STATUTORY RULES OF NORTHERN IRELAND

2008 No. 188

ANIMAL HEALTH

The Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*24th April 2008*
Coming into operation-	*26th April 2008*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972(**2**).

It is designated for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**3**).

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 26th April 2008.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these regulations as it applies to an Act of the Assembly.

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) 1972 c.68
(**3**) S.I. 1999/2027
(**4**) 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)
(**5**) 1954 c.33 (N.I.)

Amendment of the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006

2.—(1) The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006(**6**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) —

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

> ""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 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";

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

(c) immediately before the definition of "TSE" there is inserted—

> ""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) In regulation 5(e) (the schedules), for "recovered" there is substituted "separated".

(4) 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.

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

> "**2.** A person is guilty of an offence if he fails to comply with point 10.3 of Annex V to the amended Community TSE Regulation".

Revocations

3. The Beef Bones Regulations (Northern Ireland) 1997(**7**) and the Beef Bones (Amendment) Regulations (Northern Ireland) 1999(**8**) are revoked.

(**6**) S.R. 2006 No.202, as amended by S.R. 2007 No.339
(**7**) S.R. 1997 No.540, as amended by S.R. 1999 No.495
(**8**) S.R. 1999 No.495

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 24th April 2008



A McCormick
A senior officer of the Department of Health,
Social Services and Public Safety

THE SCHEDULE Regulation 2(4)

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

"SCHEDULE 6 Regulation 5

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 shall carry out the duties of the member State set out 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 14(3).

Training

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

(a) ensure that staff receive any training necessary to ensure that the occupier complies with his 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 contravenes 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 contravenes 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 contravenes 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 contravenes 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.—(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 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—