Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Specified Risk Material Order Amendment (Scotland) Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2000 No. 344

ANIMALS
ANIMAL HEALTH

The Specified Risk Material Order Amendment (Scotland) Regulations 2000

Made - - - -	*29th September 2000*
Laid before the Scottish Parliament - - - -	*29th September 2000*
Coming into force - -	*1st October 2000*

The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972[F1], and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), **Schedule 8**, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Specified Risk Material Order Amendment (Scotland) Regulations 2000 and shall come into force on 1st October 2000.

(2) These Regulations extend to Scotland only.

Amendments to the Specified Risk Material Order 1997

2.—(1) The Specified Risk Material Order 1997 [F2] is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of article 2 (Interpretation)–

(a) the definitions of "class I specified risk material", "class II specified risk material", and "intestines" are omitted; and

(b) the definition of "specified risk material" is replaced by the following definition–

""specified risk material" means–

(a) specified bovine material;

(b) specified sheep or goat material;

(c) any part of the animal remaining attached to specified bovine material or specified sheep or goat material after dissection of the carcase;

(d) any animal material which comes into contact with specified bovine material or specified sheep or goat material after it has been removed from the carcase; and

(e) specified solid waste;".

(3) In article 3 (Specified sheep or goat material)–

(a) in paragraph (1), the phrase "class I" is omitted; and

(b) paragraph (2) is omitted.

(4) In article 4 (Specified bovine material), paragraphs (1) and (2) are replaced by the following paragraphs–

"(1) In this Order, "specified bovine material" means–

(a) the following material in relation to a bovine animal that was slaughtered or died in the United Kingdom or Portugal at an age greater than 6 months–

(i) the entire head (excluding the tongue but including the brains, eyes, trigeminal ganglia and tonsils);

(ii) the thymus;

(iii) the spleen;

(iv) the intestines from the duodenum to the rectum; and

(v) the spinal cord;

(b) in relation to a bovine animal that was slaughtered or has died in the United Kingdom or Portugal at an age greater than 30 months, the vertebral column (including dorsal root ganglia); and

(c) in relation to a bovine animal that was slaughtered or died, at an age greater than 12 months, elsewhere than in the UK, Portugal, Australia or New Zealand the following material–

(i) the skull (including the brains and eyes);

(ii) the tonsils;

(iii) the spinal cord; and

(iv) the ileum.

(2) In this article, the references to Portugal do not include a reference to the Autonomous Region of the Azores.".

(5) Article 6 (Import of Class I specified risk material) shall be replaced by the following article–

" **Import of specified risk material**

6.—(1) No person shall import into Scotland from anywhere outside the British Islands, any specified risk material except where it is to be transported directly to–

(a) approved premises;

(b) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes provided those purposes do not involve the consumption of specified risk material or products derived from specified

risk material by humans or by animals (other than animals kept for the purposes concerned); or

(c) in the case of specified risk material imported from another Member State–

(i) the premises referred in regulation 21(1) of the Specified Risk Material Regulations 1997 [F3] for direct consignment to the premises referred to in regulation 21(1)(d) of those Regulations; or

(ii) the premises referred to in regulation 21(1)(d) of those Regulations.

(2) No person shall import into Scotland from anywhere outside the British Islands, any food or feeding stuff listed in Schedule 1 below, except food or feeding stuff which–

(a) does not contain specified risk material; and

(b) in the case of any food or feeding stuff that is imported from a third country, is accompanied by a certificate in the form set out in Schedule 2 below, issued by the appropriate veterinary authority of the place from which the food or feeding stuff was dispatched.

(3) Where specified risk material is imported under paragraph (1) above, the importer shall ensure that it is transported to its place of destination without delay.

(4) Contravention of or failure to comply with any provision of this article shall be an offence to which section 76(3) of the Animal Health Act 1981 [F4] applies.

(5) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove–

(a) where it is alleged that the person imported any food or feeding stuff listed in Schedule 1 below containing specified risk material, that the person did not know or have any reason to believe that it contained any specified risk material;

(b) where it is alleged that the person imported any food or feeding stuff listed in Schedule 1 below without the certificate referred to in paragraph (2)(b) above, that it was accompanied by a document purporting to be the certificate required by that paragraph, which the person did not know or have any reason to believe to be false; and

(c) where it is alleged that the person imported any food or feeding stuff listed in Schedule 1 below which contained specified risk material and was not accompanied by the certificate referred to in paragraph (2)(b) above, that the person did not know or have reason to believe that the food or feeding stuff contained specified risk material nor that the document purporting to be the certificate was false.

(6) It shall be a defence for any person charged with an offence under paragraph (3) above to prove that the person took all reasonable steps to ensure that it was transported to approved premises as required by that paragraph.”

(6) In article 9 (prohibition on removal of brain and eyes)–

(a) for the words “aged over" there is substituted the words “ which was slaughtered or has died at an age greater than ”; and

(b) for the words “(of any age at death)" there is substituted the words “ which at the time it was slaughtered or died had one or more permanent incisor teeth erupted through the gum or was aged more than 12 months ”.

(7) In paragraph (1) of article 15, the phrase “class I" is omitted.

(8) In Schedule 2 (Form of importation certificate), in the first indent of paragraph II of the Declaration the word “ ileum ” is added after “spinal cord".