

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2002 No. 255**

**The TSE (Scotland) Regulations 2002**

**Part I**

**Introductory provisions**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the TSE (Scotland) Regulations 2002 and shall come into force on 19th June 2002.

(2) These Regulations extend to Scotland only.

**Purpose and application**

2.—(1) Subject to paragraph (2) below, these Regulations do not apply to the production or placing on the market of the products, medical devices, starting materials, intermediate products and live animals referred to in article 1(2) of the Community TSE Regulation.

(2) In so far as necessary to avoid the cross-contamination or substitution referred to in article 2 of the Community TSE Regulation, these Regulations apply to the use of specified risk material in the production or placing on the market of any product, medical device, starting material or intermediate product referred to in article 1(2) of the Community TSE Regulation.

(3) Part III of these Regulations applies in relation to mammalian protein, mammalian meat and bone meal meat and processed animal protein intended for the feeding of animals (excluding humans).

(4) Part III of these Regulations does not apply in relation to—

- (a) catering waste; or
- (b) eggs and egg products.

**Interpretation**

3.—(1) In these Regulations, unless the context otherwise requires—

“ABPO approved”, in relation to premises, means approved under article 7, or registered under article 12, of the Animal By-Products Order 1999(1), and “ABPO approval” shall be construed accordingly;

“Agency” means the Food Standards Agency;

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for

woodlands, and horticulture (except the propagation of plants and the growing of plants within greenhouses and glass or plastic structures);

“catering waste” has the same meaning as in the Animal By-Products Order 1999;

“the Commission Decision” means Commission Decision 2001/9/EC<sup>(2)</sup> concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

“the Community TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22nd May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies<sup>(3)</sup> as amended by the Community Transitional Measures;

“the Community Transitional Measures” means—

- (a) Commission Regulation (EC) No. 1248/2001 of 22nd June 2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies<sup>(4)</sup>;
- (b) Commission Regulation (EC) No. 1326/2001 of 29th June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation<sup>(5)</sup>; and
- (c) Commission Regulation (EC) No. 270/2001 of 14th February 2002 amending Annex XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards bovine vertebral column and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof<sup>(6)</sup>;

“cutting premises” means cutting premises as defined in the Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(7)</sup> which are licensed cutting premises under those Regulations;

“the Divisional Veterinary Manager” means the veterinary inspector appointed for the time being by the Scottish Ministers to receive information in relation to animals suspected of being affected by a TSE or animals affected by a TSE, or the carcasses of such animals, for the area in which such animals or carcasses are located;

“farmed animal” means an animal which is kept, fattened or bred for the production of food;

“feedingstuff” has the meaning given to it by section 66(1) of the Agriculture Act 1970<sup>(8)</sup>, save that it shall apply to products and substances for oral feeding to any creature (other than a human being), and section 66(2)(b) of that Act shall have effect for the purposes of these Regulations as it does for the purposes of that Act;

“food” has the same meaning as in the Food Safety Act 1990<sup>(9)</sup>;

(2) O.J. No. L 2, 5.1.2001, p.32.

(3) O.J. No. L 147, 31.5.2001, p.1.

(4) O.J. No. L 173, 27.6.2001, p.12.

(5) O.J. No. L 177, 30.6.2001, p.61.

(6) O.J. No. L 45, 15.2.2002, p.4.

(7) S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074 and S.S.I. 2000/62, 171 and 288, 2001/160, 358, 394 and 429 and 2002/35 and 234.

(8) 1970 c. 40. The definition of “feeding stuff” was substituted by S.I. 1991/2840.

(9) 1990 c. 16.

“justice of the peace” means a full justice as defined by section 9 of the District Courts (Scotland) Act 1975<sup>(10)</sup>;

“inspector” means—

- (a) a person appointed as such for the purposes of these Regulations by the Scottish Ministers, including a veterinary inspector;
- (b) a person appointed as such for the purposes of these Regulations by the Agency, including a person designated as an OVS or as a meat hygiene inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (c) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations;

“livestock” means—

- (a) any creature, including a fish, kept, fattened or bred for the production of food, wool, skin or fur;
- (b) any creature other than a dog kept for use in the farming of land; and
- (c) any equine animal;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>(11)</sup>;

“MBM product” means any product containing mammalian meat and bone meal;

“mammalian meat and bone meal” means—

- (a) any mammalian protein (including greaves) derived from the whole or part or any part of any dead mammal by—
  - (i) the process of rendering; or
  - (ii) in the case of a product originating outside of Scotland, by an equivalent process; or
- (b) any material derived from mammalian protein,

and for this purpose “protein” means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;

“monitoring notification”, in respect of any category of notifiable animal, means a notification of the death of the animal to the Scottish Ministers;

“notifiable animal” means any TSE susceptible animal in relation to which the annual programme of monitoring under article 6 of the Community TSE Regulation applies;

“OVS” means an official veterinary surgeon designated as such in accordance with regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995;

“occupier”, in relation to any premises, means any person carrying on a business there;

“premises” means any place, including any land, building, structure (moveable or otherwise), tent or vehicle—

- (a) in which TSE susceptible animals may be bred, grazed, handled, held, kept, marketed or shown to the public;
- (b) in which processed animal protein or mammalian meat and bone meal may be handled, kept or disposed of;
- (c) in which specified risk material may be removed from a carcase of an animal, handled or kept or disposed of; or

<sup>(10)</sup> 1975 c. 20. The definition of “full justice” was inserted by section 8 of the [Bail, Judicial Appointments etc. \(Scotland\) Act 2000 \(asp 9\)](#).

<sup>(11)</sup> 1994 c. 39.

- (d) any place where blood, carcases or parts of the carcases derived from any creature except man may be kept;

“processed animal protein” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatin and any other similar products, and includes mixtures, feedingstuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;

“production” includes the manufacture, mixing or packaging of any product, together with ancillary storage and transport operations;

“rendering” means subjecting any material at a rendering, fishmeal or other plant to any of the systems of treatment or procedures mentioned in Schedule 2 to the Animal By-Products Order 1999;

“ruminant animal” means a bovine animal, a sheep or a goat;

“scheme animal” means a bovine animal—

- (a) which has been slaughtered pursuant to the purchase scheme introduced under Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom; or
- (b) which the Scottish Ministers have caused to be slaughtered under the Animal Health Act 1981(12) for the prevention of bovine spongiform encephalopathy;

“sealed vehicle” means a vehicle sealed in accordance with regulation 42(3) below;

“slaughterhouse” means a slaughterhouse as defined in the Fresh Meat (Hygiene and Inspection) Regulations 1995 which is a licensed slaughterhouse under those Regulations;

“specified risk material” includes—

- (a) any animal material which comes into contact with specified risk material after it has been removed from the carcase; and
- (b) specified solid waste;

but does not include—

- (i) the vertebral column of a bovine animal born and continuously reared in the United Kingdom or Portugal and slaughtered there when it was aged over 12 months but no more than 30 months; and
- (ii) the vertebral column of a bovine animal born, continuously reared and slaughtered in Sweden;

“specified solid waste” means any solid matter resulting from the slaughter or death of a bovine animal, sheep or goat, or from the subsequent processing of the carcase of a bovine animal, sheep or goat, which is collated, in any part of the drainage system draining any place at which specified risk material is handled;

“TSE” means all transmissible spongiform encephalopathies with the exception of those occurring in humans;

“TSE susceptible animal” means any animal (whether it is a farmed animal or not) capable of being affected by a TSE;

“tallow” means fat derived from animal tissues by a process of rendering;

“UK specified risk material” means specified risk material derived from an animal which has died or was slaughtered in the United Kingdom;

“veterinary inspector” means a person appointed as such by the Scottish Ministers;

“young lamb stamp” means the stamp described in regulation 41(2) below.

(2) Expressions in these Regulations which appear in the Community TSE Regulation or in the Community Transitional Measures have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation or the Community Transitional Measures.

(3) Expressions in Part III of these Regulations which are not defined in paragraph (1) above and which appear in Council Decision [2000/766/EC](#)(**13**) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein or the Commission Decision have the same meaning in these Regulations as they have for the purposes of those Decisions.

(4) For the purposes of these Regulations, material shall be treated as a feedingstuff whether it is used or intended to be used as a feedingstuff by itself or as an ingredient in something which is so used or intended for such use.

(5) Any person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of the Animal Health Act 1981 or the Processed Animal Protein (Scotland) Regulations 2001(**14**) shall be deemed to have been appointed by the Scottish Ministers or that authority to be an inspector for the purposes of these Regulations.

(6) Any obligation in these Regulations on any person to slaughter an animal shall be treated as including the person so obliged causing the animal to be slaughtered.

(7) Other than in relation to information sworn before a sheriff or a justice of the peace, and other than in relation to the service of a notice or other document in accordance with regulation 100, any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**15**), which has been recorded and is consequently capable of being reproduced.

---

(13) O.J. No. L 306, 7.12.2000, p.32.

(14) [S.S.I. 2001/276](#) as amended by [S.S.I. 2001/383](#).

(15) [2000 c. 7](#).