

Statutory Rule 1999 No. 157

The Specified Risk Material (Amendment) Regulations (Northern Ireland) 1999

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STATUTORY RULES OF NORTHERN IRELAND

1999 No. 157

FOOD SAFETY

The Specified Risk Material (Amendment) Regulations (Northern Ireland) 1999

Made 26th March 1999

Coming into operation 23rd April 1999

Whereas it appears to the Department of Agriculture, acting as the Department concerned that it is necessary or expedient -

- (a) for the purposes of ensuring that food complies with food safety requirements or in the interests of public health; or
- (b) for the purposes of protecting or promoting the interests of consumers,

to make the following Regulations;

Now therefore the said Department concerned, in exercise of the powers conferred by Articles 15(1), (2) and (3), 16(1), 18(1), 25, 26(3) and 47(2) of and paragraphs 2(1), 3, 5 and 6(1) of Schedule 1 to the Food Safety (Northern Ireland) Order 1991^[1] and of every other

power enabling it in that behalf, and after consultation, in accordance with Article 47(3) of that Order, with such organisations that appear to it to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 23rd April 1999.

Amendments to the Specified Risk Material Regulations (Northern Ireland) 1997

2. The Specified Risk Material Regulations (Northern Ireland) 1997[2] shall be amended in accordance with regulations 3 to 11.

Interpretation

3. - (1) In regulation 2(1) -

(a) after the definition of "Department" there shall be inserted " "export mark" means the mark described in regulation 16A(2)"; and

(b) after the definition of "licensed" there shall be inserted the following definition -

" "listed premises" means any of the premises notified to the Department by the Ministère de L'agriculture et de la pêche of the French Republic and published in the Belfast Gazette;"

(2) After regulation 2(2) there shall be inserted the following paragraph -

" (2A) In these Regulations, the word "whole" where it refers to a carcase in each of the phrases "intended for export whole" and "exporting it whole" means that the carcase has not been longitudinally split through the middle of its vertebral column."

Specified risk material for human consumption

4. After regulation 6(5) there shall be inserted the following paragraph -

" (6) This regulation shall not apply to the sale for human consumption of a sheep carcase containing its spinal cord (that cord being specified sheep and goat material) if -

- (a) the carcase is intended for export whole directly to listed premises;
- (b) the person selling it has in his possession the declaration required by regulation 9(10)(b); and
- (c) the carcase has been marked with the export mark."

Initial treatment of bovine, sheep and goat carcasses in a slaughterhouse

5. At the end of regulation 9 there shall be added the following paragraph -

" (10) Nothing in paragraph (2) shall require the removal of a spinal cord (that cord being specified sheep and goat material) from a sheep carcase if -

- (a) the carcase is intended for export whole directly to listed premises;

(b) the occupier of the slaughterhouse concerned provides a written declaration to an official veterinary surgeon -

(i) indicating that he believes that the carcase is intended for export whole direct to listed premises, and

(ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and

(c) the carcase has been marked with the export mark."

Marking of sheep carcasses

6. After regulation 16 there shall be added the following regulation -

" Marking of sheep carcasses intended for export whole direct to listed premises

16A. - (1) In the case of any carcase to which regulation 9(10) applies the occupier of the slaughterhouse at which the sheep concerned was slaughtered shall ensure that its carcase is marked with the export mark in accordance with the following paragraphs.

(2) The export mark shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high the legend "VS FR" and shall be applied by an official veterinary surgeon, an authorised officer of the Department or a meat inspector acting under the responsibility of an official veterinary surgeon.

(3) A person other than a person mentioned in paragraph (2) shall not apply the export mark to any carcase or possess the equipment for applying that mark.

(4) A person shall not -

(a) apply the export mark to a sheep carcase unless it contains its spinal cord (that cord being specified sheep and goat material) and it is intended for export whole direct to listed premises; or

(b) do any other thing which is likely to lead any person wrongly to believe that a sheep carcase -

(i) still contains its spinal cord (that cord being specified sheep and goat material); and

(ii) is intended for export whole direct to listed premises."

Transportation of unmarked carcasses of sheep and goats

7. For regulations 17(1) and (2) there shall be substituted the following paragraphs -

" 17. - (1) A person shall not move from a slaughterhouse a carcase of a sheep or goat suitable for human consumption that is not marked with the young lamb stamp, except -

(a) to approved cutting premises that lie within the same curtilage as the slaughterhouse;

- (b) a carcass which has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997^[3] and which is moved in a sealed container;
- (c) when all specified risk material has been removed from the carcass; or
- (d) in the case of a sheep carcass, one which -
 - (i) contains its spinal cord (that cord being specified sheep and goat material);
 - (ii) is intended for export whole direct to listed premises; and
 - (iii) is moved in a sealed container.

(2) During the movement referred to in paragraph (1) the carcass shall be accompanied by a document indicating -

- (a) in all cases, the name, address and licence number of the slaughterhouse from which the carcass is being moved;
- (b) in the case where the carcass is being moved to authorised cutting premises, the name, address and licence number of those premises; and
- (c) in the case of a movement referred to in paragraph (1)(d), the name and address of the listed premises to which it is intended the carcass will be exported."

Presence of an official veterinary surgeon

8. In regulation 18(1) after the word "premises" there shall be inserted the words "or to listed premises".

Possession of unmarked carcasses of sheep and goats

9. At the end of regulation 19 there shall be added the following paragraphs -

- " (3) A person shall not transport a sheep carcass which is intended for export whole direct to listed premises and which contains its spinal cord (that cord being specified sheep and goat material) unless -
 - (a) he has in his possession (in addition to the document required by regulation 17(2)) a copy of the declaration required by regulation 9(10)(b); and
 - (b) the carcass has been marked with the export mark.
- (4) Where an authorised officer of the Department certifies that any person is or has been in possession of a sheep carcass in contravention of paragraph (1) or transported in contravention of paragraph (3) that carcass shall be treated for the purposes of Article 8 of the Food Safety (Northern Ireland) Order 1991 as failing to comply with food safety requirements."

Arrival of carcasses at listed premises

10. After regulation 19 there shall be added the following regulation -

" Arrival of carcasses at listed premises

19A. - (1) The occupier of each slaughterhouse from which any sheep carcase containing its spinal cord (that cord being specified sheep and goat material) has been moved in a sealed vehicle for the purpose of exporting it whole direct to listed premises shall as soon as is practicable after the end of the third complete working day following its departure from the slaughterhouse concerned give written notice to the person who supervised its loading into that vehicle in accordance with regulation 18(1) as to whether or not he had received confirmation of the carcase's arrival at the listed premises concerned.

(2) In paragraph (1), the reference to "a working day" is a reference to a day which is a working day in Northern Ireland where the slaughterhouse, from which the carcase concerned has been moved, is situated. For that purpose a working day in Northern Ireland is a day which is not -

- (i) a Saturday or a Sunday;
- (ii) a common law holiday there; or
- (iii) a bank holiday there under the Business and Financial Dealings Act 1971[4].".

Offences and penalties

11. In regulation 29 -

(a) after paragraph (2) there shall be inserted -

" (2A) If any person makes a declaration under regulation 9(10)(b) -

- (a) knowing it to be false or misleading in a material particular; or
- (b) being reckless as to whether it is false or misleading in a material particular,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale."; and

(b) in paragraph (3), after the words "paragraph (2)" there shall be inserted the words "or under paragraph (2A)".

Sealed with the Official Seal of the Department of Agriculture on

L.S.

Liam McKibben
Assistant Secretary

26th March 1999.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Specified Risk Material Regulations (Northern Ireland) 1997 ("the principal Regulations").

2. The amendments made by these Regulations have the effect of allowing the export to certain premises in France of carcasses of older sheep containing spinal cord which is "specified risk material" as defined in regulation 2(1) of the principal Regulations.

3. The amendments disapply regulation 6(1) of the principal Regulations (prohibition on selling for human consumption specified risk material or food containing same) and part of regulation 9(2) of those Regulations (requirement for slaughterhouse operator to remove specified risk material from carcasses of sheep slaughtered there) in the case of sheep carcasses containing spinal cord which is specified risk material which are intended for export whole direct to listed premises.

4. A new regulation (regulation 16A) is inserted in the principal Regulations, requiring the marking of those sheep carcasses containing spinal cord which is specified risk material which are intended for export whole direct to listed premises.

5. Amendments are also made to regulation 17 of the principal Regulations (transportation of unmarked carcasses of sheep and goats) to ensure that sheep carcasses concerned are moved in sealed vehicles and are accompanied by appropriate documentation during transport.

6. Regulation 19 of the principal Regulations (possession of unmarked carcasses of sheep and goats) is also amended -

(a) to ensure, first, that a person transporting the sheep carcasses concerned (those containing spinal cord which is specified risk material and which are intended for export whole direct to listed premises) has in his possession appropriate documentation and, second, that the carcasses are appropriately marked; and

(b) to enable the carcasses concerned to be brought within the scope of Article 8 of the Food Safety (Northern Ireland) Order 1991 (S.I. 1991 No. 762 (N.I. 7)) (inspection and seizure of suspected food).

7. A further new regulation (regulation 19A) is inserted in the principal Regulations imposing requirements with respect to the arrival of the carcasses concerned at the listed premises to which it was intended they should be transported.

Notes:

[1] S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)[back](#)

[2] S.R. 1997 No. 552[back](#)

[3] S.R. 1997 No. 493[back](#)

[4] 1971 c. 80[back](#)

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