
STATUTORY INSTRUMENTS

1996 No. 3183

ANIMALS

ANIMAL HEALTH

The Bovine Spongiform Encephalopathy (No. 2) Order 1996

Made - - - - *17th December 1996*

Coming into force - - - *24th January 1997*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 32(2), 34(7), 35(1) and (1A), 36(5)(a), 72, 83(2), 87(2) and (5) and 88(2) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:—

PART I

PRELIMINARY

Title and commencement

1. This Order may be cited as the Bovine Spongiform Encephalopathy (No. 2) Order 1996 and shall come into force on 24th January 1997.

Extension of definition of “disease”

2. For the purposes of the Act the definition of “disease” in section 88(1) of the Act is hereby extended so as to comprise bovine spongiform encephalopathy.

Extension of definitions of “animals” and “poultry”

3. For the purposes of the Act in its application to this Order—

(a) the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise—

(i) any kind of mammal except man; and

(1) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”; sections 1, 7(1), 8(1), 72, 83(2), 86(1), 87(2) and (5) and 88(2) were applied to bovine spongiform encephalopathy by the Zoonoses Order 1988 (S.I.1988/2264).

- (ii) any kind of four-footed beast which is not a mammal; and
- (b) the definition of “poultry” in section 87(4) of the Act is hereby extended so as to comprise birds of every species.

Interpretation

4.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“affected animal” means a bovine animal which is affected with the disease;

“bovine animal” means a bull, cow, steer, heifer or calf;

“the disease” means bovine spongiform encephalopathy;

“the Divisional Veterinary Manager” means the veterinary inspector appointed for the time being by the Minister to receive information about affected or suspected animals, or the carcasses of such animals, for the area in which such animals or carcasses are;

“exposed animal” means a bovine animal which has been exposed to the infection of the disease;

“feeding stuff” has the meaning given by section 66(1) of the Agriculture Act 1970(2);

“fertiliser” has the meaning given by section 66(1) of the Agriculture Act 1970;

“knacker’s yard” means any premises used for the commercial slaughter or killing of animals, the flesh of which is not intended for human consumption, including any associated facilities for moving or lairaging such animals;

“livestock” means any creature, including a fish, kept for production of food, wool, skin or fur, any creature other than a dog kept for use in the farming of land and any equine animal;

“mammalian meat and bone meal” means mammalian protein derived from the whole or part of any dead mammal by rendering, or, in the case of an imported product, by an equivalent process;

“market” means a market, fairground, sale-yard or any other place where bovine animals are commonly exposed for sale;

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

“premises” means all contiguous land and buildings occupied by a person, together with other land or buildings occupied by that person which use equipment in common with the contiguous land or buildings;

“production” includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

“protein” means any proteinaceous material which is derived from a carcase but does not include—

- (a) milk or any milk product;
- (b) dicalcium bone phosphate;
- (c) dried plasma or any other blood product;
- (d) gelatin; or

(2) 1970 c. 40; the definition of feeding stuff in section 66(1) was substituted by regulation 20(1) of the Feeding Stuffs Regulations 1995 (S.I. 1995/1412), and regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition.

- (e) amino acids produced from hides and skins by a process which involves exposure of the material to acid of a pH lower than 2 followed by alkali of a pH greater than 11 and heat treatment at a minimum of 140°C for 30 minutes at a pressure of 3 bar;

“rendering” means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures mentioned in Schedule 4 to the Animal By-Products Order 1992(3);

“research establishment” means an establishment carrying out research into the disease;

“sell” includes have in possession for sale and offer or expose for sale;

“slaughterhouse” means any building, premises or place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there;

“suspected animal” means a bovine animal which is suspected of being affected with the disease; and

“veterinary surgeon” means a person registered in the register of veterinary surgeons or in the supplementary veterinary register.

- (2) Any reference in this Order—

(a) to a numbered article is a reference to the article bearing that number in this Order; and

(b) to a lettered form is a reference to the form bearing that letter in the Schedule to this Order.

(3) For the purposes of this Order, material shall be treated as a feeding stuff whether it is used or intended for use as a feeding stuff by itself or as an ingredient in something which is so used or intended for such use.

PART II

AFFECTED, SUSPECTED AND EXPOSED ANIMALS

Notification of disease in bovine animals

5.—(1) A person who has in his possession or under his charge an affected or a suspected animal, or the carcase of such an animal, and any veterinary surgeon or other person who, in the course of his duties, examines or inspects any such animal or carcase shall, with all practicable speed, notify the fact to the Divisional Veterinary Manager.

(2) A person who has in his possession or under his charge on any premises an affected or a suspected animal, or the carcase of such an animal, shall detain it on the premises until it has been examined by a veterinary inspector.

(3) A person who, in the course of a laboratory examination of the carcase of an animal, reasonably suspects the presence of bovine spongiform encephalopathy, shall—

(a) with all practicable speed, notify the fact to the Divisional Veterinary Manager;

(b) retain the sample examined and the remainder of the carcase until its disposal has been authorised in writing by a veterinary inspector; and

(c) if required in writing to do so by a veterinary inspector, surrender any samples, in whatever form, to such an inspector.

(4) Paragraph (3) above shall not apply to any bovine spongiform encephalopathy which has been introduced deliberately into an animal, a carcase or a sample in a laboratory.

Veterinary enquiry as to existence of disease and requirements relating to affected or suspected animals

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists, or has within 56 days existed, on any premises, he shall, with all practicable speed, take such steps as may be necessary to establish the correctness of that supposition.

(2) For the purposes of such an enquiry a veterinary inspector may—

- (a) examine any bovine animal or carcase on the premises;
- (b) make such tests and take such samples from any bovine animal or carcase on the premises as he may consider necessary for the purpose of diagnosis; and
- (c) mark for identification purposes any bovine animal or carcase on the premises.

(3) The occupier of the premises and his employees, 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—

- (a) provide such reasonable facilities and comply with such reasonable requirements as are necessary for the purposes of the enquiry; and
- (b) if so required by an inspector of the Minister, or by an officer of the appropriate Minister, give such information as he possesses as to—
 - (i) any animal or carcase which is or has been on the premises;
 - (ii) any other animal or carcase with which any animal or carcase which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcase which is or has been in his possession or charge.

(4) If, on completion of the enquiry, the veterinary inspector is of the opinion that there is an affected or a suspected animal, or the carcase of such an animal, on the premises, he shall serve a notice in Form A on the owner or person in charge of that animal or carcase.

(5) Subject to paragraph (6) below, a notice in Form A shall remain in force for a period of 28 days from the date specified in the notice unless—

- (a) before or on the day on which the notice in Form A was due to expire, it is renewed for a further period of 28 days beginning with the day on which it would otherwise have expired by a further notice in writing served by a veterinary inspector on the owner or person in charge of such animal or carcase; or
- (b) the animal or carcase to which the notice in Form A relates has been removed from the premises under the authority of a licence issued by a veterinary inspector.

(6) Any notice in Form A which has been renewed under paragraph (5)(a) above may be further renewed from time to time by a veterinary inspector in a similar manner and for a similar period.

(7) A notice in Form A may at any time be withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the animal or carcase to which the notice in Form A relates.

(8) On the service of a notice in Form A the requirements contained in that notice shall have effect.

Requirements relating to exposed animals

7.—(1) If an inspector of the Minister or a veterinary inspector is of the opinion that there is an exposed animal, or the carcase of such an animal, on any premises, he may—

- (a) in the case of an animal, serve a notice in Form D or Form E on the owner or person in charge of that animal; and

- (b) in the case of a carcass, serve a notice in Form D on the owner or person in charge of that carcass.
- (2) The occupier of the premises and his employees, and any person who is or has been in possession or charge of any animal or carcass which is or has been on the premises, shall—
 - (a) provide such reasonable facilities and comply with such reasonable requirements as are necessary to assist the inspector or veterinary inspector in forming his opinion; and
 - (b) if so required by an inspector of the Minister, or by an officer of the appropriate Minister, give such information as he possesses as to—
 - (i) any animal or carcass which is or has been on the premises;
 - (ii) any other animal or carcass with which any animal or carcass which is or has been on the premises may have come into contact; and
 - (iii) the location and movement of any animal or carcass which is or has been in his possession or charge.
- (3) A notice in Form D shall cease to have effect if the animal or carcass to which the notice in Form D relates is removed from the premises under the authority of a licence issued by a veterinary inspector.
- (4) A notice in Form D or Form E may at any time be withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the animal or carcass to which the notice in Form D or Form E relates.
- (5) On the service of a notice in Form D or Form E the requirements contained in that notice shall have effect.
- (6) Following the service of a notice in Form D or Form E a veterinary inspector may insert or administer an implant for the purpose of electronically tagging an exposed animal.
- (7) No person except a veterinary inspector shall remove or otherwise interfere with an implant inserted or administered under paragraph (6) above.

Restrictions on movement of other bovine animals

- 8.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement from any premises of any bovine animal, other than an affected, suspected or exposed animal, may give rise to the risk of the spread of the disease, he may, by notice in writing served on the owner or person in charge of the animal, prohibit the movement of the animal from the premises, except under the authority of a licence issued by an officer of the appropriate Minister and in accordance with any conditions subject to which the licence is issued.
- (2) A notice served under paragraph (1) above shall continue in force until withdrawn by a further notice in writing served by a veterinary inspector on the owner or person in charge of the animal to which the notice served under paragraph (1) relates.

Cleansing and disinfection

- 9.—(1) A veterinary inspector may serve on the occupier of any premises on which there is, or has within 56 days been, an affected or suspected animal, or the carcass of such an animal, a notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice,—
- (a) all or any part of the premises; or
 - (b) any equipment or any other thing used in connection with any such animal or carcass.
- (2) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of

such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the appropriate Minister or the local authority, as the case may be.

Application of section 32 of the Act to the disease and notice of intended slaughter

10.—(1) Section 32 of the Act, which enables the Minister to cause animals to be slaughtered on account of disease, shall apply to the disease.

(2) Where the Minister proposes to cause an affected or suspected animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease, a veterinary inspector shall serve a notice of intended slaughter in Form C on the owner or person in charge of the animal.

(3) Where the Minister proposes to cause an exposed animal to be slaughtered under the powers conferred on him by section 32 of the Act in its application to the disease—

- (a) a veterinary inspector shall serve a notice of intended slaughter in Form F on the owner or person in charge of the animal; and
- (b) after considering any representations received from the owner or person in charge of the animal within the period specified in Form F, the Minister shall ensure the service of—
 - (i) a withdrawal of notice in Form B; or
 - (ii) a notice of confirmation of intention to slaughter in Form G.

Seizure of carcasses

11.—(1) For the purpose of preventing the spread of the disease an inspector may seize, destroy or dispose of any carcass.

(2) For the purpose of determining the amount of compensation payable by the Minister under section 36(1)(b) of the Act for a carcass seized under paragraph (1) of this article (being, in accordance with section 36(3) of the Act, its value at the time of seizure) the value of such carcass shall be ascertained in a similar manner to that in which the value of an animal or bird slaughtered, or liable to be slaughtered, under the Act is to be ascertained under the Diseases of Animals (Ascertainment of Compensation) Order 1959(4), and as if the references in that Order to an animal or bird included references to a carcass.

(3) Compensation shall be paid by the Minister for carcasses affected with the disease being carcasses seized for the purpose of preventing the spread of the disease.

Prohibition of sale, supply and use of milk from affected or suspected animals

12.—(1) Subject to paragraph (2) below, no person shall knowingly—

- (a) sell or supply for human consumption or for feeding to an animal or poultry;
- (b) use in the manufacture of any product for sale or supply for human consumption or for feeding to an animal or poultry; or
- (c) feed to an animal or poultry,

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

(2) The prohibitions in paragraph (1) above shall not apply—

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

- (b) to the feeding to an animal or poultry of any milk for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply to a research establishment for such purposes.

PART III

MAMMALIAN PROTEIN AND MAMMALIAN MEAT AND BONE MEAL

Mammalian protein

13.—(1) Subject to paragraph (2) below, no person shall—

- (a) knowingly sell or supply for feeding to ruminant animals any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated; or
- (b) feed to a ruminant animal any feeding stuff in which he knows or has reason to suspect that any mammalian protein has been incorporated.

(2) The prohibitions in paragraph (1) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes.

Mammalian meat and bone meal

14.—(1) Subject to paragraphs (5) and (6) below, no person shall—

- (a) sell or supply for incorporation into any feeding stuff for livestock any mammalian meat and bone meal;
- (b) use any mammalian meat and bone meal in the production of any feeding stuff for livestock;
- (c) sell or supply for feeding to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated; or
- (d) feed to livestock any feeding stuff in which any mammalian meat and bone meal has been incorporated.

(2) Subject to paragraph (6) below, no person shall undertake any production using any mammalian meat and bone meal or any MBM product on premises where any feeding stuff for livestock is produced, and no person shall sell any mammalian meat and bone meal or MBM product there, unless (in each case)—

- (a) the ingredients of the feeding stuff for livestock are stored, and the feeding stuff is produced, in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (b) (except as provided by sub-paragraph (d) below) all feeding stuff for livestock is stored in a separate building from that in which any mammalian meat and bone meal or MBM product is stored, used or sold;
- (c) no equipment or vehicle used in the production of the feeding stuff for livestock comes into contact with any mammalian meat and bone meal, any MBM product or any ingredient or equipment used with mammalian meat and bone meal or an MBM product; and

- (d) where mammalian meat and bone meal or an MBM product is sold, any feeding stuff for livestock stored in the same building as the mammalian meat and bone meal or MBM product is stored there solely for the purpose of being sold in that building and either—
 - (i) the mammalian meat and bone meal or MBM product is stored in a place which is physically separated from any place where the feeding stuff for livestock is stored; or
 - (ii) both the feeding stuff for livestock and the mammalian meat and bone meal or MBM product are securely packaged with no spillage or leakage taking place.
- (3) Subject to paragraphs (5) to (8) below, no person shall have in his possession any mammalian meat and bone meal or any MBM product on any premises where—
 - (a) any livestock is kept;
 - (b) any feeding stuff for livestock is produced, except as permitted under paragraph (2) above; or
 - (c) any feeding stuff for livestock is stored but not produced and no livestock are kept.
- (4) Subject to paragraphs (6) and (8) below, no person shall transport any mammalian meat and bone meal or any MBM product in any vehicle in which any feeding stuff for livestock is being transported.
- (5) The prohibitions in paragraphs (1) and (3) above shall not apply to the feeding to an animal of any feeding stuff for research purposes in a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued, or to the sale or supply of any feeding stuff to a research establishment for such purposes or to the possession of a feeding stuff at such an establishment for such purposes.
- (6) In any proceedings for an offence under paragraphs (1) to (4) above it shall be a defence for any person charged to prove—
 - (a) that he did not know or have reason to suspect that the material in question was mammalian meat and bone meal or contained mammalian meat and bone meal; and
 - (b) that he had taken all reasonable steps to ensure that it was not and did not contain mammalian meat and bone meal.
- (7) In any proceedings for an offence under paragraph (3)(a) or (c) above in relation to any MBM product it shall be a defence for any person charged to prove—
 - (a) in the case of an offence under paragraph (3)(a), that the MBM product was in his possession solely for feeding to a pet of a species which is not commonly used as livestock in the United Kingdom or to a working dog or for use as a fertiliser on a domestic garden or for house plants;
 - (b) in the case of an offence under paragraph (3)(c), that both the MBM product and the feeding stuff for livestock were offered for sale on those premises;
 - (c) that the MBM product was stored and used in a place which was physically separated from any place where feeding stuff for livestock was stored or to which such animals had access; and
 - (d) that adequate precautions were taken to ensure that no equipment used with the MBM product was used with the feeding stuff for livestock.
- (8) In any proceedings for an offence under paragraph (3)(a) or (c) or (4) above it shall be a defence for any person charged to prove that at all material times both the mammalian meat and bone meal or MBM product (as the case may be) and the feeding stuff for livestock were securely packaged and that no spillage or leakage took place.

Cleansing and disinfection

15.—(1) Any person who produces mammalian meat and bone meal or any MBM product shall ensure the thorough cleansing and disinfection of any premises or equipment used for such production before they are used for any other purpose except the production of a fertiliser that is not for use on agricultural land within the meaning of the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996⁽⁵⁾.

(2) Subject to paragraphs (3) and (4) below, any person who stores or transports mammalian meat and bone meal or an MBM product, or who makes any arrangement for such storage or transport, shall ensure the thorough cleansing and disinfection of any premises, vehicle or equipment used for such storage or transport as soon as possible after the storage or transport ceases and in any event before they are used for any other purpose.

(3) It shall be a defence for any person charged with an offence under paragraph (2) above to prove that at all material times the mammalian meat and bone meal or MBM product (as the case may be) was securely packaged and that no spillage or leakage took place.

(4) It shall be a defence for any person charged with an offence under paragraph (2) above by virtue of any arrangement made by him to show that he took all reasonable steps to ensure that the premises, equipment or vehicle in question were thoroughly cleansed and disinfected in accordance with that paragraph.

(5) An inspector may serve on the occupier of any premises or on the owner or operator of vehicle or equipment on or in which there is, or has within 56 days been—

- (a) any mammalian meat and bone meal; or
- (b) any MBM product,

a notice requiring him to cleanse and disinfect, at his own expense and in such a manner and within such period as may be specified in the notice, all or any part of the premises or vehicle or any equipment or any other thing used in connection with any such mammalian meat and bone meal or MBM product.

(6) If any person on whom a notice is served under paragraph (5) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the appropriate Minister or the local authority, as the case may be.

Disposal and recall of mammalian meat and bone meal and MBM products

16.—(1) An inspector may serve on any person in whose possession mammalian meat and bone meal or any MBM product is found in contravention of article 14(3) or (4) above a notice requiring that person to dispose of the material, and any other material with which it has come into contact, in such manner and within such period as may be specified in the notice.

(2) An inspector may serve on any person who has sold or supplied any feeding stuff the sale or supply of which is prohibited by article 14(1) a notice requiring that person to collect at his own expense that product from the person to whom he supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold, and to transport it to such place and within such time as may be specified in the notice.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of

(5) S.I. 1996/1125, amended by S.I. 1996/2473.

any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the appropriate Minister or the local authority, as the case may be.

Records relating to mammalian meat and bone meal

17.—(1) Any person who consigns mammalian meat and bone meal shall keep for two years from the date of consignment (or, in the case of material produced outside the United Kingdom, for two years from the date on which it was imported into the United Kingdom) a record indicating—

- (a) the date of consignment;
- (b) the weight consigned;
- (c) the destination of the consignment;
- (d) the name and address of the consignee;
- (e) the registration number of the vehicle in which the consignment is transported; and
- (f) the name and address of the operator of that vehicle.

(2) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of receipt of the consignment a record indicating—

- (a) the date on which it was received;
- (b) its weight on receipt;
- (c) the place from which it was consigned;
- (d) the name and address of the person by whom it was consigned;
- (e) the registration number of the vehicle in which it was consigned; and
- (f) the name and address of the operator of that vehicle.

(3) Any person receiving a consignment of mammalian meat and bone meal shall keep for two years from the date of any use, disposal or further consignment a record indicating—

- (a) in the case of any use, details of each use, the weight of any part of the consignment incorporated into a product and the nature and date of manufacture of any such product;
- (b) in the case of disposal, the weight disposed of, the date of such disposal, and the place in which, method by which and name of the person by whom it was disposed of; and
- (c) in the case of further consignment, the information required by paragraph (1) above.

(4) Any person who controls a vehicle in which mammalian meat and bone meal is transported shall keep, for two years from the date on which transport of a particular consignment of such material commenced (or, in the case of an import, from the date on which that material entered the United Kingdom), a record of—

- (a) the person and place from which that consignment was transported;
- (b) the date on which it was collected from that person;
- (c) its weight;
- (d) the registration number, and the name and address of the driver, of the vehicle in which it was transported;
- (e) the person and place to which it was to be or was delivered; and
- (f) the date or intended date of delivery to that person.

(5) The driver of a vehicle in which a consignment of mammalian meat and bone meal is transported shall have a document recording the information required by paragraph (4) above in his possession at all times when he is in charge of that vehicle.

(6) In relation to a vehicle not having a registration number, the requirement to keep a record of the registration number pursuant to paragraphs (1)(e), (2)(e) and (4)(d) above shall be a requirement to keep such details as permit the identification of the vehicle in which the consignment was transported.

(7) No person shall be required to keep any record relating to the consignment or transport of mammalian meat and bone meal otherwise required by any of paragraphs (1) to (5) above where the consignment or transport follows the retail sale of the meal, and no person receiving a consignment for the purpose of selling it by retail shall be required to keep any record otherwise required by paragraph (2) or (3) above, provided that in either case—

- (a) the meal is contained in sealed packages each weighing not more than 26 kilograms;
- (b) the packages containing the meal are presented as containing a fertiliser solely for use permitted under the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996; and
- (c) (in the case of a consignment by retail sale) the consignment consists of not more than 104 kilograms of meal.

PART IV

OFFENCES AND ENFORCEMENT

Sampling

18. Where an inspector has reasonable grounds for supposing that any of the provisions of article 13 or 14 has not been or is not being complied with, he may take from any protein or feeding stuff such samples as he considers necessary in order to establish the correctness of that supposition.

Production of licences

19. Where an animal or carcase is being moved under the authority of a licence issued under this Order the person in charge of the animal or carcase being so moved shall carry the licence during the authorised movement and shall, on demand made by an inspector or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Offences

20. Any person who, without lawful authority or excuse, proof of which shall lie on him—

- (a) defaces, obliterates or removes any mark applied to any bovine animal or carcase under article 6(2)(c);
- (b) contravenes or fails to comply with article 5(1), (2) or (3), 6(3), 7(2) or (7), 12(1), 13(1), 14(1), (2), (3) or (4), 15(1) or (2), 17(1), (2), (3), (4) or (5), or 19;
- (c) fails to comply with any notice served under article 6(4), 7(1), 8(1), 9(1), 15(5) or 16(1) or (2);
- (d) fails to comply with any condition of a licence issued under article 6(5)(b), 7(3), 8(1), 12(2)(b), 13(2) or 14(5); or
- (e) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Enforcement

22. The provisions of this Order shall, except where otherwise provided, be executed and enforced by the local authority.

Revocation

23. The Bovine Spongiform Encephalopathy Order 1996⁽⁶⁾ and the Bovine Spongiform Encephalopathy (Amendment) Order 1996⁽⁷⁾ are hereby revoked.

16th December 1996

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

16th December 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

17th December 1996

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

⁽⁶⁾ S.I. 1996/2007.
⁽⁷⁾ S.I. 1996/2458.

SCHEDULE

Articles 6, 7, and 10

FORMS

Form A Notice imposing requirements relating to an affected or suspected animal or carcass (Article 6)

To _____ Location of animal or carcass

of

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal or carcass specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____ Dated _____

Name in BLOCK LETTERS

Office Address

Form B Withdrawal of Notice imposing requirements relating to an affected, suspected or exposed animal or carcass (Articles 6, 7, and 10)

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from this _____ day of _____ 19_____ the notice relating to the bovine animal or carcass specified below, signed by _____ and served on you on _____ day of _____ 19_____.

Signed _____ Dated _____

Name in BLOCK LETTERS

Office Address

Form C Notice of Intended Slaughter of Affected or Suspected Animal (Article 10)

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that the Minister proposes to cause the bovine animal specified below, which is affected/suspected of being affected with bovine spongiform encephalopathy, to be slaughtered as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

Signed _____ Dated _____

Name in BLOCK LETTERS

Office Address

Form D Notice imposing requirements relating to an exposed animal or carcass (Article 7)

To _____ Location of animal or carcass

of

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food/an inspector hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal or carcass specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____ Dated _____

Name in BLOCK LETTERS

Office Address

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Form E Notice imposing requirements relating to an exposed animal (Article 7)

To _____ Location of animal

of _____

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food/an inspector hereby give you notice in accordance with the provisions of the above Order that, as the owner/person in charge of the bovine animal specified below, you are required to observe the requirements of this form as specified overleaf.

Signed _____ Dated _____

Name in **BLOCK LETTERS**

Office Address _____

Form F Notice of Intended Slaughter of Exposed Animal (Article 10)

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that the Minister proposes to cause the bovine animal specified below, which has in my opinion been exposed to the infection of bovine spongiform encephalopathy, to be slaughtered as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

The reasons for the service of this notice are set out in the accompanying letter. You have 14 days within which to make representations against this notice.

Representations should be addressed to—

The Central Veterinary Unit
Ministry of Agriculture, Fisheries and Food
Government Buildings
Hook Rise, Tolworth
Surrey, Surrey
KT6 7NF

Signed _____ Dated _____

Name in **BLOCK LETTERS**

Office Address _____

Form G Notice of Confirmation of Intended Slaughter of Exposed Animal (Article 10)

I, the undersigned, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice that, having received no representations within the 14 days following service of Form F/after considering the representations you have made, the Minister confirms that he proposes to cause the bovine animal specified below to be slaughtered as an exposed animal as soon as possible under powers conferred on him by section 32 of the above Act in its application to that disease.

Signed _____ Dated _____

name in **BLOCK LETTERS**

Office Address _____

The bovine animal/carcase to which the above completed and signed notices apply is specified below.

Official Ear Mark Description of bovine animal/carcase including age, breed and sex

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM A

Notice imposing requirements as respects the animal or carcass specified overleaf.

Conditions

- (a) The animal or carcass must be detained at the location specified overleaf except that—
 - (i) it may be moved direct to a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued; or
 - (ii) in the case of an animal in a slaughterhouse, knacker's yard or market, it may be moved direct to its farm of origin under authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Divisional Veterinary Manager, that officer must be informed immediately.
- (c) In the event of the animal dying or being slaughtered on the premises—
 - (i) the carcass of the animal must be retained and surrendered to a veterinary inspector on request;
 - (ii) the carcass of the animal must be disposed of on the premises if so required by the veterinary inspector; and
 - (iii) the carcass of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.
- (d) In the event of the animal being pregnant—
 - (i) it must be isolated from all other bovine animals on the premises during the period of calving and for 72 hours afterwards in accommodation which has been approved by the veterinary inspector for this purpose;
 - (ii) its placenta, discharges and bedding must be buried or burned; and
 - (iii) the accommodation used for its calving must be cleansed and disinfected in accordance with the directions of a veterinary inspector.
- (e) Milk from the animal must not be sold or supplied for human consumption, or fed to animals or poultry except to its own calf.
- (f) In the case of a carcass, it shall be retained and surrendered to a veterinary inspector on request, whereupon the conditions of paragraph (c) shall apply.

This notice shall remain in force for a period of 28 days from 19..... unless renewed by a subsequent notice served by a veterinary inspector, or the animal/carcass is removed under licence as specified in paragraphs (a) and (c) above.

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| Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction |
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FORM D

Notice imposing requirements as respects the animal or carcass specified overleaf.

Conditions

- (a) The animal or carcass must be detained at the location specified overleaf except that
 - (i) it may be moved direct to a research establishment under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued; or
 - (ii) in the case of an animal in a slaughterhouse, knacker's yard or market, it may be moved direct to its farm of origin under authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered with the authority of the Divisional Veterinary Manager, that officer must be informed immediately.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) In the event of the animal dying or being slaughtered on the premises—
- (i) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;
 - (ii) the carcase of the animal must be disposed of on the premises if so required by the veterinary inspector; and
 - (iii) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.
- (d) In the case of a carcase, it shall be retained and surrendered to a veterinary inspector on request, whereupon the conditions of paragraph (c) shall apply.

This notice shall cease to have effect if the animal/carcase is removed under licence as specified in paragraphs (a) and (c) above.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction.

FORM E

Notice imposing requirements as respects the animal specified overleaf.

Conditions

- (a) If the animal is moved from the location specified overleaf, the owner or person in charge of the animal must give the Divisional Veterinary Manager written notice no later than 5 days after the animal is moved of the location to which it is moved and of the name of the person who is then the owner or person in charge of the animal.
- (b) In the event of the animal dying, otherwise than as the result of being slaughtered, the Divisional Veterinary Manager must be informed immediately.
- (c) In the event of the animal dying or being slaughtered on the premises—
 - (i) the carcase of the animal must be retained and surrendered to a veterinary inspector on request;
 - (ii) the carcase of the animal must be disposed of on the premises if so required by the veterinary inspector; and
 - (iii) the carcase of the animal must not be moved off the premises except under the authority of a licence issued by a veterinary inspector of the Minister and in accordance with any conditions subject to which the licence is issued.

Breach of the requirements of this notice may constitute an offence against the Animal Health Act 1981 and render a person liable to penalties on conviction.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-makes with amendments the Bovine Spongiform Encephalopathy Order 1996. The Order continues to provide for—

- (a) the compulsory notification of BSE in bovine animals (article 5);

- (b) the investigation, examination, testing and sampling and marking of bovine animals and their carcasses for this purpose (article 6(1) and (2));
- (c) the imposition of requirements in respect of affected or suspected animals or carcasses by service of a notice in Form A (article 6);
- (d) the prohibition on movement of other bovine animals by notice in writing (article 8);
- (e) the cleansing and disinfection of premises and equipment (article 9);
- (f) the application of section 32 of the Animal Health Act 1981 (slaughter of animals) (article 10);
- (g) the seizure of carcasses for the purposes of preventing the spread of the disease and the provision of compensation (article 11);
- (h) the prohibition (subject to certain exemptions) of the sale, supply and use of milk from affected or suspected animals (article 12);
- (i) the prohibition (subject to certain exemptions) of the sale, supply and use of feeding stuffs containing mammalian protein or mammalian meat and bone meal (articles 13 and 14);
- (j) the prohibition (subject to certain exemptions) of the possession of mammalian meat and bone meal or any product containing mammalian meat and bone meal on any premises where livestock feeding stuffs are produced or stored, or where livestock is kept (article 14);
- (k) the cleansing and disinfection of places, vehicles and equipment where mammalian meat and bone meal and MBM products have been produced, stored or used (article 15);
- (l) the disposal of mammalian meat and bone meal and MBM products by persons for whom possession of such products is illegal and the recall of any feeding stuff for livestock found to have been illegally sold (article 16);
- (m) the keeping of records by persons consigning, transporting and using mammalian meat and bone meal (article 17); and
- (n) sampling of protein or feeding stuffs (article 18), production of licences (article 19), offences (article 20) and enforcement (article 21).

The Order introduces new provisions which impose requirements relating to exposed animals or carcasses of exposed animals (articles 7 and 10(3)).

In making provision for the slaughter of animals exposed to the infection of BSE, the Order implements in part Article 2 of Commission Decision [96/385/EC](#) approving the plan for the eradication of bovine spongiform encephalopathy in the United Kingdom (OJ No. L151, 26.6.96, p.39).

A Compliance Cost Assessment for this Order has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (BSE) Division, Ministry of Agriculture, Fisheries and Food, Government Buildings (Toby Jug), Hook Rise South, Tolworth, Surbiton, Surrey KT6 7DX.