1992 No. 214

ANIMALS

Bovine Spongiform Encephalopathy (Amendment) Order (Northern Ireland) 1992

Made	*14th May 1992*
Coming into operation . .	*8th June 1992*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 19(*f*) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (Amendment) Order (Northern Ireland) 1992 and shall come into operation on 8th June 1992.

Amendment of the principal Order

2. The Bovine Spongiform Encephalopathy Order (Northern Ireland) 1988(**b**) shall be amended as provided in Articles 3 to 7.

Interpretation

3. In Article 2 after the definition of ''market'' there shall be inserted '' ''the 1981 Order'' means the Diseases of Animals (Northern Ireland) Order 1981;''.

4. After Article 2 there shall be inserted—

''*Extension of definitions of animals and poultry*

2A. For the purposes of the 1981 Order in its application to this Order:—

(*a*) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man; and

(ii) any kind of four-footed beast which is not a mammal; and

(*b*) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any species.''.

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17
(**b**) S.R. 1988 No. 422 as amended by S.R. 1989 No. 49

Veterinary enquiry as to existence of disease

5. After Article 3 there shall be inserted—

"*Veterinary enquiry as to existence of disease*

3A.—(1) If an inspector, on reasonable grounds, suspects that the disease exists or has within 56 days existed on any premises he shall, with all practicable speed, conduct any enquiry and take such further steps as may be necessary to establish the correctness of that suspicion.

(2) For the purposes of an enquiry conducted under paragraph (1) an inspector may, without prejudice to the generality of that paragraph or to his powers under Article 3—

(*a*) examine any bovine animal or carcase on any premises; and

(*b*) make such tests on or take such samples from, any bovine animal or carcase on any premises, as he may consider necessary for the purpose of diagnosis.

(3) The occupier of the premises on which an enquiry is conducted or any other steps taken by an inspector under paragraph (1), the employees of that occupier, and any person who is or has been in possession or charge of any animal or carcase which is or has been on the premises, shall provide such reasonable facilities for, and comply with such reasonable requirements of, the inspector as are necessary for the purposes of any such enquiry or other steps.".

Milk from affected or suspected animals

6. For Article 4A there shall be substituted—

"*Milk from affected or suspected animals*

4A.—(1) Subject to paragraph (3) a person shall not knowingly—

(*a*) sell or supply for feeding to animals or poultry; or

(*b*) use in the manufacture of any product for sale or supply for feeding to animals or poultry,

any milk which he knows or has reason to suspect has been produced by an affected or a suspected animal.

(2) Subject to paragraph (3), a person shall not feed to any animal or poultry any milk which he knows or has reason to suspect has been produced by an affected or suspected animal.

(3) The prohibitions in paragraphs (1) and (2) shall not apply—

(*a*) to the feeding to its own calf of any milk produced by a cow; or

(*b*) (i) to the sale or supply for feeding for research purposes in a research establishment to animals or poultry of any milk; or

(ii) to the feeding to an animal or poultry of any milk, for research purposes in a research establishment,

under the authority of and in accordance with the conditions of a licence granted by the Department.

(4) A person shall not remove any milk, which he knows or has reason to suspect has come from an affected or suspected animal, from the

premises on which that animal was milked except under the authority of and in accordance with the conditions of a licence granted by the Department.''.

Production of licences

7. In Article 8:—

(*a*) after ''animal'' where it first occurs there shall be inserted '',carcase or any milk from an affected or suspected animal''; and

(*b*) after ''animal'' where it next occurs there shall be inserted '',carcase or milk''.

Sealed with the Official Seal of the Department of Agriculture on 14th May 1992.

(L.S.) *P. T. Toal*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1988 (''the principal Order'').

The changes of substance made to the principal Order are as follows:

(1) For the purposes of that Order the definition of animals is extended so as to comprise any kind of mammal, except man, and any kind of four-footed beast which is not a mammal and the definition of poultry is extended so as to comprise any bird.

(2) A new Article 3A is inserted which makes provision for the enquiry into the existence of bovine spongiform encephalopathy (BSE) by inspectors of the Department.

(3) Article 4A is substituted so that:—

(*a*) the sale or supply for human consumption, or the use in the manufacture of any product for sale or supply for human consumption; and

(*b*) the sale or supply for feeding to animals or poultry for research purposes in a research establishment,

of milk from a bovine animal which is affected or suspected of being affected with BSE is no longer thereby prohibited.

(4) Article 8 is amended so as to require the production of licences for the movement of carcases of bovine animals or milk from affected or suspected animals.