

S.I. No. 331 of 2000

**Diseases of Animals (Bovine Spongiform Encephalopathy)
(Specified Risk Material) Order, 2000**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 3, 13 and 27 of the Diseases of Animal Act, 1966 (No. 6 of 1966), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1999 (S.I. No. 307 of 1999) hereby order as follows:-

1. (1) This Order may be cited as the Diseases of Animals (Bovine Spongiform Encephalopathy) (Specified Risk Material) Order, 2000.

(2) This Order shall come into operation on the 17th day of October, 2000.

(3) The Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 to 1999, and this Order may be cited together as the Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 21989 to 2000.

2. In this Order -

"the Act" means the Diseases of Animals Act, 1966 (No. 6 of 1966);

"authorised officer" means a person who, for the time being, stands appointed under Article 6 of this Order;

"carcase" means the carcase of a bovine, caprine or ovine animal (cattle, goats or sheep);

"the Minister" means the Minister for Agriculture, Food and Rural Development;

"protein" means the proteinaceous material derived from rendering animal tissues;

"rendering" includes any process involving crushing, cooking or grinding;

"sell" includes supply with or without remuneration;

"specified risk material" means -

(a) the skull including the brain and eyes, the tonsils, the spinal cord and the ileum of a bovine animal aged over 12 months,

(b) the skull including the brain and eyes, the tonsils and the spinal cord of a caprine or ovine animal aged over 12 months or which has a permanent incisor tooth erupted through the gum, and

(c) the spleen of a caprine or ovine animal,
and includes anything left attached to such material after
dissection of the carcass and any animal matter which comes into contact with the material
after it has been removed from the carcass;

"tallow" means the fatty material derived from rendering animal
tissues.

3. (1) A person shall not sell, or supply for sale -
risk material, or
(a) any specified risk material or any product containing specified

risk material,
(b) any protein or tallow obtained from the rendering of specified
for human consumption.

(2) A person shall not use -
risk material, or
(a) any specified risk material or any product containing specified

risk material,
(b) any protein or tallow obtained from the rendering of specified
in the preparation of food for sale for human consumption.

(3) A person shall not sell, or supply for sale -
risk material, or
(a) any specified risk material or any product containing specified

risk material,
(b) any protein or tallow obtained from the rendering of specified
for use in the preparation of food for human consumption.

4. (1) A person shall not -
material, or
(a) sell or supply for feeding to animals or poultry -
(i) specified risk material or any product containing specified risk

material;
(ii) protein or tallow obtained from the rendering of specified risk

material, or
(b) feed to animals or poultry -
(i) specified risk material or any product containing specified risk

material;
(ii) protein or tallow obtained from the rendering of specified risk

has reason to believe, contains -
material, or
(c) feed to animals or poultry any feedingstuff which he knows, or
(i) specified risk material or any product containing specified risk

material;
(ii) protein or tallow obtained from the rendering of specified risk

for feeding to animals or poultry -
material, or
(d) sell or supply for incorporation into any feedingstuff intended
(i) specified risk material or any product containing specified risk

material;
(ii) protein or tallow obtained from the rendering of specified risk

(e) use any -

material, or
material,
animals or poultry.

(i) specified risk material or any product containing specified risk

(ii) protein or tallow obtained from the rendering of specified risk

in the production of any feedingstuff intended for feeding to

(2) Any person who has in his possession or under his control any specified risk material, product containing specified risk material, or protein or tallow obtained from the rendering of specified risk material, shall ensure that animals or poultry do not have access at any time to such material, product, protein or tallow.

5. (1) An inspector, authorised officer or member of the Garda Síochána may, for the purposes of this Order -

(a) at all reasonable times, enter any premises or place, and any vehicle, wagon, vessel or other means of transport (other than any premises, place or means of transport consisting of a dwelling or other than so much thereof as consists of a dwelling) where he reasonably suspects that any animal, product or document which he considers should be examined or inspected for the purposes of his functions under this Order is to be found,

(b) there or at any other place, examine and inspect any animal, product or document and, in the case of an animal, an inspector may carry out a clinical inspection thereof,

(c) take, without payment of compensation, such samples of any product at the premises or place or on or in the means of transport as he may reasonably require for the purposes of his functions under this Order and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he considers necessary or expedient for the purposes of such functions,

(d) there or at any other place, carry out or have carried out such examinations, checks and inspections of the premises, place or means of transport and any equipment, machinery or plant and any product found there as he reasonably considers necessary or expedient for the purposes of such functions,

(e) require any person at the premises or place or on or in the means of transport and the owner or person in charge thereof and any person employed in connection therewith to give him such information and to produce to him such books, certificates, documents and other records, including any records required to be kept by this Order, within the power or procurement of the person as he may reasonably require for the purposes of his functions under this Order,

(f) examine and take copies of, or extracts from, any such records as aforesaid,

(g) seize and detain anything found there which he reasonably believes to be evidence of an offence under this Order.

(2) A person shall not, in purported compliance with a requirement under paragraph (1)(e) above, give information that to an inspector, authorised officer or member of the Garda Síochána that he knows to be false or misleading in a material respect.

(3) The powers conferred by this Article on an inspector, authorised officer or member of the Garda Síochána are in addition to, and not in substitution for, the powers conferred on such inspector, officer or member by the Act.

6. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of this Order.

(2) An inspector or authorised officer, when exercising any power conferred on him for the purposes of this Order, shall, if so requested by any person affected, produce evidence in writing of his appointment as an authorised officer or inspector.

(3) A member of the Garda Síochána, not in uniform, when exercising any such power, shall, if so requested by any person affected, produce evidence in writing that he is such a member.

GIVEN under my Official Seal,

L.S.

this 16th day of October, 2000.

Joe Walsh,

Minister for Agriculture, Food and Rural Development.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Order introduces further controls on specified risk material as defined in Article 2 of the Order, for the purposes of the control of Bovine Spongiform Encephalopathy.