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WELSH STATUTORY INSTRUMENTS

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**2001 No. 3546 (W.290)**

**FOOD, WALES  
ANIMALS, WALES**

**The Specified Risk Material (Amendment)  
(Wales) (No.2) Regulations 2001**

*Made* - - - - - *31 October 2001*

*Coming into force* - - - - - *1 November 2001*

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 the common agricultural policy, makes the following Regulations:

**Citation, commencement and application**

1. These Regulations may be cited as the Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001; they apply to Wales only and come into force on 1 November 2001.

**Revocation of the Specified Risk Material (Amendment) (Wales) Regulations 2001**

2. Regulation 3 of the Specified Risk Material (Amendment) (Wales) Regulations 2001(3) is hereby revoked.

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

3.—(1) In so far as it applies to Wales, the Specified Risk Material Order 1997(4) shall be amended in accordance with the following paragraphs of this Regulation.

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

- (a) the phrase “(subject to paragraph (5) below)” is inserted at the beginning of paragraph (c) of the definition of “specified risk material”; and
- (b) the following definition is inserted at the end —

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(1) [SI 1999/2788](#).

(2) [1972 \(c. 68\)](#).

(3) [SI 2001/2732 \(W. 231\)](#).

(4) [SI 1997/2964](#), amended by [SI 2000/2811](#) and [SI 2000/3387 \(W.224\)](#).

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

(3) The following paragraph is inserted at the end of article 2 —

“(5) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcass of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) below, the part of the carcass not comprising the vertebral column shall not be regarded as specified risk material for the purposes of this Order.”.

(4) In paragraph (1) of article 3 (specified sheep and goat material), the phrase “(subject to paragraph (2) below)” is inserted before the phrase “specified sheep or goat material”.

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

“(2) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (3) below is not specified sheep or goat material as defined by paragraph (1) above.

(3) The countries are —

Argentina  
Australia  
Brazil  
Botswana  
Chile  
Costa Rica  
Namibia  
New Zealand  
Nicaragua  
Paraguay  
Singapore  
Swaziland and  
Uruguay.”.

(6) The following paragraph shall be substituted for paragraph (1) of article 4 (specified bovine material) —

“(1) In this Order, “specified bovine material” means —

- (a) (subject to paragraph (3) below) 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),
  - (ii) the thymus,
  - (iii) the spleen,
  - (iv) the spinal cord, and

- (v) (subject to paragraph (4) below) in the case of such an animal which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (3) below) 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 (5) below) the vertebral column.”.
- (7) The following paragraph is substituted for paragraph (2) of article 4 —

“(2) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.
- (8) The following paragraphs are added at the end of article 4 —

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

(4) Notwithstanding paragraph (1)(b)(v) above, 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 this Order.

(5) Notwithstanding paragraph (1)(c)(iv) above, 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 this Order.

(6) In paragraph (4)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No. 2) Regulations 1996.”.
- (9) In article 6 —
  - (a) the words “Subject to paragraph (3A) below” are inserted at the beginning of paragraph (3); and
  - (b) the following paragraph is inserted after paragraph (3) —

“(3A) Paragraph (2) above shall not be taken to prohibit the import into Wales from outside the British Islands a carcass of a bovine animal containing any vertebral column which is specified bovine material where —

    - (a) the carcass is to be transported directly to premises designated under regulation 15A of the Specified Risk Material Regulations 1997 for the removal of the vertebral column there; and
    - (b) not less than 72 hours before a person intends to import the carcass, that person has given notice of the intended import to the director of the Meat Hygiene Service of the Food Standards Agency for the region of that Service in which those premises are situated (or, if there is no such director, the officer of the Food Standards Agency responsible for the exercise of similar functions).”

(10) In Schedule 2 (form of importation certificate) for the declaration there shall be substituted the following declaration —

“Declaration

\*Either:

This product does not contain and is not derived from specified risk material as defined in Annex I, point 1(a) of Decision [2000/418/EC](#), produced after 31 March 2001, or mechanically recovered meat obtained from the bones of bovine, ovine or caprine animals, produced after 31 March 2001. The animals have not been slaughtered, after 31 March 2001, after stunning by means of a gas injected into the cranial cavity or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

\*Or:

This product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, reared and slaughtered in the following countries:—

Argentina  
Australia  
Botswana  
Brazil  
Chile  
Costa Rica  
Namibia  
New Zealand  
Nicaragua  
Paraguay  
Singapore  
Swaziland and  
Uruguay

**\*delete one of these as appropriate.”**

#### **Amendments to the Specified Risk Material Regulations 1997**

4.—(1) In so far as they apply to Wales, the Specified Risk Material Regulations 1997 (5) are amended in accordance with the following paragraphs of this Regulation —

(2) In paragraphs (1) and (4) of regulation 6 (Approvals and authorisations) the words “the National Assembly for Wales” are inserted in place of the words “the Minister”.

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(5) [SI 1997/2965](#), amended by [SI 1997/3062](#), [SI 1998/2405](#) (itself amended by [SI 1997/2431](#)), [SI 1999/539](#), [SI 2000/656](#), [SI 2000/2659 \(W.172\)](#), [SI 2000/3387 \(W.224\)](#) and [SI 2000/1973](#).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6).

31st October 2001

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

1. These Regulations, which apply to Wales only, revoke that part of the Specified Risk Material (Amendment) (Wales) Regulations 2001 (SI 2001/2732, W.231), which purported to make amendments to the Specified Risk Material Order 1997 (SI 1997/2964), but which contained drafting errors. The amendments made to the Specified Risk Material Regulations 1997 (SI 1997/2965, as already amended) made by the Specified Risk Material (Amendment) (Wales) Regulations 2001 were validly made and are not revoked by these Regulations.

### **Amendments to the Specified Risk Material Order 1997**

2. These Regulations make further amendments to the Specified Risk Material Order 1997 (SI 1997/2964, as already amended) in so far as it applies to Wales. The Specified Risk Material Order 1997 (“the principal Order”) extends to Great Britain as a whole.

3. The amendments made by these Regulations to the principal Order reflect the provisions of Annex (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 (OJ No. L147, 31.5.2001, p.1). That Annex imposed transitional measures with regard to the removal of specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (OJ No. L177, 30.6.2001, p.60).

4. In article 2 of the principal Order, a definition of vertebral column is added at the end of paragraph 1 and a new paragraph 5 is added (regulation 3(2) and (3)).

5. Article 3 of the principal Order (which defines “specified sheep and goat material”) is amended to exclude from the scope of the definition material derived from sheep and goats born, continuously reared and slaughtered in certain third countries (regulation 3(4) and (5)).

6. Article 4 of the principal Order (which defines “specified bovine material”) is substantially revised so that, in particular, material derived from bovine animals born, continuously reared and slaughtered in certain third countries is now outside the scope of the definition (regulation 3(6) to (8)).

7. Article 6 of the principal Order (which regulates the import of specified risk material) is amended to impose new requirements for the import of carcasses of bovine animals containing vertebral column which is specified risk material; and a new form of importation certificate is substituted in Schedule 2 (regulation 3(9) and (10)).

### **Amendments to the Specified Risk Material Regulations 1997**

8. Minor amendments are made to the Specified Risk Material Regulations 1997 (SI 1997/2965, as already amended) to alter incorrect references to “the Minister” to “the National Assembly for Wales”.

9. A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 (1998 c. 38) and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Wood Street Cardiff, CF10 1EW.

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