
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 202

The Transmissible Spongiform Encephalopathies
Regulations (Northern Ireland) 2006

PART I

GENERAL PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006 and come into operation on 3rd May 2006.

Interpretation

2.—(1) In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the meaning as in the Cattle Passport Regulations (Northern Ireland) 1999⁽¹⁾;

“Community TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽²⁾, as amended by, and as read with the instruments set out in Schedule 1;

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

“inspector” means an inspector appointed under regulation 12, and includes a veterinary inspector;

“market value” means—

(a) in the case of a bovine animal, either—

(i) the price which might reasonably have been obtained for the animal at the time of valuation from a purchaser in the open market if the animal was not required to be killed under Schedule 3; or

(ii) the price which would have applied had the animal been slaughtered in accordance with Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom⁽³⁾.

(1) S.R.1999 No. 324 as amended by S.R. 2001 No. 292 and S.R. 2004 No. 420

(2) O.J. No. L 147, 31.5.2001, p. 1

(3) O.J. No. L 99, 20.4.1996, p. 14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.2005, p.25)

- (b) in the case of a sheep or goat the price which might reasonably have been obtained for it at the time of valuation by a buyer in the open market if the animal was not from a flock or herd affected by a TSE.

“official document” shall be construed in accordance with regulation 6(1);

“restriction” includes any prohibition under these Regulations;

“premises” includes any holding for the purposes of the Community TSE Regulations;

“slaughterhouse” and (except in Schedule 6, paragraph 10(2)(c)) “cutting plant” mean premises—

- (c) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(4); or

- (d) operating as such under Article 4(5) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(5) pending such approval;

“TSE” means transmissible spongiform encephalopathy; and

“veterinary inspector” means a person appointed by the Department as a veterinary inspector.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

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

Appointment of competent authority

3. The Department is the competent authority for the purposes of the Community TSE Regulation except as otherwise specified in these Regulations.

Exception for research

4.—(1) The provisions of Schedules 2 to 6 do not apply in relation to an animal, a carcase or a sample kept for the purposes of research in premises approved for that purpose under this regulation by the Department.

(2) If a bovine animal, sheep or goat kept in research premises approved under this regulation or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(7), and failure to do so is an offence.

(4) O.J. No. L 165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L191, 28.5.2004, p.1)

(5) O.J. No. L 139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.22)

(6) 1954 c. 33 (N.I.)

(7) O.J. No. L273, 10.10.2002, p. 1 as last amended by Commission Regulation (EC) No. 208/2006, O.J. No. L36, 8.2.2006, p. 25