STATUTORY RULES OF NORTHERN IRELAND

2001 No. 376

FOOD

Specified Risk Material (Amendment No. 3) Regulations (Northern Ireland) 2001

Made - - - -	*16th October 2001*
Coming into operation	*6th November 2001*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(*a*), (*b*), (*c*), (*d*) and (*f*), (2)(*a*) and (3), 16(1), 18(1)(*a*), 25 and 47(2) of, and paragraphs 2(1), 3(1), 5 and 6(1)(*a*) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation in accordance with Article 47(3) and (3B) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment No.3) Regulations (Northern Ireland) 2001 and shall come into operation on 6th November 2001.

Amendments to the Specified Risk Material Regulations (Northern Ireland) 1997

2.—(1) The Specified Risk Material Regulations (Northern Ireland) 1997(**3**) are amended in accordance with the following paragraphs.

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

(a) in the definition of "specified risk material", at the beginning of paragraph (*c*) there is inserted "(subject to paragraph (3A))" ;

(b) the following definition is inserted between the definition of "listed premises" and the definition of "official veterinary surgeon"—

""mechanically recovered meat" means meat which—

(**1**) Formerly the Department of Health and Social Services; *see*S.I. 1999/283 (N.I. 1), Article 3

(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28

(**3**) S.R. 1997 No. 552, as amended by S.R. 1999 Nos. 157 and 431, S.R. 2000 Nos.78 and 295, and S.R. 2001 Nos. 48 and 196

(a) is derived from residual meat on animal bones; and

(b) has been obtained by mechanical means;"; and

(c) the following definition is substituted for the existing definition of "vertebral column"—

""vertebral column" excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;".

(3) After paragraph (3) of regulation 2 there is inserted—

"(3A) Notwithstanding paragraph (*c*) of the definition of "specified risk material" in paragraph (1), where the carcase of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with Article 6(2A) of the Specified Risk Material Order (Northern Ireland) 1997(**4**), the part of the carcase not comprising the vertebral column shall not be regarded as specified risk material for the purposes of these Regulations.".

(4) In paragraph (1) of regulation 3 (specified sheep and goat material), before " "specified sheep or goat material" " there is inserted "(subject to paragraph (4))".

(5) The following paragraphs are inserted at the end of regulation 3—

"(4) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (5) is not specified sheep or goat material as defined by paragraph (1).

(5) The countries are—

Australia

Argentina

Botswana

Brazil

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland

Uruguay.".

(6) The following paragraph is substituted for paragraph (1) of regulation 4 (specified bovine material)—

"(1) in these Regulations, "specified bovine material" means—

(a) (subject to paragraph (5)) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;

(b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months—

(i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),

(**4**) S.R. 1997 No. 551, as amended by S.R. 2001 Nos. 1 and 377

(ii) the thymus,

(iii) the spleen,

(iv) the spinal cord, and

(v) (subject to paragraph (6)) in the case of a bovine animal described in this sub-paragraph which was slaughtered or died when it was aged over 12 months, the vertebral column; and

(c) (subject to paragraph (5)) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—

(i) the skull (including the brain and eyes),

(ii) the tonsils,

(iii) the spinal cord, and

(iv) (subject to paragraph (7)) the vertebral column.".

(7) The following paragraph is substituted for paragraph (4) of regulation 4—

"(4) In each of sub-paragraphs (*b*) and (*c*) of paragraph (1) the reference to Portugal does not include a reference to the Autonomous Region of the Azores.".

(8) The following paragraphs are inserted at the end of regulation 4—

"(5) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in regulation 3(5) is not specified bovine material as defined by paragraph (1)(*a*) or (*c*).

(6) Notwithstanding paragraph (1)(*b*)(v), the vertebral column of—

(a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or

(b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purpose of these Regulations.

(7) Notwithstanding paragraph (1)(*c*)(iv), the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of these Regulations.

(8) In paragraph (6)(*b*), "beef assurance scheme animal" means a bovine animal such as is specified in regulation 3(3)(*a*) or (*b*) of the Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(**5**).".

(9) The following regulation is substituted for regulation 5 (approvals)—

"**Approvals**

5.—(1) The Department may, on application, approve any premises for the purposes of Part VI (transport and disposal of specified risk material) if it is satisfied that the premises—

(a) are properly equipped to carry out the functions to which the approval relates; and

(b) comply with the requirements of that Part.

(2) The Agency may, on application, approve any premises under regulation 15 (prohibition on the removal of the spinal cord of a ruminant animal) if it is satisfied that the premises—

(a) are properly equipped to carry out the functions to which the approval relates; and

(**5**) S.R. 1996 No.404, as amended by S.R. 1996 No.506, S.R.2000 No.78 and S.R.2001 No. 155