WELSH STATUTORY INSTRUMENTS

2008 No. 1182 (W.119)

ANIMALS, WALES

ANIMAL HEALTH

The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008

Made - - - -	*25 April 2008*
Laid before the National Assembly for Wales - -	*25 April 2008*
Coming into force - -	*26 April 2008*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**).

The Welsh Ministers have been designated for the purposes of that section in relation to measures in the veterinary field for the protection of public health(**2**).

As 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**) there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

Title, application and commencement

1. The title of these Regulations is the Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008, they apply in relation to Wales and they come into force on 26 April 2008.

Amendment of the Transmissible Spongiform (Encephalopathies) (Wales) Regulations 2006

2.—(1) The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006(**4**) are amended in accordance with paragraphs (2) to (4).

(**1**) 1972 c. 68.
(**2**) S.I. 2003/1246. By virtue of section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.
(**3**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).
(**4**) S.I. 2006/1226 (W.117), amended by S.I. 2007/2244 (W.176).

(2) In Paragraph (1) of regulation 2 (Interpretation)—

(a) immediately before the definition of "bovine animal" there is inserted the following definition—

> ""the amended Community TSE Regulation" means the Community TSE Regulation as amended by Commission Regulation (EC) No. 722/2007 amending Annexes II, V, VI, VIII, IX and 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(**5**) and Commission Regulation (EC) No. 357/2008 amending Annex V 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(**6**);";

(b) in the definition of "cutting plant", for the reference to paragraph 10(2)(c) of Schedule 6 there is substituted a reference to paragraph 9(2)(b)(iii) of that Schedule; and

(c) immediately after the definition of "slaughterhouse" there is inserted the following definition —

> ""specified risk material" (save as specified in paragraph 20(6) of Schedule 6) has the meaning given to it in Article 3.1(g) of the amended Community TSE Regulation;".

(3) For Schedule 6 (specified risk material, mechanically separated meat and slaughtering techniques) there is substituted the Schedule set out in the Schedule to these Regulations.

(4) In Schedule 7 (restrictions on dispatch to other member States and to third countries) for paragraph 2 (exports to third countries) there is substituted the following paragraph—

"**2.** Any person who fails to comply with point 10.3 of Annex V to the amended Community TSE Regulation is guilty of an offence.".

Revocation

3. The Beef Bones Regulations 1997(**7**) are revoked in as far as they apply in relation to Wales.

Gwenda Thomas
Under authority of the Minister for Health and Social Services, one of the Welsh Ministers.

25 April 2008

(**5**) OJ No. L164, 26.6.2007, p.7.
(**6**) OJ No. L 111, 23.4.2008, p.3.
(**7**) S.I. 1997/2959.

THE SCHEDULE Regulation 2(3)

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (WALES) REGULATIONS 2006

"SCHEDULE 6 Regulation 9

Specified risk material, mechanically separated meat and slaughtering techniques

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Appointment of the Food Standards Agency as the competent authority

1.—(1) Except in butcher shops, the Food Standards Agency must carry out the duties on the member State in point 11.1 and point 11.2 of Annex V to the amended Community TSE Regulation in relation to this Schedule and may grant authorisations for the purposes of point 4.3(a) of that Annex.

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant an inspector is—

(a) an official veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Food Standards Agency;

(b) an official auxiliary who is qualified in accordance with Regulation 854/2004 to act in such a capacity, is appointed by the Food Standards Agency and works under the authority and responsibility of an official veterinarian; or

(c) any other person appointed for the purpose by the Food Standards Agency.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) Any person exercising the powers of an inspector under this Schedule has the protection specified in regulation 18(3).

Training

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

(a) ensure that staff receive any training necessary to ensure that the occupier complies with his or her duties in this Schedule; and

(b) keep records of each person's training for as long as that person works there,

and failure to do so is an offence.

Mechanically separated meat

3.—(1) Any person who fails to comply with point 5 of Annex V to the amended Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph "mechanically separated meat" means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

Pithing

4. Any person who fails to comply with point 6 of Annex V to the amended Community TSE Regulation (measures concerning laceration of tissues) is guilty of an offence.

Tongue harvesting

5. Any person who fails to comply with point 7 of Annex V to the amended Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

Head meat harvesting

6. Any person who fails to comply with point 8.1 of Annex V to the amended Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

Removal of specified risk material

7. Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4.1 or point 4.3(a) of Annex V to the amended Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

(a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or

(b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

Bovine animals in a slaughterhouse

8.—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcase of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) He or she must as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to—

(a) a cutting plant authorised under paragraph 12(1)(a);

(b) a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country; or

(c) another member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.

(3) He or she must identify meat containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation and provide information in accordance with point 11.3(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(**8**) as last amended by Regulation 1791/2006, except in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation.

(5) Failure to comply with this paragraph is an offence.

Sheep and goats in a slaughterhouse

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of a slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, he or she must as soon as is reasonably practicable after slaughter—

(a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or

(b) send the meat to—

(i) a cutting plant authorised under paragraph 12(1)(b),

(ii) a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country, or

(iii) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, a cutting plant located in another member State, provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement.

(**8**) OJ No. L 204, 11.8.2000, p.1.