

# Scottish Statutory Instrument 2001 No. 73

## The Restriction on Pithing (Scotland) Regulations 2001

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### SCOTTISH STATUTORY INSTRUMENTS

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#### 2001 No. 73

#### FOOD

#### ANIMALS

#### ANIMAL HEALTH

### The Restriction on Pithing (Scotland) Regulations 2001

*Made* 8th March 2001

*Laid before the Scottish Parliament* 8th March 2001

*Coming into force in accordance with regulation 1(1)*

*The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[1] and of all other powers enabling them in that behalf, hereby make the following Regulations:*

#### ***Citation, commencement and extent***

***1. - (1) These Regulations may be cited as the Restriction on Pithing (Scotland) Regulations 2001 and shall come into force-***

*(a) for the purposes of all regulations other than regulation 3, on 1st April 2001; and*

*(b) for the purposes of regulation 3, on 1st July 2001.*

*(2) These Regulations shall extend to Scotland only.*

***Restriction on pithing***

***2. - (1) No person shall pith any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption.***

***(2) For the purposes of this regulation-***

***(a) to "pith" an animal is to lacerate, after stunning, its central nervous tissue by means of an elongated rod shaped instrument introduced into the cranial cavity; and***

***(b) "sale" includes supply otherwise than on sale, in the course of a business, whether***

***carried on for profit or not.***

***(3) Any person who contravenes paragraph (1) shall be guilty of an offence.***

***Disposal of illegally pithed animals***

***3. Where any bovine, ovine or caprine animal has been pithed in contravention of regulation 2(1), all parts of its carcass (except the hide) shall be deemed to be-***

***(a) "specified risk material" as defined in article 2(1) of the Specified Risk Material Order 1997[2]; and***

***(b) "specified risk material" as defined in regulation 2(1) of the Specified Risk Material Regulations 1997[3].***

***Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995***

***4. The Welfare of Animals (Slaughter or Killing) Regulations 1995[4] are amended by the insertion of the following regulation after regulation 3 (application and exemptions)-***

***" Laceration of central nervous tissue after stunning***

***3A. - (1) Nothing in these Regulations shall be taken as permitting, on or after 1st April 2001, the laceration, after stunning, of central nervous tissue by means of an elongated rod shaped instrument introduced into the cranial cavity of any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption, as prohibited by the Restriction on Pithing (Scotland) Regulations 2001[5].***

***(2) For the purposes of this regulation, "sale" includes supply otherwise than on sale, in the course of a business, whether carried on for profit or not."***

***Powers of inspectors***

***5. - (1) An inspector shall, on producing if so required, some duly authenticated document showing that inspector's authority have the right at all reasonable hours to***

*enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purposes of ascertaining if there is or has been a contravention of regulation 2(1).*

*(2) In paragraph (1), "inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Food Standards Agency or, as the case may be, the Scottish Ministers or a local authority.*

*(3) In paragraph (2), paragraph (4) and in regulation 8, "local authority" means a Council constituted under section 2 of the Local Government etc. (Scotland) Act 1994[6].*

*(4) Any person appointed to be an inspector for the purposes of the Animal Health Act 1981[7] by-*

*(a) a local authority; or*

*(b) the Scottish Ministers,*

*shall be deemed to have been appointed to be an inspector for the purposes of these Regulations by that authority or, as the case may be, the Scottish Ministers.*

#### **Obstruction**

**6. - (1) No person shall-**

*(a) intentionally obstruct any person acting in the execution of these Regulations;*

*(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of that person's functions under these Regulations; or*

*(c) furnish to any person acting in the execution of these Regulations any information which is known to be false or misleading,*

*and any person who contravenes or fails to comply with this regulation shall be guilty of an offence.*

*(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate that person.*

#### **Penalties**

**7. - (1) A person guilty of an offence under regulation 6(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.**

**(2) A person guilty of an offence under regulation 2(1) or regulation 6(1)(c) shall be liable-**

*(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or to both;*

*(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.*

**Enforcement**

**8. These Regulations shall be enforced by the Food Standards Agency in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995[8] and by the Scottish Ministers or the local authority in relation to any other premises.**

**SUSAN C DEACON**

*A member of the Scottish Executive*

*St Andrew's House, Edinburgh*

*8th March 2001*

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**EXPLANATORY NOTE**

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

*These Regulations, which extend to Scotland only, give effect to Article 5 of Commission Decision 2000/418/EEC (O.J. No. L 158, 30.6.2000, p. 70).*

*These Regulations-*

*(a) prohibit the use of the technique known as "pithing" in the slaughter of bovine, ovine or caprine animals for sale (given an extended meaning by regulation 2(2) (b)) for human or animal consumption (regulation 2(1));*

*(b) provide that all parts of the carcass (other than the hide) of an illegally pithed animal are deemed to be specified risk material for the purposes of the Specified Risk Material Order 1997 and the Specified Risk Material Regulations 1997, as amended in each case (regulation 3);*

*(c) make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995 (regulation 4).*

*(d) give a power of entry to persons appointed as inspectors by the relevant enforcement authority (regulation 5);*

*(e) create offences and penalties (regulations 2(3), 6 and 7);*

*(f) specify who is to enforce them (regulation 8).*

*A regulatory impact assessment which includes a compliance cost assessment of the effect which these Regulations have on business costs has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Meat Hygiene Division, Food Standards Agency, 6th Floor, St. Magnus House, 25 Guild Street, Aberdeen AB11 6NJ*

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**Notes:**

*[1] 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.back*

***[2] S.I. 1997/2964, amended by S.S.I. 2000/344 and 2001/4.back***

***[3] S.I. 1997/2965, amended by S.I. 1997/3062, 1998/2405 (itself amended by 1998/2431), 1999/539 and S.S.I. 2000/62, 345 and 2001/3.back***

***[4] S.I. 1995/731, amended by S.I. 1999/400 and 1820 and S.S.I. 2000/62.back***

***[5] S.S.I. 2001/.back***

***[6] 1994 c.39.back***

***[7] 1981 c.22.back***

***[8] S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I. 2000/62, 171 and 288back***

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***ISBN 0-11-059615-3***

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*Prepared 27 March 2001*