

Statutory Instrument 2001 No. 2672

The Specified Risk Material (Amendment) (England) (No. 2) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 2672

FOOD, ENGLAND

The Specified Risk Material (Amendment) (England) (No. 2) Regulations 2001

<i>Made</i>	<i>23rd July 2001</i>
<i>Laid before Parliament</i>	<i>23rd July 2001</i>
<i>Coming into force</i>	<i>13th August 2001</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, extent and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment) (England) (No. 2) Regulations 2001; they extend to England only and come into force on 13th August 2001.

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) -

(a) the phrase "(subject to paragraph (4) below)" is inserted at the beginning of paragraph (c) of the definition of "specified risk material";

(b) the following definitions are inserted between the definition of "listed premises" and the definition of "official veterinary surgeon" -

" "mechanically recovered meat" means meat which -

(a) is derived from residual meat on animal bones; and

(b) has been obtained by mechanical means;

"the Minister" means the Minister of Agriculture, Fisheries and Food;" and

(c) the following definition is substituted for the existing definition of "vertebral column" -

" "vertebral column" excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;".

(3) The following paragraph is inserted at the end of regulation 2 -

" (4) Notwithstanding paragraph (c) of the definition of "specified risk material" in paragraph (1) above, where the carcase of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) of the Specified Risk Material Order 1997[3], the part of the carcase not comprising the vertebral column shall not be regarded as specified risk material for the purposes of these Regulations.".

(4) In paragraph (1) of regulation 3 (specified sheep and goat material), the phrase "(subject to paragraph (4) below)" is inserted before the phrase "specified sheep or goat material".

(5) The following paragraphs are inserted at the end of regulation 3 -

" (4) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (5) below is not specified sheep or goat material as defined by paragraph (1) above.

(5) The countries are -

Australia

Argentina

Botswana

Brazil

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland

Uruguay."

(6) The following paragraph is substituted for paragraph (1) of regulation 4 (specified bovine material) -

" (1) In these Regulations, "specified bovine material" means -

(a) (subject to paragraph (5) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;

(b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months -

(i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),

(ii) the thymus,

(iii) the spleen,

(iv) the spinal cord, and

(v) (subject to paragraph (6) below) in the case of a bovine animal described in this sub-paragraph which was slaughtered or died when it was aged over 12 months, the vertebral column; and

(c) (subject to paragraph (5) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months -

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

(ii) the tonsils,

(iii) the spinal cord, and

(iv) (subject to paragraph (7) below) the vertebral column."

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

" (4) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores."

(8) The following paragraphs are inserted at the end of regulation 4 -

" (5) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in regulation 3(5) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.

(6) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of -

(a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or

(b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purpose of these Regulations.

(7) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of these Regulations.

(8) In paragraph (6)(b) above, "beef assurance scheme animal" means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No. 2) Regulations 1996^[4]."

(9) The following regulation is substituted for regulation 6 (approvals, authorisations and registrations) -

" Approvals and authorisations

6. - (1) The Minister may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if he is satisfied that the premises -

(a) are properly equipped to carry out the functions to which the approval relates; and

(b) comply with the requirements of that Part of these Regulations.

(2) The Agency may, on application, authorise any premises under regulation 15 below (prohibition on the removal of the spinal cord of a ruminant animal) if it is satisfied that the premises -

(a) are properly equipped to carry out the functions to which the authorisation relates; and

(b) comply with the requirements of that regulation.

(3) Any approval or authorisation granted or made under these Regulations (including a consent given under regulation 24(7) below) shall be in writing and may be made subject to conditions.

(4) Any such approval or authorisation may be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval or authorisation was granted or, if that person is no longer the occupier of the premises to which the approval or authorisation relates, on the occupier of those premises, if the Minister or, as the case may be, the Agency is satisfied that any provisions of these Regulations in relation to the premises or any conditions in the approval or authorisation are not being complied with."

(10) The following regulation is substituted for regulation 8 (prohibitions applying to the vertebral column) -

" Mechanically recovered meat

8. - (1) No person shall use any bovine, ovine or caprine bone for the production of mechanically recovered meat.

(2) No person shall use any mechanically recovered meat which is derived from a bovine, ovine or caprine bone in the preparation of food for sale for human consumption."

(11) Regulation 9 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked.

(12) The following regulation is inserted immediately after regulation 15 (prohibition on the removal of the spinal cord of a ruminant animal) -

" Treatment of imported carcasses containing vertebral column

15A. - (1) Where the imported carcass of a bovine animal containing vertebral column which is specified bovine material is transported to designated cutting premises in accordance with article 6(2A) of the Specified Risk Material Order 1997 the occupier of those premises shall ensure that the vertebral column is removed from the rest of the carcass at the premises as soon as is practicable after the arrival of the carcass there.

(2) The occupier of any designated cutting premises at which the vertebral column is removed in accordance with this regulation shall ensure that it is -

(a) stained in accordance with regulation 10(3) above; and

(b) disposed of as specified risk material in accordance with these Regulations.

(3) In paragraphs (1) and (2) above, "designated cutting premises" means licensed cutting premises which the Agency has, following receipt by it of a written application, designated in writing for the purposes of this regulation.

(4) Any designation made by the Agency for the purposes of this regulation may be made subject to conditions.

(5) Any such designation may be amended, suspended or revoked at any time by notice in writing served on the person in whose favour it was granted or, if that person is no longer the occupier of the premises to which the designation relates, on the occupier of those premises, if the Agency is satisfied that any provision of these Regulations has not been complied with in relation to the premises or any condition in the designation has been breached.

(6) In paragraph (1) above "carcase" means any whole carcase, half carcase or quarter carcase."

(13) In paragraph (1) of regulation 26 (power to give directions) -

(a) the words "or the Agency" are inserted before the words "is satisfied"; and

(b) the words "he or as the case may be" are inserted before the words "the Agency".

(14) In paragraph (2) of regulation 26 the words "or as the case may be the Agency" are inserted before the word "may".

Signed by authority of the Secretary of State for Health

Yvette Cooper

Parliamentary Under Secretary of State for Public Health, Department of Health

23rd July 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make further amendments to the Specified Risk Material Regulations 1997 (S.I. 1997/2965, as already amended) in so far as they extend to England. The Specified Risk Material Regulations 1997 ("the principal Regulations") extend to Great Britain as a whole.

2. These Regulations reflect the provisions of Annex XIA to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No. L147, 31.5.2001, p.1). That Annex imposes transitional measures with regard to the removal of specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (OJ No. L177, 30.6.2001, p.60).

3. The substantive amendments made by these Regulations to the principal Regulations are as follows -

(a) in the light of the transitional measures referred to above -

(i) regulation 3 of the principal Regulations (which defines "specified sheep and goat material") is amended to exclude from the scope of the definition material derived from sheep and goats born, continuously reared and slaughtered in certain third countries (*regulation 2(4) and (5)*),

(ii) regulation 4 of the principal Regulations (which defines "specified bovine material") is substantially revised so that, in particular, material derived from bovine animals born, continuously reared and slaughtered in certain third countries is now outside the scope of the definition (*regulation 2(6) to (8)*),

(iii) regulation 8 of the principal Regulations (prohibition applying to the vertebral column of ruminant animals) is replaced with a provision prohibiting the use of bovine, ovine and caprine bones in the production of mechanically recovered meat (*regulation 2(10)*) and regulation 9 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked (*regulation 2(11)*), and

(iv) a new regulation, 15A, dealing with the treatment of imported carcasses containing vertebral column which is specified bovine material, is inserted into the principal Regulations (*regulation 2(12)*); and

(b) in view of the amendment made to regulation 26 of the principal Regulations by the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), that regulation is further amended to enable the Food Standards Agency or the Minister of Agriculture, Fisheries and Food to give directions relating to the disposal of specified risk material (*regulation 2(13) and (14)*).

4. These Regulations also make consequential amendments to the principal Regulations in the light of certain of the substantive amendments referred to above and the enactment of the Food Standards Act 1999 (1999 c. 28) (*regulation 2(2), (3) and (9)*).

5. A regulatory impact assessment, which includes a compliance cost assessment of the effect that these Regulations are likely to have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the BSE Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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 respectively 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) as read with section 40(3) of the 1999 Act 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) as read with section 40(2) of the 1999 Act. 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. 1997/2431), S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2000/817.[back](#)

[3] S. I. 1997/2964, amended by S.I. 2000/2726, S.I. 2000/3234 (itself revoked by S.I. 2000/3377), S.I. 2000/3377 and S.I. 2001/2650.[back](#)

[4] S.I. 1996/2097, amended by S.I. 1996/2522, S.I. 2000/656 and S.I. 2000/3378.[back](#)

ISBN 0 11 029813 6

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Prepared 7 August 2001