SCOTTISH STATUTORY INSTRUMENTS

2001 No. 288

FOOD

The Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001

Made - - - -	*14th August 2001*
Laid before the Scottish Parliament - - - -	*16th August 2001*
Coming into force - -	*20th August 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a), (b), (c), (d) and (f), (2)(a) and (3), 17, 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 them in that behalf, having had regard in accordance with section 48(4A)(**2**) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(**3**) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001 and shall come into force on 20th August 2001.

(2) These Regulations extend to Scotland only.

Amendments to the Specified Risk Material Regulations 1997

2.—(1) The Specified Risk Material Regulations 1997(**4**) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)–

(a) in the definition of "approved", for the words "the Minister", there are substituted the words "the Scottish Ministers";

(**1**) 1990 c. 16; sections 16(1) and (2), 19(1) and 48(1) were amended by the Food Standards Act 1999 ("the 1999 Act"), Schedule 5, paragraph 8; section 17 was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by Schedule 6 of the 1999 Act; amendments made by the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(**3**) Section 48(4B) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(**4**) S.I.1997/2965, amended by S.I. 1997/3062, 1998/2405 (itself amended by S.I. 1998/2431), 1999/539, S.S.I. 2000/62 and 345, 2001/3 and 86.

(b) the following definition is 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;";

(c) the words "(subject to paragraph (4) below)" are inserted at the beginning of paragraph (c) of the definition of "specified risk material"; and

(d) the following definition is substituted for the existing definition of "vertebral column":–

""vertebral column" excludes the vertebrae of the tail and the transverse processes 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 is consigned to a licensed cutting premises in accordance with regulation 10(12) below or has been imported in accordance with article 6(2A) of the Specified Risk Material Order 1997(**5**), 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 or goat material), the words "(subject to paragraph (4) below)" are inserted before the words "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–

Argentina

Australia

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–

(**5**) S.I. 1997/2964, amended by S.S.I. 2000/344, 2001/4 and 287.

(a) (subject to paragraph (4) 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 (5) below) when it was aged over 12 months, the vertebral column; and

(c) (subject to paragraph (4) 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 (6) below) the vertebral column.".

(7) The following paragraph is substituted for paragraph (3) of regulation 4:–

"(3) In each of sub-paragraphs (b) and (c) of paragraph (1) above and in paragraph (5) below, 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:–

"(4) 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.

(5) 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 purpose of these Regulations.

(6) 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.".

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

"**Approvals and authorisations**

6.—(1) The Scottish Ministers may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if they are 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.