WELSH STATUTORY INSTRUMENTS

# 2007 No. 2244 (W.176)

# ANIMALS, WALES

ANIMAL HEALTH

# The Transmissible Spongiform Encephalopathies (Wales) (Amendment) (No.2) Regulations 2007

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| *Made - - - -* | *27 July 2007* |
| *Laid before the National Assembly for Wales - -* | *30 July 2007* |
| *Coming into force - -* | *31 July 2007* |

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 are 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 of the following Regulations.

## Title and Commencement

**1.** The title of these Regulations is the Transmissible Spongiform Encephalopathies (Wales) (Amendment) (No.2) Regulations 2007 and they come into force on 31 July 2007.

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

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

(**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)

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

**Revocation**

**3.** The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2007(**5**) are revoked.

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

27 July 2007

(**5**) (S.I 2007/2043) (W. 168)

THE SCHEDULE Regulation 2(2)

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

**Appointment of the Food Standards Agency as the competent authority**

**1.**—(1) Except in butcher shops, the Food Standards Agency must carry out in relation to this Schedule the duties on the member State in point 11.1 and point 11.2 of Annex V to the Community TSE Regulation as amended by Commission Regulation (EC) No. 722/2007(**6**) ("the amended Community TSE Regulations") and must 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 (EC) No. 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 (EC) No. 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).

**Local authorities' duties with regards to butcher shops**

**2.** Local authorities 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 in so far as it relates to the removal in butcher shops of those parts of the vertebral column of bovine animals that are specified risk material and will grant authorisations and effect registrations for the purposes of point 4.3(b) of that Part.

**Training**

**3.** The occupier of any slaughterhouse, cutting plant or butcher shop 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.

(**6**) OJ No. L164, 26.6.2007, p.7.

**Mechanically separated meat**

**4.**—(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**

**5.** 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**

**6.** 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**

**7.** 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**

**8.**—(1) 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, point 4.3(a) or point 4.3(b) 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) (i) any part of the vertebral column that is specified risk material from any bovine animal aged over 30 months at slaughter; or

(ii) in circumstances where the meat containing the specified risk material has been brought into Wales from another member State, any part of the vertebral column that is specified risk material from any bovine animal aged 30 months or less at slaughter,

unless the plant is authorised under paragraph 13(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 13(1)(b).

(3) In the case of a butcher shop, it is an offence to remove any part of the vertebral column that is specified risk material from a bovine animal, if the shop is not authorised and registered for that purpose under paragraph 14, or the meat containing the specified risk material has been brought into Wales from another member State.

**Bovine animals in a slaughterhouse**

**9.**—(1) When a bovine animal is slaughtered, 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 consign any meat containing those parts of the vertebral column that are specified risk material as soon as is reasonably practicable—

(a) in the case of any animal that is aged over 30 months at slaughter, to a cutting plant authorised under paragraph 13(1)(a) or to another Member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation; and

(b) in the case of any animal that is aged 30 months or less at slaughter, to a cutting plant, to a butcher shop authorised and registered under paragraph 14 or to 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 Part.

(4) No person is permitted to include a blue stripe in the label which is 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(**7**) as last amended by Council Regulation (EC) No. 1791/2006(**8**) 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

**10.**—(1) When a sheep or goat is slaughtered, 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;

(b) send the meat to a cutting plant authorised under paragraph 13(1)(b); or

(c) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, send the meat to a cutting plant 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.

(3) In sub-paragraph (2)(c), "cutting plant" ("*safle torri*") means premises—

(d) approved or conditionally approved as such under Article 31(2) of Regulation (EC) No. 882/2004 or

(e) operating as such under Article 4(5) of Regulation (EC) No. 853/2004 pending such approval.

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

### Young lamb and goat stamps

**11.**—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and

(**7**) OJ No. L 204, 11.8.2000, p. 1, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p. 33).

(**8**) OJ No. L363, 20.12.2006, p.1.