

## 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;

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- (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—

- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(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 12(1)(b).

#### **Bovine animals in a slaughterhouse**

8.—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcase of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse shall 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) The occupier of the slaughterhouse shall as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);
- (b) a cutting plant located in a country of the United Kingdom other than Northern Ireland and authorised under the corresponding provision applicable in that country; or
- (c) another member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.

(3) The occupier of the slaughterhouse shall identify meat containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation and provide information in accordance with point 11.3(b) of that Annex.

(4) A person shall not include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(1) as last amended by Regulation 1791/2006, except in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation.

(5) Contravention of this paragraph is an offence.

#### **Sheep and goats in a slaughterhouse**

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse shall remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier of the slaughterhouse shall as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the meat to—
  - (i) a cutting plant authorised under paragraph 12(1)(b),
  - (ii) a cutting plant located in a country of the United Kingdom other than Northern Ireland and authorised under the corresponding provision applicable in that country, or
  - (iii) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, a cutting plant located in another member State, provided that the Food

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(1) OJ No. L 204, 11.8.2000, p.1

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Standards Agency has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement.

- (3) In sub-paragraph (2)(b)(iii), “cutting plant” means premises—
- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
  - (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.
- (4) Contravention of this paragraph is an offence.

#### **Young lamb and goat stamps**

10.—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation, if any, relating to the animal does not indicate that it is aged over 12 months at slaughter.

(2) The stamp shall mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “VS”; and
- (b) in the case of a sheep, “YL”; or
- (c) in the case of a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess equipment for applying it.

(4) It is an offence to mark a sheep or goat with a stamp that is or resembles a young lamb stamp or a young goat stamp unless it is an animal permitted to be marked in accordance with sub-paragraph (1).

#### **Removal of spinal cord from sheep and goats**

11. It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

#### **Authorisation of cutting plants by the Food Standards Agency**

12.—(1) The Food Standards Agency may authorise a cutting plant to remove—

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the amended Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, but all references to the Department shall be construed as references to the Agency.

#### **Removal of specified risk material at a cutting plant authorised under paragraph 12(1)**

13. The occupier of a cutting plant authorised under paragraph 12(1) commits an offence if he does not, as soon as is reasonably practicable after arrival at the plant of meat, and in any event

before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

#### **Meat from another member State**

14. For the purposes of point 10.1 and point 10.2 of Annex V to the amended Community TSE Regulation, where meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Northern Ireland from another member State, the importer shall send it directly to a cutting plant authorised under paragraph 12(1)(a), and failure to do so is an offence.

#### **Staining and disposal of specified risk material**

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the amended Community TSE Regulation (marking and disposal) is guilty of an offence.

(2) For the purposes of that point—

(a) staining involves treating the material (whether by immersion, spraying or other application) with—

(i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No 42051(2)), or

(ii) such other colouring agent as may be approved in writing by the Department or the Food Standards Agency; and

(b) the stain shall be applied in such a way that the colouring is and remains clearly visible—

(i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and

(ii) in the case of all other specified risk material, over the whole surface of the material.

(3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the Community TSE Regulation.

#### **Scheme animals**

16.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of [Commission Regulation \(EC\) No. 716/96](#) adopting exceptional support measures for the beef market in the United Kingdom<sup>(3)</sup> as last amended by [Commission Regulation \(EC\) No. 2109/2005](#) amending Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom<sup>(4)</sup>, the remainder (excluding the hide) shall immediately be stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Contravention of this paragraph is an offence.

#### **Security of specified risk material**

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises shall ensure that specified risk material is adequately separated from any

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(2) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB

(3) OJ No. L 99, 20.4.1996, p.14

(4) OJ No. L337, 22.12.2005, p.25

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food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) The occupier of the slaughterhouse shall ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Contravention of this paragraph is an offence.

#### **Prohibition on the dispatch of heads and un-split carcasses to other member States**

18. Subject to point 10.2 of Annex V to the amended Community TSE Regulation, any person who, in the absence of an agreement of the kind specified in point 10.1 of that Annex, dispatches any head or un-split carcass containing specified risk material to another member State commits an offence.

#### **Prohibition on the supply of specified risk material for human consumption**

19. It is an offence to sell or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

#### **Transitional provisions**

20.—(1) Until 24th May 2008, nothing in this Schedule precludes consignment to a butcher shop that was, on 25th April 2008, authorised and registered under paragraph 14 of this Schedule as it was on that date, of meat which—

- (a) has not been brought into Northern Ireland from another member State;
- (b) is derived from a bovine animal that was—
  - (i) slaughtered no later than 25th April 2008, and
  - (ii) aged 30 months or less at slaughter; and
- (c) contains those parts of the vertebral column that are specified risk material.

(2) Until 31st May 2008, the occupier of a butcher shop of the kind referred to in sub-paragraph (1) commits an offence unless he removes from meat consigned to him in accordance with that sub-paragraph those parts of the vertebral column that are specified risk material before the meat is removed from the premises.

(3) Each district council in its own district shall carry out the duties of the member State set out in point 11.1 and 11.2 of Annex V to the amended Community TSE Regulation in relation to the removal of vertebral column in accordance with sub-paragraph (2).

(4) Until 24th May 2008, nothing in this Schedule precludes consignment to a cutting plant (whether or not authorised under paragraph 12(1)(a)) of meat which—

- (a) has not been brought into Northern Ireland from another member State;
- (b) is derived from a bovine animal that was—
  - (i) slaughtered no later than 25th April 2008, and
  - (ii) aged 30 months or less at slaughter; and
- (c) contains those parts of the vertebral column that are specified risk material.

(5) Until 31st May 2008, the occupier of a cutting plant commits an offence unless he removes from meat consigned to him in accordance with sub-paragraph (4) those parts of the vertebral column that are specified risk material as soon as is reasonably practicable and in any event before the meat is removed from the premises.

(6) For the purposes of this paragraph and paragraphs 15, 17 and 19 in so far as they apply in relation to specified risk material removed in accordance with sub-paragraph (2) or (5), “specified risk material” has the meaning given to it in Article 3.1(g) of the Community TSE Regulation as amended by [Commission Regulation \(EC\) No. 722/2007](#).

### Definitions of Community legislation

21.—(1) In this Schedule—

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“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(5);

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(6) as last amended by Regulation 1243/2007 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(7) as last amended by Regulation 1791/2006 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(8) as last amended by Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means [Commission Regulation \(EC\) No. 1688/2005](#) implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(9);

“Regulation 2074/2005” means [Commission Regulation \(EC\) No. 2074/2005](#) laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(10) as last amended by Regulation 1244/2007;

“Regulation 2075/2005” means [Commission Regulation \(EC\) No. 2075/2005](#) laying down specific rules on official controls for *Trichinella* in meat(11) as last amended by Regulation 1245/2007;

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(5) OJ No. L157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12)

(6) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)

(7) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26)

(8) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29)

(9) OJ No. L271, 15.10.2005, p.17

(10) OJ No. L338, 22.12.2005, p.27

(11) OJ No. L338, 22.12.2005, p.60

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“Regulation 2076/2005” means [Commission Regulation \(EC\) No. 2076/2005](#) laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004<sup>(12)</sup> as last amended by Regulation 1246/2007;

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania<sup>(13)</sup>;

“Regulation 1243/2007” means [Commission Regulation \(EC\) No. 1243/2007](#) amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin<sup>(14)</sup>;

“Regulation 1244/2007” means [Commission Regulation \(EC\) No. 1244/2007](#) amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat<sup>(15)</sup>;

“Regulation 1245/2007” means [Commission Regulation \(EC\) No. 1245/2007](#) amending Annex I to Regulation (EC) No. 2075/2005 as regards the use of liquid pepsin for the detection of *Trichinella* in meat<sup>(16)</sup>; and

“Regulation 1246/2007” means [Commission Regulation \(EC\) No. 1246/2007](#) amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption<sup>(17)</sup>.”

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<sup>(12)</sup> OJ No. L338, 22.12.2005, p.83

<sup>(13)</sup> OJ No. L363, 20.12.2006, p.1

<sup>(14)</sup> OJ No. L281, 25.10.2007, p.8

<sup>(15)</sup> OJ No. L281, 25.10.2007, p.12

<sup>(16)</sup> OJ No. L281, 25.10.2007, p.19

<sup>(17)</sup> OJ No. L281, 25.10.2007, p.21