

# Statutory Instrument 2000 No. 2726

## The Specified Risk Material (Amendment) (England) Order 2000

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### STATUTORY INSTRUMENTS

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**2000 No. 2726**

### **ANIMALS, ENGLAND**

#### **ANIMAL HEALTH**

### The Specified Risk Material (Amendment) (England) Order 2000

*Made* 4th October 2000

*Laid before Parliament* 4th October 2000

*Coming into force* 25th October 2000

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1, 10(1)(a) and (c) and (2), 11, 29(2)(b), 35(1), 76(3), and 83(2) of and Schedule 2 to the Animal Health Act 1981[1] and of all other powers enabling him in that behalf, hereby makes the following Order:

#### **Title, commencement and extent**

**1. - (1) This Order may be cited as the Specified Risk Material (Amendment) (England) Order 2000 and shall come into force on 25th October 2000.**

**(2) This Order extends to England only.**

#### **Amendments to the Specified Risk Material Order 1997**

**2. - (1) In so far as it extends to England, the Specified Risk Material Order 1997[2] is amended in accordance with the following paragraphs of this article.**

**(2) In paragraph (1) of article 2 (Interpretation) -**

**(a) the definitions of "class I specified risk material", "class II specified risk material", and "intestines" are revoked; and**

**(b) the definition of "specified risk material" is replaced by the following definition -**

**" "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 carcass;**

**(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 carcass; and**

**(e) specified solid waste;".**

**(3) In article 3 (Specified sheep or goat material) -**

**(a) in paragraph (1), the phrase "class I" is deleted; and**

**(b) paragraph (2) is revoked.**

**(4) Paragraphs (1) and (2) of article 4 (Specified bovine material) are replaced by the following paragraphs -**

**" (1) In this Order, "specified bovine material" means -**

**(a) the following material in relation to a bovine animal that was slaughtered or died in the United Kingdom or Portugal at an age greater than 6 months -**

**(i) the entire 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 that 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) in relation to a bovine animal that was slaughtered or died, at an age greater than 12 months, elsewhere than in the UK, Portugal, Australia or New Zealand the following material -**

**(i) the skull (including the brains and eyes);**

**(ii) the tonsils;**

**(iii) the spinal cord; and**

**(iv) the ileum.**

**(2) In this article, the references to Portugal do not include a reference to the**

**Autonomous Region of the Azores."**

**(5) Article 6 (Import of class I specified risk material) shall be replaced by the following article -**

**" Import of specified risk material**

**6. - (1) No person shall import into England from outside the British Islands, any specified risk material except where it is to be transported directly to -**

**(a) approved premises;**

**(b) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes, provided those purposes do not involve the consumption of specified risk material or products derived from specified risk material by humans or by animals (other than animals kept for the purposes concerned); or**

**(c) in the case of specified risk material imported from another Member State -**

**(i) the premises referred to in regulation 21(1)(a) of the Specified Risk Material Regulations 1997 [4] for direct consignment to the premises referred to in regulation 21(1)(d) of those Regulations; or**

**(ii) the premises referred to in regulation 21(1)(d) of those Regulations.**

**(2) No person shall import into England from outside the British Islands, any food or feeding stuff listed in Schedule 1 below, except any food or feeding stuff which -**

**(a) does not contain specified risk material; and**

**(b) in the case of any food or feeding stuff that is imported from a third country, is accompanied by a certificate in the form set out in Schedule 2 below, issued by the appropriate veterinary authority of the place from which the food or feeding stuff was dispatched.**

**(3) Where specified risk material is imported under paragraph (1) above, the importer shall ensure that it is transported to its place of destination without delay.**

**(4) Contravention of or failure to comply with any provision of this article shall be an offence to which section 76(3) of the Animal Health Act 1981[5] applies.**

**(5) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove -**

**(a) where it is alleged that he imported any food or feeding stuff listed in Schedule 1 below containing specified risk material, that he did not know or have any reason to believe that it contained any specified risk material;**

**(b) where it is alleged that he imported any food or feeding stuff listed in Schedule 1 below without the certificate referred to in paragraph (2)(b) above, that it was accompanied by a document purporting to be the certificate required by that paragraph, which he did not know or have any reason to believe to be false; and**

**(c) where it is alleged that he imported any food or feeding stuff listed in Schedule 1 below which contained specified risk material and was not accompanied by the certificate referred to in paragraph (2)(b) above, that he did not know or have reason to believe that the food or feeding stuff contained specified risk material nor that the document purporting to be the certificate was false.**

**(6) It shall be a defence for any person charged with an offence under paragraph (3) above to prove that he took all reasonable steps to ensure that the specified risk material was transported to approved premises as required by that paragraph."**

**(7) In article 9 (prohibition on the removal of brain and eyes) -**

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

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

**(8) In paragraph (1) of article 15 (Seizure and destruction of imports) the phrase "class I" is deleted.**

**(9) In Schedule 2 (Form of importation certificate), in the first indent of paragraph II of the Declaration the word ", ileum" is added after the word "tonsils".**

***Hayman***

**Minister of State Minister of Agriculture, Fisheries and Food**

**4th October 2000**

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**EXPLANATORY NOTE**

***(This note is not part of the Order)***

**1. This Order (which gives effect 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)) amends the Specified Risk Material Order 1997 (S.I. 1997/2964) in so far as it extends to England. S.I. 1997/2964 extends**

**to the whole of Great Britain.**

**2. The Order:**

**(a) brings the definition of "specified risk material" into line with that contained in Commission Decision 2000/418/EC; and**

**(b) in relation to article 6 of S.I. 1997/2964:**

**(i) extends the categories of premises to which SRM must be sent if it is to be imported; and**

**(ii) requires food and feedingstuffs containing SRM to be accompanied by a certificate where they are imported from a third country.**

**3. A Regulatory Impact Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies can be obtained from the BSE and IT Division of the Ministry of Agriculture, Fisheries and Food, 1A Page Street, London SW1P 4PQ.**

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*Notes:*

[1] 1981, c. 22. See section 86(1) for a definition of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

[2] S.I. 1997/2964.

[3] S.I. 1996/2097, amended by S.I. 1996/2522.

[4] S.I. 1997/2965 as amended by S.I. 1997/3062, S.I. 1998/2405, S.I. 1998/2431 and S.I. 2000/2672.

[5] 1981 c. 22.