WELSH STATUTORY INSTRUMENTS

# 2005 No. 2902 (W.205)

# ANIMALS, WALES
# ANIMAL HEALTH

## The TSE (Wales) (Amendment) (No. 2) Regulations 2005

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| *Made - - - -* | *18 October 2005* |
| *Coming into force - -* | *19 October 2005* |

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures in the veterinary fields for the protection of public health, in exercise of the powers conferred by that section, makes the following Regulations:

**1.** These Regulations may be cited as the TSE (Wales) (Amendment) (No.2) Regulations 2005 and comes into force on 19 October 2005.

**2.** The TSE (Wales) Regulations 2002(**3**) are amended in accordance with the provisions of these Regulations.

**3.** In regulation 3(1) (interpretation)—

(a) at the end of the definition of "the Community Transitional Measures", there is added —

"(g) Regulation (EC) No. 932/2005 of the European Parliament and of the Council of 8 June 2005 amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures(**4**);";

and the word "and" is deleted from the end of sub-paragraph (e), and added to the end of the sub-paragraph (c), of that definition;

(b) at the end of the definition of "inspector", there is added—

"(d) a person appointed as such for the purposes of Article 6 of the Community TSE Regulation and Regulation 10A in relation to a hide market or tannery by the Meat and Livestock Commission established by section 1 of the Agricultural Act 1967(**5**);";

(**1**) S.I. 2003/1246.
(**2**) 1972 c. 68.
(**3**) S.I. 2002/1416.
(**4**) OJ No. L 163, 23.6.2005 p 1.
(**5**) 1967c.22; section 1 was amended by the Agriculture Act 1986 (c. 49), section 7

and the word "and" is deleted from the end of sub-paragraph (b), and added to the end of the sub-paragraph (c), of that definition;

(c) for the definition of "vertebral column", there is substituted—

""vertebral column" excludes the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but includes the dorsal root ganglia;";

(d) for the definition of "young lamb stamp" and the word "and" preceding it, there is substituted—

""young goat stamp" means the stamp described as such in regulation 38(2); and

"young lamb stamp" means the stamp described as such in regulation 38(2).".

**4.** After Regulation 10 (notifications), there are inserted the following regulations—

"**Slaughter of bovine animals over 30 months of age**

**10A.**—(1) No person will use a slaughterhouse for the slaughter of a relevant bovine animal unless the occupier of the slaughterhouse has agreed in writing with an OVS the Required Method of Operation in respect of the slaughter of relevant bovine animals at the slaughterhouse in question.

(2) Without prejudice to other provisions which may be contained in it, a relevant agreement —

(a) will contain provisions stating how each requirement referred to in Schedule 1A is to apply in respect of the Required Method of Operation at the slaughterhouse in question; and

(b) may be suspended or revoked by the OVS by notice in writing served on the occupier if the OVS is of the opinion that it is not being complied with.

(3) If the OVS suspends or revokes the agreement—

(a) the occupier may make representation on the suspension or revocation to a person appointed for the purpose by the National Assembly for Wales;

(b) the appointed person will consider the representations and report in writing to the National Assembly for Wales; and

(c) the National Assembly for Wales will give written notification of its final determination and the reasons for it.

(4) The occupier of the slaughterhouse will ensure that the provisions contained in the relevant agreement relating to that slaughterhouse are complied with in relation to each relevant bovine animal slaughtered there.

(5) Where a relevant bovine animal has been slaughtered otherwise than in accordance with a relevant agreement, an inspector may give to the occupier of the slaughterhouse in question a direction for the disposal of—

(a) the carcase of that relevant bovine animal; and

(b) all other parts of the body of that animal including the blood and the hide.

(6) Where an inspector gives a direction under paragraph (5), the owner of the carcase will not be entitled to any compensation under these Regulations in respect of that carcase and the other parts of the body of the animal including the blood and the hide.

(7) Paragraph (6) is without prejudice to any proceedings arising out of the failure to comply with the relevant agreement in question.

(8) If a person to whom a direction is given under paragraph (5) fails to comply with the direction, an inspector may arrange for it to be complied with—

(a) without prejudice to any proceedings arising out of such default; and

(b) at the expense of the person to whom the direction was given.

(9) In this regulation—

(a) "registered bovine animal" means a bovine animal which belongs to a herd registered under the Beef Assurance Scheme pursuant to regulation 4 of the Fresh Meat (Beef Control) (No.2) Regulations 1996(**6**);

(b) "relevant agreement" means an agreement referred to in paragraph (1);

(c) "relevant bovine animal" means a bovine animal, other than a registered bovine animal, over 30 months of age any part of which is intended for human consumption; and

(d) "Required Method of Operation", in relation to a slaughterhouse, means the method of operation that would apply there.

**Consignment of over-age animals to a slaughterhouse**

**10B.**—(1) Subject to paragraph (2), no person will consign to a slaughterhouse a live or dead bovine animal born or reared in the United Kingdom prior to 1 August 1996.

(2) Paragraph (1) does not prohibit a person from consigning a bovine animal to a slaughterhouse under the purchase scheme introduced under Commission Regulation (EC) No. 716/96(**7**) adopting exceptional support measures for the beef market in the United Kingdom, as amended by Commission Regulations (EC) No. 774/96(**8**), No. 835/96(**9**), No. 1512/96(**10**), No. 1846/96(**11**), No. 1974/96(**12**), No. 2149/96(**13**), No. 2423/96(**14**), No. 1365/97(**15**), No. 1176/2000(**16**)) and No. 667/2003(**17**)).".

**5.** In regulation 23 (production of feedingstuffs containing fishmeal), for paragraphs (1), (2) and (3) there are substituted—

"(1) No person will use any premises for the production of feedingstuffs containing fishmeal for the feeding of non-ruminant farmed animals save in accordance with—

(a) the condition contained in paragraph 2.1B(c) of Annex IV; or

(b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph.

(2) The National Assembly for Wales will authorise establishments in relation to the production of feedingstuffs for the purposes of—

(a) the condition contained in paragraphs 2.IB(c) of Annex IV; and

(b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph,

(**6**) S.I. 1996/2097; the relevant amending instrument is S.I. 2000/656.
(**7**) OJ L 99, 20.4.1996, t. 14.
(**8**) OJ L 104, 27.4.1996, t. 21.
(**9**) OJ L 112], 7.5.1996, t. 17.
(**10**) OJ L 189, 30.7.1996, t. 93.
(**11**) OJ L 245, 26.9.1996, t. 9.
(**12**) OJ L 262, 16.10.1996, t. 2.
(**13**) OJ L 288, 9.11.1996, t. 14.
(**14**) OJ L 329, 19.12.1996, t. 43.
(**15**) OJ L 188, 17.7.1997, t. 6.
(**16**) OJ L 131, 1.6.2000, t. 37.
(**17**) OJ L 96, 12.4.2003, t. 13.

if, following an inspection of the premises by a veterinary inspector, it is satisfied that the premises are capable of being operated in accordance with the relevant requirements of Annex IV.

(3) In paragraphs (1) and (2), "Annex IV" means Annex IV to the Community TSE Regulation.".

**6.** In regulation 25 (use and storage of feedingstuffs)—

(a) sub-paragraph (a) of paragraph (1) is omitted; and

(b) in paragraph (2), "fishmeal," is omitted.

**7.** After regulation 25, there are inserted the following regulations—

"**Use and storage of feeding stuffs containing fishmeal**

**25A.**—(1) Subject to paragraph (2), any person who—

(a) uses or stores any feedingstuff containing fishmeal for feeding to non-ruminant farmed animals; and

(b) fails to comply with paragraph 2.IB(f) of Annex IV to the Community TSE Regulation,

is guilty of an offence.

(2) For the purposes of the derogation in paragraph 2.IB(f) of that Annex, no person is to use or store any feeding stuff containing fishmeal on premises where ruminants are kept unless that person is registered by the National Assembly for Wales for that purpose in accordance with paragraph (3).

(3) The National Assembly for Wales is to grant a registration under paragraph (2) where the occupier has declared to it in writing that measures are implemented on the premises in question to prevent the feedingstuffs being fed to ruminant animals on those premises.

(4) Any person who fails to comply with paragraph (2) is guilty of an offence.

(5) A person guilty of an offence under this regulation is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

**Samples sent to laboratories and reporting requirements**

**25B.**—(1) Up to and including 31 December 2005, where an operator of an establishment producing feedingstuffs sends a sample to a laboratory for testing for any purpose in connection with the requirements of Annex IV of the Community TSE Regulation, he or she will supply in writing with the sample—

(a) the name and address of the premises at which the sample was taken;

(b) the date on which the sample was taken; and

(c) the description and identity of the sample.

(2) The operator will also supply in writing with the sample—

(a) confirmation whether or not the sample was taken from a feedingstuff or an ingredient for the feeding of farmed animals—

(i) which has been imported from a third country, or

(ii) which has been, or is intended to be, placed on the market; and, if so,

(b) details of the species of animal for which the feedingstuff or ingredient is intended.

(3) Any—

(a) person who submits a sample to a laboratory for analysis pursuant to paragraph (1); or

(b) occupier of the laboratory, other than the Community reference laboratory, to which that sample is sent,

will inform the National Assembly for Wales; with all practicable speed if there is any evidence arising from that sample of a breach of these Regulations or of Annex IV to the Community TSE Regulation.".

**8.** In regulation 29B (slaughter of animals), for paragraph (4) there is substituted—

"(4) Subject to paragraph (5), if any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may carry out or cause to be carried out those requirements—

(a) without prejudice to any proceedings arising out of such default; and

(b) at the expense of the person on whom the notice is served.

(5) An inspector may only carry out or cause to be carried out the requirements of a notice referred to in paragraph (4) if the National Assembly for Wales has confirmed the notice pursuant to paragraph (3).".

**9.** In regulation 33 (removal of specified risk material from carcases in slaughterhouses)—

(a) for paragraph (1), there is substituted—

"(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse will ensure that—

(a) all specified risk material, excluding the vertebral column, is removed from the carcase as soon as is reasonably practicable after the animal has been slaughtered and before the carcase is presented for inspection pursuant to regulation 35; and

(b) the carcase is consigned to cutting premises licensed under regulation 56(1) as soon as reasonably practicable for the removal of the vertebral column at those premises in accordance with regulation 36(1).";

(b) in paragraph (2)(b), for the words "the head, spleen, ileum and tonsils are" there are substituted "all specified risk material, excluding the spinal cord, is"; and

(c) paragraph (10) is omitted.

**10.** In regulation 36 (removal of vertebral column of bovine animals in cutting premises)—

(a) in paragraph (1)(a), for the words " regulation 33(10)", there are substituted "regulation 33(1)"; and

(b) for paragraph (5) there is substituted—

"(5) In this regulation, "carcase" means—

(a) a carcase;

(b) a half carcase;

(c) a half carcase cut into no more than three wholesale cuts; and

(d) quarters,

containing no specified risk material other than the vertebral column.".