision w.e.f. 31/07/2017]*

## **26 Revocation**

The following Orders are revoked-

- (a) Animal Health (Application of Legislation) Order 1998; and

*[Revision w.e.f. 31/07/2017]*

- (b) TSE Prevention, Control and Eradication Order 2002.

*[Revision w.e.f. 31/07/2017]*