STATUTORY RULES OF NORTHERN IRELAND

2007 No. 339

ANIMAL HEALTH

The Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*18th July 2007*
Coming into operation	*19th July 2007*

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

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 of the following Regulations.

Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 19th July 2007.

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

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 paragraph (2).

(**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 (OJ No. L100, 8.4.2006, p.3).
(**5**) 1954 c.33 (N.I.)
(**6**) S.R. 2006 No.202

(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.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 18th July 2007

L.S.

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

THE SCHEDULE Regulation 2(2)

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

"SCHEDULE 6 Regulation 2, 4(1), 5, 12 and 19

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) The Food Standards Agency shall, except in butcher shops, 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(**7**) ("the amended Community TSE Regulation") and shall 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).

District council obligations with regards to butcher shops

2. A district council shall 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 shall grant authorisations and effect registrations for the purposes of point 4.3(b) of that Annex.

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 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

4.—(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.

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

Pithing

5. 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

6. 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

7. 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

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 Northern Ireland from Great Britain or a 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 Northern Ireland from Great Britain or a member State.

Bovine animals in a slaughterhouse

9.—(1) When a bovine animal is slaughtered in a slaughterhouse or slaughtered elsewhere and brought to a slaughterhouse, 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 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 Great Britain or a member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation; or

(b) in the case of any animal that is aged 30 months or less at slaughter, to a cutting plant, or to a butcher shop authorised and registered under paragraph 14 or to Great Britain or a member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.