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STATUTORY INSTRUMENTS

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**2001 No. 817**

**FOOD**

**The Specified Risk Material  
(Amendment) (England) Regulations 2001**

<i>Made</i>	- - - -	<i>6th March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Minister of Agriculture, Fisheries and Food, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, hereby makes the following Regulations—

**Title, commencement and extent**

1. —These Regulations may be cited as The Specified Risk Material (Amendment) (England) Regulations 2001, shall come into force on 1st April 2001 and shall extend to England.

**Amendment of the Specified Risk Material Regulations 1997**

2.—(1) In so far as they extend to England, the Specified Risk Material Regulations 1997<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (4) of regulation 24, for the words “Without prejudice to the storage requirements of regulation 28 below,” there shall be substituted the words “Subject to paragraph (4A) below, and without prejudice to the storage requirements of regulation 28 below,”.

(3) After paragraph (4) of regulation 24 there shall be inserted the following paragraphs—

“(4A) The operator of an approved rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided—

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for two years of the exact quantity of the specified risk material and the other material together with which the specified risk material is kept, handled, stored and rendered.

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(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (as amended by S.I. 1998/2431), S.I. 2000/2672 and 2000/3381.

(4B) For the purposes of these Regulations, references to specified risk material shall include references to any—

- (a) specified risk material kept, handled, stored or rendered together with other material; and
- (b) any other material together with which the specified risk material is kept, handled, stored or rendered.”.

(4) In regulation 24(9) for the words “After the specified risk material has been processed and separated into protein and tallow the operator of the plant shall ensure that” there shall be substituted the words “Subject to paragraph (9A) below, after the specified risk material has been processed and separated into protein and tallow the operator of the plant shall ensure that”.

(5) After paragraph (9) there shall be inserted the following paragraph—

“(9A) An operator of an approved rendering plant shall ensure that no protein or tallow produced from any specified risk material—

- (a) is consigned from the plant for disposal by burial; or
- (b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 1 to these Regulations.”.

6th March 2001

*Hayman*  
Minister of State Ministry of Agriculture,  
Fisheries and Food

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made by the Minister of Agriculture, Fisheries and Food to make two changes to the processing requirements at rendering plants in England approved by the Minister of Agriculture, Fisheries and Food under the Specified Risk Material Regulations 1997.

The first change gives effect to articles 3.1 and 7(b) of, and paragraph 3(b)(ii) of Annex I to, Commission Decision [2000/418/EC](#) (OJNo. L 158, 30.6.2000, p. 76) regulating the use of material presenting risks as regards transmissible spongiform encephalopathies and amending Decision [94/474/EC](#). Specified risk material which is to be buried at licensed landfill sites must first have been processed at an approved rendering plant in accordance with method 4 prescribed in Part II of Schedule 1 to the Specified Risk Material Regulations 1997.

The second change is related to the requirements of paragraph 3(b)(ii) of Annex I to the Commission Decision. It will allow mixing of specified risk material with other material at approved rendering plants providing all the material is dealt with a specified risk material. Specified risk material kept, stored, handled and rendered at an approved rendering plant, whether processed in accordance with that method 4, or in accordance with one of the other methods prescribed in Part II of Schedule 1 to the Specified Risk Material Regulations 1997, may now be kept, stored, handled and rendered with other material at the approved rendering plant providing all the material is kept, stored, handled and rendered as specified risk material and records are kept for two years of the exact quantities of all the specified risk material and other material concerned.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the BSE Division of the Ministry of Agriculture, Fisheries and Food, Page Street, London.