

Scottish Statutory Instrument 2000 No. 345

The Specified Risk Material Amendment (Scotland) Regulations 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 345

FOOD

The Specified Risk Material Amendment (Scotland) Regulations 2000

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

The Scottish Ministers in exercise of the powers conferred on them 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], having had regard in accordance with section 48(4A)[2] of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)[3] of that Act make the following Regulations:

Citation, commencement and extent

- 1. - (1) These Regulations may be cited as the Specified Risk Material Amendment (Scotland) Regulations 2000 and come into force on 1st October 2000.**
- (2) These Regulations extend to Scotland only.**

Amendments to the Specified Risk Material Regulations 1997

2. - (1) The Specified Risk Material Regulations 1997[4] 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 omitted.

(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 the 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 I" is omitted.

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

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

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

(7) The following regulation is substituted for regulation 4 (specified bovine material)-

" Specified bovine material

4. - (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 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 which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 30 months, the vertebral column (including dorsal root ganglia); and

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

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

(ii) the tonsils,

(iii) the spinal cord, and

(iv) the ileum.

(2) 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.

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

(8) The following paragraph is added to regulation 10-

" 12. Nothing in paragraph (1) above shall require the removal of the vertebral column from the carcass of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996[5] if the carcass is consigned to a licensed cutting premises which, if located in Scotland, is authorised pursuant to regulation 15A(5) below."

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

(10) 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)".

(11) The following regulation is inserted after regulation 15-

**" Removal of vertebral column of bovine animals in cutting premises
15A. - (1) Where a carcass or bone in carcass meat is consigned to a cutting premises in Scotland in accordance with regulation 10(12) above the occupier of**

that cutting premises shall ensure that the vertebral column is removed from the rest of the carcase.

(2) The occupier of a cutting premises shall permit an inspector or official veterinary surgeon, or a person acting under the responsibility of either of them, to inspect the carcase of any bovine animal consigned there so that it can be checked whether the specified risk material has been removed from the carcase in accordance with these Regulations; and the occupier shall give to any such person such reasonable assistance as he shall require.

(3) If the vertebral column is removed at cutting premises, the occupier shall ensure that it is stained in accordance with regulation 10(3) above, and disposed of as specified risk material in accordance with these Regulations.

(4) The Agency may, on an application made to it under this regulation, authorise any licensed cutting premises for the purposes of this regulation.

(5) In considering applications for authorisation for the purposes of this regulation the Agency may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this regulation."

(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 words "class II specified risk material".

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

" (17) For the purposes of this regulation, 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 specified risk material in regulation 2(1) above."

SUSAN C DEACON
A member of the Scottish Executive

St Andrew's House, Edinburgh
29th September 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which give effect in part to Commission Decision 2000/418/EC

regulating the use of material presenting risks as regards transmissible spongiform encephalopathies, O.J. No. L 158, 30.6.2000, p.76) amend the Specified Risk Material Regulations 1997 (S.I. 1997/2965), as already amended) in so far as they extend to Scotland. The Specified Risk Material Regulations 1997 extend to the whole of Great Britain.

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. 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. 1997/2095. That provision regulates the disposal of tallow derived from certain specified risk material.

S.I. 1997/2965 is further amended so that-

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

(b) whole carcasses of bovines are deemed to be specified risk material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died.

S.I. 1997/2965 is also amended to allow the vertebral column of animals which fall under the Beef Assurance Scheme to be removed in authorised cutting premises as well as in a slaughterhouse (regulations 2(8) and 2(11)).

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

Further amending regulations giving effect to the requirements of Commission Decision 2000/418/EC in relation to the rendering and destruction of specified risk material will be made in the near future.

A regulatory impact assessment in respect of these Regulations has been prepared and has been replaced in the Scottish Parliament Information Centre. Copies are available from the Food Standards Agency, 5th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

Notes:

[1] 1990 c.16. Sections 16(1) and (2), 19(1) and 48(1) were amended by the Food Standards Act 1999 (c.28), Schedule 5, paragraph 8; section 17(1) was amended by paragraphs 8 and 12 of Schedule 5; amendments made by Schedule 5 which extend to Scotland shall be taken as pre commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the Food Standards Act 1999. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.back

[2] Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.back

[3] Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.back

[4] S.I. 1997/2965, amended in relation to the whole of Great Britain by S.I. 1998/2405

(itself amended by S.I. 1998/2431) and S.I. 1999/539 and amended in relation to Scotland by S.S.I. 2000/62.back

[5] S.I. 1998/2097, amended by S.I. 1996/2522back

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