

Statutory Instrument 2000 No. 2672

The Specified Risk Material (Amendment) (England) Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 2672

FOOD, ENGLAND

The Specified Risk Material (Amendment) (England) Regulations 2000

<i>Made</i>	<i>28th September 2000</i>
<i>Laid before Parliament</i>	<i>29th September 2000</i>
<i>Coming into force</i>	<i>1st October 2000</i>

The Secretary of State in exercise of the powers conferred on him by sections 16(1)(a), (b), (c), (d) and (f), (2)(a) and (3), 17(1), 19(1)(a), 26 and 48(1) of and paragraphs 2(1), 3(1), 5 and 6(1)(a) of Schedule 1 to the Food Safety Act 1990^[1] and of all other powers enabling him in that behalf, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Specified Risk Material (Amendment) (England) Regulations 2000; they extend to England only and come into force on 1st October 2000.

Amendments to the Specified Risk Material Regulations 1997

2. - (1) In so far as they extend to England, the Specified Risk Material Regulations 1997[2] are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the definitions of "class I specified risk material", "class II specified risk material" and "intestines" are revoked.

(3) In paragraph (1) of regulation 2 the following definition is substituted for the definition of "specified risk material" -

- " "specified risk material" means -**
 - (a) specified bovine material;**
 - (b) specified sheep or goat material;**
 - (c) any part of the animal remaining attached to specified bovine material or specified sheep or goat material after dissection of the carcase;**
 - (d) any animal material which comes into contact with specified bovine material or specified sheep or goat material after it has been removed from the carcase; and**
 - (e) specified solid waste;"**.

(4) In paragraph (1) of regulation 3 (specified sheep or goat material) the phrase "class 1" is revoked.

(5) Paragraph (2) of regulation 3 is revoked.

(6) In paragraph (3) of regulation 3 -

- (a) the phrase "class II" is revoked; and**
- (b) the words "or incinerated" are inserted between "rendered" and "whole".**

(7) The following paragraph is substituted for paragraphs (1) and (2) of regulation 4 (specified bovine material) -

- " (1) In these Regulations, "specified bovine material" means -**
 - (a) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months -**
 - (i) the head (excluding the tongue but including the brains, eyes, trigeminal ganglia and tonsils),**
 - (ii) the thymus,**
 - (iii) the spleen,**
 - (iv) the intestines from the duodenum to the rectum, and**

(v) the spinal cord;

(b) in relation to a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 30 months (other than a bovine animal which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996[3]), the vertebral column (including dorsal root ganglia); and

(c) the following material derived from a bovine animal which was slaughtered or has died outside the United Kingdom or Portugal (other than in Australia or New Zealand) at an age greater than 12 months -

(i) the skull (including the brains and eyes),

(ii) the tonsils,

(iii) the spinal cord, and

(iv) the ileum."

(8) The following paragraph is substituted for paragraph (3) of regulation 4 -

" (3) Whole carcasses of bovine animals are specified bovine material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died."

(9) The following paragraph is added to regulation 4 -

" (4) In paragraph (1) above, the reference to Portugal does not include a reference to the Autonomous Region of the Azores."

(10) Regulation 12 (rendering whole carcasses) is revoked.

(11) In regulation 14 (prohibition on the removal of brains and eyes) -

(a) the words "which was slaughtered or has died at an age greater than" are substituted for the words "aged over"; and

(b) the words "which at the time it was slaughtered or died either had one or more permanent incisor teeth erupted through the gum or was aged more than 12 months" are substituted for the words "(of any age at death)".

(12) In paragraph (9)(b)(ii) of regulation 24 (approved rendering plants) the words "the specified risk material referred to in paragraph (17) below" are substituted for the phrase "class II specified risk material".

(13) The following paragraph is added to regulation 24 -

" (17) The specified risk material is -

(a) the head of a bovine animal which was slaughtered or has died in the United Kingdom at an age greater than 6 months except -

(i) the skull (including the brains and eyes), and

(ii) the tongue; and

(b) the material referred to in paragraphs (c) and (d) of the definition of that phrase."

Signed by authority of the Secretary of State for Health

Gisela Stuart

Parliamentary Under-Secretary of State, Department of Health

28th September 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations give effect in part to Article 3.1 of Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies (OJ No. L158, 30.6.2000, p. 76). That provision requires member States to ensure that certain material from cattle, sheep and goats ("specified risk material") is removed and destroyed in accordance with Annex I to the Decision. These Regulations amend the Specified Risk Material Regulations 1997 (S.I. 1997/2965, as already amended) in so far as they extend to England. Those Regulations extend to the whole of Great Britain.

2. The principal amendment is to bring the definition of "specified risk material" in regulation 2(1) of S.I. 1997/2965 into line with the definition of that phrase in Commission Decision 2000/418/EC (*regulation 2(2) to (5), (6)(a), (7) and (9)*). As a consequence of the above amendment to the definition of "specified risk material", an amendment is made to regulation 24(9)(b)(ii) of S.I. 1997/2965 (*regulation 2(12) and (13)*). That provision regulates the disposal of tallow derived from certain specified risk material. A consequential amendment is also made to regulation 14 (prohibition on the removal of brains and eyes) (*regulation 2(11)*).

3. S.I. 1997/2965 is also amended so that -

(a) whole carcasses of sheep and goats are specified risk material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died (*regulation 2(6)(b)*); and

(b) whole carcasses of bovine animals are specified risk material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died (*regulation 2(8)*).

4. In consequence of the amendments described in paragraph 3 above, regulation 12 of S.I. 1997/2965 (rendering whole carcasses) is revoked by these Regulations (*regulation 2(10)*).

5. A regulatory impact assessment has been prepared in respect of these Regulations. A copy of it has been placed in the library of each House of Parliament. Further copies of the assessment can be obtained from the Meat Hygiene Division of the Food Standards Agency, Ergon House, Horseferry Road, London SW1P 3WG.

Notes:

[1] 1990 c. 16. Functions formerly exercisable by "the Ministers" are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12 and 21 of that Schedule amend sections 17(1) and 48 of the 1990 Act. Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.[back](#)

[2] S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1998/2431), S.I. 1999/539 and S.I. 2000/656.[back](#)

[3] S.I. 1996/2097, amended by S.I. 1996/2522 and S.I. 2000/656.[back](#)

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