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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 430**

**ANIMALS**

**ANIMAL HEALTH**

**The TSE (Scotland) Amendment (No. 3) Regulations 2006**

<i>Made</i>	- - - -	<i>16th August 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th August 2006</i>
<i>Coming into force</i>	- -	<i>18th August 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(2)</sup>, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the TSE (Scotland) Amendment (No. 3) Regulations 2006 and shall come into force on 18th August 2006.

**Amendment of the TSE (Scotland) Regulations 2002**

2. The TSE (Scotland) Regulations 2002<sup>(3)</sup> are amended in accordance with regulations 3 to 6.
3. In regulation 33 (removal of specified risk material from carcasses in slaughterhouses)–
  - (a) in paragraph (2)(b)–
    - (i) for “the specified risk material except the spinal cord shall be removed in accordance with paragraph (1) above” substitute “the occupier of a slaughterhouse shall ensure that the specified risk material except the spinal cord shall be removed from the rest of the carcass as soon as it is reasonably practicable after the animal was slaughtered and before the carcass is presented for inspection pursuant to regulation 37”; and

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) O.J. No. L 31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4).

(3) S.S.I. 2002/255 as amended by S.S.I. 2003/198 and 411, 2004/277, 2005/173 and 469 and 2006/46 and 231.

- (ii) for “regulation 35 below.” substitute “regulation 35 below; or”;
- (b) after paragraph (2)(b) insert–
  - “(c) where the carcass is unsplit, it may be consigned to a cutting premises in another member State provided that the Agency has entered into a written agreement with the competent authority of the receiving member State, and the dispatch of the carcass is in accordance with any directions given to the occupier of a slaughterhouse pursuant to Regulation 37(4) and with the first paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation.”;
- (c) in paragraph (8)–
  - (i) in sub paragraph (b) for “Community Transitional Measures,” substitute “Community Transitional Measures; or”; and
  - (ii) after sub paragraph (b) insert–
    - “(c) where the un-split carcass of a sheep or goat containing specified risk material is consigned to a cutting premises in another member State in accordance with paragraph (2)(c),”; and
- (d) after paragraph (8) insert–
  - “(9) Regulations 44 and 46(1) shall not apply in the case of an unsplit carcass of a sheep or goat which contains specified risk material, including spinal cord which is consigned to a cutting premises in another member State in accordance with paragraph (2)(c).”.
- 4. In regulation 37 (inspection of carcasses in slaughterhouses and cutting premises) after paragraph (3) insert–
  - “(4) An inspector or a person acting under the responsibility of an inspector may give written directions to the occupier of a slaughterhouse for the proper dispatch of any unsplit carcass to a cutting premises in another member State in accordance with regulation 33(2)(c), and the occupier to whom such directions are given shall comply with them.”.
- 5. In regulation 42(1) (presence of an inspector) after the words “licensed cutting premises” insert “or to a cutting premises in another member State in accordance with regulation 33(2)(c)”.
- 6. In regulation 43(1) (transport of unmarked carcasses of sheep and goats)–
  - (a) in sub paragraph (c) for “sealed vehicle.” substitute “sealed vehicle; or”; and
  - (b) after sub paragraph (c) insert–
    - “(d) in the case of consignment of an un-split carcass, to a cutting premises in another member State in accordance with regulation 33(2)(c).”.

St Andrew’s House,  
Edinburgh  
16th August 2006

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the TSE (Scotland) Regulations 2002 (S.I.2002/255) (“the principal Regulations”) which gave effect in Scotland to the enforcement and administration of 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 (O.J. No. L 147, 31.5.01, p.1) (“the Community TSE Regulation”).

The Regulations apply a derogation available to member States in point 13 of Annex XI of the Community TSE Regulation.

They provide that the occupier of a slaughterhouse may consign the un split carcase of a sheep or goat over the age of 12 months or which had at least one permanent incisor erupted through the gum at the time of slaughter to a cutting premises in another member State, provided that the Food Standards Agency has entered into a written agreement with the competent authority of that member State. Dispatch of the carcase must be in accordance with that agreement (regulation 3(b)).

The Regulations disapply or amend provisions of the principal Regulations relating to the transport, possession and placing on the market of carcasses which contain specified risk material to carcasses consigned to a cutting premises in another member State (regulation 3(d)).

They also give inspectors or persons assisting such inspectors power to issue written directions to the occupier of a slaughterhouse requiring the proper dispatch of un-split carcasses (regulation 4).

They also amend regulation 33(2)(b) of the principal Regulations to make provision for the removal of specified risk material from sheep and goats (regulation 3(a)).