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STATUTORY INSTRUMENTS

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**1997 No. 1729**

**The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997**

**PART II**

**PROHIBITIONS AND EXCEPTIONS**

**Prohibition of the sale of stilbenes, thyrostatic substances or beta-agonists**

3.—(1) No person shall sell, for administration to an animal, any—

- (a) stilbene or thyrostatic substance; or
- (b) product which contains a stilbene or thyrostatic substance.

(2) Subject to paragraph (3) below, no person shall sell any beta-agonist, or any product which contains a beta-agonist, for administration to an animal which is, or any animal product of which is, intended for human consumption.

(3) The prohibition in paragraph (2) above shall not apply to the sale of a product which is, or which contains, a beta-agonist if that product complies with the requirements of sub-paragraphs (a) and (b) of regulation 25(1) and is for administration in accordance with regulation 27.

(4) If sold, any stilbene, thyrostatic substance or beta-agonist or any product which contains a stilbene, thyrostatic substance or beta-agonist, which is capable of being used for administration to animals shall be presumed, until the contrary is proven, to have been sold for administration to an animal and in the case of the sale of a beta-agonist or a product which contains a beta-agonist, that animal or an animal product derived therefrom shall, if that animal or animal product, as appropriate, is commonly used for human consumption, be presumed to be intended for human consumption.

**Prohibition of possession of beta-agonists or hormonal substances**

4.—(1) No person shall be in possession of any beta-agonist or hormonal substance unless—

- (a) subject to paragraph (3) below, it is, or is contained in, a product which complies with the requirements of regulation 25 and is for the purposes of administration in accordance with regulation 26, 27 or 28; or
- (b) that person is the holder of a manufacturer's or wholesale dealer's licence granted under section 8 of the Medicines Act 1968<sup>(1)</sup> and is in possession of it for the purposes of a marketing authorisation relating to a product which is to contain that beta-agonist or hormonal substance.

(2) No person shall be in possession of any product which contains a beta-agonist or hormonal substance unless—

- (a) that person is the holder of a marketing authorisation which authorises the placing on the market of that product;

- (b) that person is the holder of a manufacturer's or wholesale dealer's licence granted under section 8 of the Medicines Act 1968 and is in possession of it for the purpose of the marketing authorisation relating to it; or
- (c) subject to paragraph (3) below, it complies with the requirements of regulation 25 and is for the purposes of administration in accordance with regulation 26, 27 or 28.

(3) No person, other than a veterinary surgeon, shall, on a farm, be in possession of a beta-agonist, or any product containing a beta-agonist which, if administered to an animal, could be for induction purposes in the treatment of tocolysis.

#### **Prohibition of administration to animals of beta-agonists or hormonal substances**

5.—(1) Subject to paragraph (2) below, no person shall administer or knowingly cause or permit to be administered to an animal any—

- (a) beta-agonist or hormonal substance; or
- (b) product which contains a beta-agonist or hormonal substance.

(2) The prohibition in paragraph (1) above shall not apply to the administration of a product which is, or which contains, a beta-agonist or a hormonal substance if that product complies with the requirements of regulation 25 and is administered in accordance with regulation 26, 27 or 28, as appropriate.

#### **Prohibition of administration to animals of unlicensed substances or products**

6.—(1) If any person contravenes the prohibition in Article 14 of the Council Regulation on the administration to food-producing animals of veterinary medicinal products containing pharmacologically active substances which are not mentioned in Annexes I, II or III of the Council Regulation he shall be guilty of an offence.

(2) Subject to paragraph (3) below, no person shall administer or knowingly cause or permit to be administered to an animal any unlicensed substance or unlicensed product.

(3) Nothing in paragraph (2) above shall prohibit the administration of any veterinary medicinal product in accordance with an exemption specified in regulation 4 or 5 of the Medicines (Restrictions on the Administration of Veterinary Medicinal Products) Regulations 1994(2).

#### **Prohibition of administration to animals of Annex IV substances**

7. If any person contravenes the prohibition in Article 5 of the Council Regulation on the administration of Annex IV substances to food-producing animals he shall be guilty of an offence.

#### **Prohibition of possession or slaughter of animals and of processing**

8.—(1) No person shall slaughter or otherwise be in possession on a farm of an animal intended for use for human consumption to which there has been administered, which contains, or in which the presence has been established of, any beta-agonist or hormonal substance.

(2) No person shall process the meat of an animal intended for human consumption where that animal contains or the presence in has been established of, or to which there has been administered, any beta-agonist or hormonal substance.

(3) Any animal slaughtered or in the possession of a person on a farm which is commonly slaughtered or possessed for use for human consumption shall be presumed, until the contrary is proven, to have been slaughtered or possessed for such use and an animal commonly used for human

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(2) S.I.1994/2987; relevant amending instrument is S.I. 1994/3142.

consumption from which meat is processed shall be presumed, until the contrary is proven, to be an animal for such use.

### **Prohibition of the sale of animals**

9.—(1) No person shall sell, or supply for slaughter, for human consumption any animal—

- (a) which contains or to which there has been administered an unauthorised substance or product;
- (b) which contains an authorised substance in any of its tissues at a concentration exceeding the relevant maximum residue limit; or
- (c) if the withdrawal period in relation to the product administered to that animal has not expired.

(2) Subject to paragraph (3) below, no person shall sell an animal not intended for human consumption which contains, or in which the presence is established of, any beta-agonist or hormonal substance.

(3) Nothing in paragraph (2) above shall prohibit the sale of any—

- (a) high-value horse which contains, or in which there is present, a beta-agonist or hormonal substance which is, or was contained in, a product which complies with regulation 25 and was administered in accordance with regulation 26 or 27;
- (b) animal, other than a high-value horse, for breeding purposes which contains, or in which there is present, a beta-agonist or hormonal substance which is, or was contained in, a product which complies with regulation 25 and was administered in accordance with regulation 26, 27 or 28.

### **Prohibition of the sale of animal products**

10.—(1) No person shall sell for human consumption any animal product derived from an animal the sale or supply for slaughter of which is prohibited under regulation 9.

(2) No person shall sell for human consumption any animal product which contains—

- (i) an unauthorised substance; or
- (ii) an authorised substance at a concentration exceeding the relevant maximum residue limit.

### **Prohibition of disposal of slaughtered animal or batch of animals**

11. Where an animal or batch of animals has been slaughtered under regulation 22, no person shall dispose of the carcase or offal of that animal or of any animal of that batch of animals, or any part of such carcase or offal, for human or animal consumption.

### **Exception to prohibition on slaughter**

12.—(1) Notwithstanding the prohibition on slaughter of an animal or batch of animals by notice given in accordance with regulation 22(4), that animal or batch of animals may be slaughtered before the withdrawal of such notice if the owner of that animal or batch of animals complies with the following paragraphs of this regulation.

(2) Notice of the proposed date and place of slaughter shall be given to an authorised officer before that date.

(3) The animal or batch of animals, marked, or caused to be marked, by an authorised officer under regulation 21(2)(c), shall be accompanied to the place of slaughter by a certificate issued by an authorised officer identifying the animal or batch of animals and the farm of origin.

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(4) After slaughter any animal product derived from the animal or from an animal of that batch of animals shall be retained in such place and manner as an authorised officer may specify, while it is subjected to such examination as an authorised officer may reasonably consider necessary.

(5) Where the examination (the result of which shall be given by an authorised officer to the owner by notice in writing) confirms that any animal product referred to in paragraph (4) above contains an authorised substance at a concentration exceeding the relevant maximum residue limit, the animal product shall be disposed of for a purpose other than human consumption.