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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 225**

**Transmissible Spongiform Encephalopathy  
Regulations (Northern Ireland) 2002**

**PART I  
INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002 and shall come into operation on 18th July 2002.

**Application**

2.—(1) Subject to paragraph (2), 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 is 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 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 15, of the Animal By-Products Order (Northern Ireland) 2002(1);

“Agency” means the Food Standards Agency;

“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 within greenhouses and glass or plastic structures);

“animal by-product” has the same meaning as in the Animal By-Products Order (Northern Ireland) 2002;

“authorised officer” means a person, whether or not an officer of the Agency or of the Department, who is generally or specifically authorised by the Agency or the Department for the purposes of these Regulations;

“catering waste” has the same meaning as in the Animal By-Products Order (Northern Ireland) 2002;

“the Commission Decision” means Commission Decision [2001/9/EC\(2\)](#) 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(3);

“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(4);
- (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(5); and
- (c) 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(6);

“the Council Decision” means Council Decision [2000/766/EC\(7\)](#) 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;

“the Department” means the Department of Agriculture and Rural Development;

“the Divisional Veterinary Officer” means a Divisional Veterinary Officer of the Department appointed for the time being by the Department to receive information in relation to animals suspected of being affected by a TSE, or the carcasses of such animals, for the area in which such animals or carcasses are located;

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

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(2) O.J. No. L2, 5.1.2001, p. 32  
(3) O.J. No. L147, 31.5.2001, p. 1  
(4) O.J. No. L173, 27.6.2001, p. 12  
(5) O.J. No. L177, 30.6.2001, p. 61  
(6) O.J. No. L45, 15.2.2002, p. 4  
(7) O.J. No. L306, 7.12.2000, p. 32

“feedingstuff” has the meaning given to it by section 66(1) of the Agriculture Act 1970<sup>(8)</sup>, save that it shall apply to products and substances for oral feeding to any animal 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;

“fertiliser” has the meaning assigned to it by the Agriculture Act 1970;

“food” has the same meaning as in the Food Safety (Northern Ireland) Order 1991<sup>(9)</sup>;

“inspector” means –

- (a) a person appointed as such for the purposes of these Regulations by the Department, 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 official veterinary surgeon in accordance with regulation 7(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997<sup>(10)</sup>;
  - (ii) appointed as a meat inspector in accordance with regulation 7(2) of those Regulations;

“listed premises” means those premises listed by the Department for the purposes of these Regulations and published in such a manner and to such an extent as it appears to the Department to be sufficient to bring the list to the attention of those persons likely to be affected by it;

“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 animal;

“MBM product” means any product containing mammalian meat and bone meal;

“mammalian meat and bone meal” means –

- (a) any 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 Northern Ireland, 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;

“meat inspector” means a meat inspector appointed in accordance with regulation 7(2) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;

“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;

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

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<sup>(8)</sup> 1970 c. 40

<sup>(9)</sup> S.I.1991/762 (N.I. 7)

<sup>(10)</sup> S.R. 1997 No. 493 as amended by S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191, S.R. 2000 No. 287 and S.R. 2002 No. 217

“official veterinary surgeon” means an official veterinary surgeon designated as such in accordance with regulation 7(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;

“offspring animal” means a bovine animal born on or after 1st August 1996 to a female bovine animal which was affected or suspected of being affected with bovine spongiform encephalopathy when it gave birth to the animal or which has subsequently become affected or suspected of being affected with bovine spongiform encephalopathy;

“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, carcasses or parts of the carcasses 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, including mixtures, feedingstuffs, 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 specified in Schedule 2 to the Animal By-Products Order (Northern Ireland) 2002;

“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 Department has caused to be slaughtered under the Diseases of Animals (Northern Ireland) Order 1981(11) for the prevention of bovine spongiform encephalopathy;

“sealed vehicle” means a vehicle sealed in accordance with regulation 41(3);

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

“specified risk material” includes –

- (a) any part of –

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(11) S.I. 1981/1115 (N.I. 22) as amended by S.R. 1998 Nos. 365 and 442. There are other amendments not relevant to these Regulations

- (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 (Northern Ireland) 1997(12);
- (ii) a sheep or a goat,  
remaining attached to specified 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 such an animal, which is collected in any part of the drainage system draining any place where specified risk material is handled;

“stained blue” has the meaning given in regulation 39;

“stained yellow” has the meaning given in regulation 39;

“TSE” means transmissible spongiform encephalopathy;

“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 a ruminant 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 Department of Agriculture and Rural Development as a veterinary inspector; and

“young lamb stamp” means the stamp described in regulation 38(2).

(2) Expressions in these Regulations which are not defined in paragraph (1) 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) 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 and their application, material shall be treated as a feedingstuff whether it is used or intended to be used as a feedingstuff by itself or as an ingredient in something which is so used or intended for such use.

(5) Any notice served under these Regulations may be made subject to conditions and may be amended, suspended or revoked by a further notice at any time.

(6) The Interpretation Act (Northern Ireland) 1954(13) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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(12) S.R. 1997 No. 551 as amended by S.R. 2001 No. 1 and S.R. 2001 No. 377

(13) 1954 c. 33 (N.I.)