

Welsh Statutory Instrument 2001 No. 1303 (W. 80)

The Restriction on Pithing (Wales) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 1303 (W. 80)

FOOD, WALES

ANIMALS, WALES

ANIMAL HEALTH

The Restriction on Pithing (Wales) Regulations 2001

Made

22nd March 2001

Coming into force

*(a) in the case of all provisions
other than regulation 3*

1st April 2001

(b) in the case of regulation 3

1st July 2001

The National Assembly for Wales, being designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to measures relating to the common agricultural policy of the European Community, acting in exercise of the powers conferred on it by that section now makes the following Regulations:

Title, application and commencement

1. - (1) These Regulations may be cited as the Restriction on Pithing (Wales) Regulations 2000.

(2) These Regulations apply to Wales only.

(3) In the case of all provisions other than regulation 3, these Regulations shall come into force on 1st April 2001. Regulation 3 shall come into force on 1st July 2001.

Restriction on pithing

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

(2) For the purposes of these regulations, 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.

(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 carcase (except the hide) shall be deemed to be -

(a) "specified risk material" as defined in regulation 2(1) of the Specified Risk Material Regulations 1997[3]; and

(b) "specified risk material" as defined in article 2(1) of the Specified Risk Material Order 1997[4].

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

4. In so far as they extend to Wales, the Welfare of Animals (Slaughter or Killing) Regulations 1995[5] are amended by the insertion of the following regulation immediately after regulation 3 (application and exemptions) -

" Immobilisation after stunning

3A. - (1) Nothing in these Regulations shall be taken as permitting the immobilisation, on or after 1st April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) In paragraph (1), the "immobilisation" of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity."

Powers of inspectors

5. - (1) An inspector shall on producing if so required some duly authenticated document showing his or her 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 purpose of ascertaining if there is or has been a breach 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, the National Assembly for Wales, the Minister of Agriculture, Fisheries and Food, or a local authority.

(3) In paragraphs (2) and (4) and in regulation 8, "local authority" means a county council or county borough council in Wales.

(4) Any person appointed to be an inspector for the purposes of the Animal Health

Act 1981[6] by -

- (a) a local authority;**
- (b) the National Assembly for Wales (whether or not acting jointly with any Minister of the Crown), or**
- (c) the Minister of Agriculture, Fisheries and Food (whether or not acting jointly with any other Minister of the Crown or the National Assembly for Wales)**

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 National Assembly for Wales or as the case may be that Minister.

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 of him or her for the purposes of his or her functions under these Regulations; or**
- (c) furnish to any person acting in the execution of these Regulations any information which he or she knows 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 request for information if to do so might incriminate him or her.

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 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 -

- (a) by the Food Standards Agency in relation to premises licensed under the**

Fresh Meat (Hygiene and Inspection) Regulations 1995)[7], and

(b) by the National Assembly for Wales or the Minister of Agriculture, Fisheries and Food (or the National Assembly for Wales and the said Minister acting jointly) or the relevant local authority in relation to any other premises.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[8]

D. Elis Thomas

Presiding Officer of the National Assembly for Wales

22nd March 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to Wales only, give effect to Article 5 of Commission Decision 2000/418/EC (OJ No.L158, 30.6.2000, p.70).

2. These Regulations -

(a) prohibit the use of the technique known as "pithing" in the slaughter of bovine, ovine or caprine animals for human or animal consumption (regulation 2(1));

(b) provide that the carcase (other than the hide) of an illegally pithed animal is deemed to be specified risk material (regulation 3);

(c) make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995 insofar as they extend to Wales (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).

3. These Regulations (other than Regulation 3, which comes into force on 1st July 2001) come into force on 1st April 2001.

4. A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.

Notes:

[1] S.I. 1999/2788.back

[2] 1972 c.68.back

[3] S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1998/2431), S.I. 1999/539 and, in relation to Wales, by S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224).back

[4] S.I. 1997/2964, amended in relation to Wales by S.I.2000/2811 and 2000/3387 (W.224).back

[5] S.I. 1995/731, amended by S.I. 1999/400 and S.I. 2001/656.back

[6] 1981 c.22.back

[7] S.I. 1995/539.back

[8] 1998 c.38.back

Cymraeg (Welsh)

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