WELSH STATUTORY INSTRUMENTS

2008 No. 3266 (W.288)

ANIMALS, WALES

The Transmissible Spongiform Encephalopathies (Wales) (Amendment) (No.2) Regulations 2008

Made - - - -	*19 December 2008*
Laid before the National Assembly for Wales - -	*19 December 2008*
Coming into force - -	*12 January 2009*

The Welsh Ministers have been designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

The Welsh Ministers make the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972.

The Welsh Ministers have carried out the consultation required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**).

Citation and commencement

1. The title of these Regulations is The Transmissible Spongiform Encephalopathies (Wales) (Amendment) (No.2) Regulations 2008; they apply in relation to Wales and come into force on 12 January 2009.

(**1**) S.I. 2008/1792 .

(**2**) 1972 c. 68 .

(**3**) OJ No L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No 202/2008 (OJ No L 60, 5.3.2008, p.17).

Amendment of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008

2. The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008(**4**) are amended in accordance with regulations 3 to 8.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1) in the definition of "Community TSE Regulation", after sub-paragraph (b), insert—

"(c) Commission Decision 2008/908/EC authorising certain Member States to review their annual BSE monitoring programme(**5**);".

Amendment of regulation 20 (enforcement)

4. In regulation 20 for paragraph (2) substitute—

"(2) The Food Standards Agency enforces in slaughterhouses and cutting plants:—

(a) Schedule 7; and

(b) paragraph 1A, paragraph 2 and paragraph 3 of Schedule 8.".

Amendment of Schedule 2

5. In schedule 2—

(a) for paragraph 1 substitute—

"Notification of the body of a goat for the purposes of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession, or under their control, the body of a goat aged 18 months or over at death, must—

(a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the Welsh Ministers; and

(b) where the Welsh Ministers direct, detain it until it has been collected by or on behalf of the Welsh Ministers,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Delivery of the body of a bovine animal for the purposes of monitoring under Article 6 of the Community TSE Regulation

1A.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their control the body of a bovine animal that must be

(**4**) S.I. 2008/3154 (W.282) .

(**5**) OJ No L 327, 5.12.2008, p.24.

tested in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation must, unless directed otherwise by the Welsh Ministers, within 24 hours either—

(a) make arrangements with another person for that person to collect it and to deliver it to an approved sampling site within 72 hours; or

(b) identify an approved sampling site that will carry out the sampling and deliver the animal to that site so as to arrive at the site within 72 hours,

and failure to do so is an offence.

(2) The periods of 24 and 72 hours referred to in sub-paragraph (1) run from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of that sub-paragraph apply.

Persons collecting and delivering

1B. A person with whom arrangements are made under paragraph 1A for the delivery of a body to an approved sampling site must, unless directed otherwise by the Welsh Ministers, within 48 hours of the time when the body comes into their possession or under their control—

(a) identify an approved sampling site that will carry out the sampling; and

(b) ensure it is delivered to that site,

and failure to do so is an offence.

Destruction without sampling

1C. Any person who destroys the body of a bovine animal to which paragraph 1A applies before it has undergone sampling at an approved sampling site, except in accordance with a direction of the Welsh Ministers, commits an offence.

Retention of bodies of bovine animals pending test results

1D. An approved sampling site to which the body of a bovine animal has been sent for sampling in accordance with this Part must retain it in accordance with point 6(3) of Annex III to the Community TSE Regulation, and failure to do so is an offence; and

(b) after paragraph 4 insert—

"**Approved sampling sites**

4A.—(1) The Welsh Ministers must on application approve a sampling site to sample animals to which paragraph 1A applies if satisfied that the sampling site has adequate control procedures to carry out the sampling.

(2) An "approved sampling site" ("*safle samplu a gymeradwywyd*") in this Part means a sampling site approved under this paragraph or a sampling site in another part of the United Kingdom approved by the competent authority to carry out sampling for the same purpose.".

Amendment of Schedule 3

6. In Schedule 3 paragraph 5, sub-paragraph (3) for "sub-paragraph 2(b)(ii)" substitute "sub-paragraph 1(b)(ii)".