

Scottish Statutory Instrument 2001 No. 287

The Specified Risk Material Amendment (Scotland) Order 2001

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SCOTTISH STATUTORY INSTRUMENTS

2001 No. 287

ANIMALS

ANIMAL HEALTH

The Specified Risk Material Amendment (Scotland) Order 2001

<i>Made</i>	<i>14th August 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>16th August 2001</i>
<i>Coming into force</i>	<i>20th August 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 1, 10(1)(a) and (c) and (2), 11 and 83(2) of, and Schedule 2 to, the Animal Health Act 1981^[1], and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

- 1. - (1) This Order may be cited as the Specified Risk Material Amendment (Scotland) Order 2001 and shall come into force on 20th August 2001.
- (2) This Order shall extend to Scotland only.

Amendments to the Specified Risk Material Order 1997

2. - (1) The Specified Risk Material Order 1997^[2] is amended in accordance with the following paragraphs of this article.

(2) In article 2(1) (interpretation)-

(a) in the definition of "specified risk material"^[3] at the beginning of sub-paragraph (c), shall be inserted the words "(subject to paragraph (5) below)"; and

(b) the following definition shall be added at the end:-

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

(3) After paragraph (4) of article 2 the following paragraph shall be inserted:-

" (5) Notwithstanding the definition of "specified risk material" in paragraph (1)(c) 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) below, the part of the carcase not comprising the vertebral column shall not be regarded as specified risk material for the purposes of this Order.".

(4) In article 3(1) (specified sheep or goat material)^[4], before the words ""specified sheep or goat material"" there shall be inserted "(subject to paragraph (2) below)".

(5) After paragraph (1) of article 3 there shall be inserted the following paragraphs:-

" (2) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (3) below is not specified sheep or goat material as defined by paragraph (1) above.

(3) The countries are-

Argentina

Australia

Botswana

Brazil

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland

Uruguay."

(6) Article 4 (specified bovine material) is substituted by the following article:-

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

(a) (subject to paragraph (3) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or of 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:-

(i) when it was aged over 6 months-

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

(bb) the thymus;

(cc) the spleen;

(dd) the spinal cord; and

(ii) (subject to paragraph (4) below) when it was aged over 12 months, the vertebral column; and

(c) (subject to paragraph (3) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in the United Kingdom or Portugal 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 (5) below) the vertebral column.

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

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

(4) Notwithstanding paragraph (1)(b)(ii) above, the vertebral column of a bovine animal born and continuously reared in the United Kingdom or Portugal and

slaughtered there when it was aged over 12 months but no more than 30 months shall not be regarded as specified bovine material for the purposes of this Order.

(5) 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 this Order."

(7) In article 6 (import of specified risk material)[5]-

(a) the words "Subject to paragraph (2A) below," shall be inserted at the beginning of paragraph (2); and

(b) after paragraph (2) there shall be inserted the following paragraph:-

" (2A) Paragraph (2) above shall not be taken to prohibit the import into Scotland from outside the British Islands of a carcase of a bovine animal containing any vertebral column which is specified bovine material where-

(a) the carcase is to be transported directly to cutting premises designated in accordance with regulation 15A of the Specified Risk Material Regulations 1997[6] for the removal of the vertebral column there; and

(b) not less than 72 hours before it is intended that the carcase be imported, the person importing the carcase has given notice of the intended import to the director of the Meat Hygiene Service of the Food Standards Agency for the region of that Service in which those premises are situated (or, if there is no such director, the officer of the Food Standards Agency responsible for the exercise of similar functions).".

(8) In Schedule 2 (form of importation certificate) for the declaration there shall be substituted the following declaration:-

" Declaration

***Either:**

This product does not contain and is not derived from specified risk material as defined in Annex XI, section A, to Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, produced after 31st March 2001, or mechanically recovered meat obtained from the bones of bovine, ovine or caprine animals, produced after 31st March 2001. The animals have not been slaughtered, after 31st March 2001, after stunning by means of a gas injected into the cranial cavity or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

Carcasses, half carcasses and quarter carcasses may contain vertebral column on import.

***Or:**

This product does not contain and is not derived from bovine, ovine and caprine

materials other than those derived from animals born, reared and slaughtered in one or more of the following countries:

Argentina

Australia

Botswana

Brazil

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland

Uruguay

***delete one of these as appropriate."**

SUSAN DEACON

A member of the Scottish Executive

St Andrew's House, Edinburgh

14th August 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, makes further amendments to the Specified Risk Material Order 1997 ("the principal Order") to implement the provisions of Annex XI 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 (O.J. No. L 147, 31.5.01, p.1). Annex XI imposed 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 (O.J. No. L 177, 30.6.01, p.60).

In article 2 of the principal Order, a definition of vertebral column is added at the end of paragraph (1) and a new paragraph (5) is added (*article 2(2) and (3)*).

Article 3 of the principal Order (which defines "specified sheep or 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 (*article 2(4) and (5)*).

Article 4 of the principal Order (which defines "specified bovine material") is substituted by a new article 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 (*article 2(6)*).

Article 6 of the principal Order (which regulates the "import of specified risk material") is amended to impose new requirements for the import of carcasses of bovine animals containing vertebral column which are specified risk material; and a new form of importation certificate is substituted in Schedule 2 to the principal Order (*article 2(7) and (8)*).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that this Order is likely to have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, 47 Robb's Loan, Edinburgh EH14 1TY.

Notes:

[1] 1981 c.22. See section 86(1) for the definition of "the Ministers". The functions of the Ministers of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).[back](#)

[2] S.I. 1997/2964, as amended by S.S.I. 2000/344 and 2001/4.[back](#)

[3] The definition of "specified risk material" was substituted by S.S.I. 2000/344.[back](#)

[4] Article 3 was amended by S.S.I. 2000/344.[back](#)

[5] Article 6 was substituted by S.S.I. 2000/344.[back](#)

[6] S.I. 1997/2965, amended by S.I. 1997/3062, 1998/2405 (itself amended by S.I. 1998/2431) and 1999/539 and by S.S.I. 2000/62 and 345, 2001/3, 86 and 288. Regulation 15A was substituted by S.S.I. 2001/288.[back](#)

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