
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 530

The Transmissible Spongiform
Encephalopathies (Scotland) Regulations 2006

PART 1

General provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 and shall come into force on 24th November 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“approved research premises” means premises approved for research purposes by the Secretary of State;

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“bulk” means not enclosed or wrapped in packaging;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998(1);

“Community TSE Regulation” means 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(2), as amended by, and as read with, the instruments set out in Schedule 1;

“inspector” (except as provided for in Schedule 6) means—

(a) a person appointed as such for the purposes of these Regulations by the Scottish Ministers, and includes a veterinary inspector; or

(b) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations;

“local authority” means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(3);

“slaughterhouse” and (except in Schedule 6, paragraph 10(2)(c)) “cutting plant” mean premises—

(1) S.I.1998/87; relevant amending instrument is S.I. 2006/1538.

(2) O.J. No. L 147, 31.5.01, p.1.

(3) 1994 c. 39.

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of 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⁽⁴⁾; or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁵⁾ pending such approval;

“suspect animal” means an animal suspected of having a TSE;

“TSE” means transmissible spongiform encephalopathy;

“TSE susceptible” means capable of having a TSE; and

“veterinary inspector” means a veterinary surgeon appointed by the Scottish Ministers as an inspector.

(2) Expressions defined in the Community TSE Regulation and not defined in these Regulations shall have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

(3) 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⁽⁶⁾, which has been recorded and is consequently capable of being reproduced.

Appointment of competent authority

3. The Scottish Ministers are the competent authority for the purposes of the Community TSE Regulation except as otherwise specified in these Regulations.

Exception for research

4.—(1) The provisions of Schedules 2 to 6 do not apply in relation to animals kept for the purposes of research in approved research premises.

(2) If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier of the premises shall dispose of it as a Category 1 animal by product in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by products not intended for human consumption⁽⁷⁾, and failure to do so is an offence.

(4) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1).

(5) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

(6) 2000 c. 7.

(7) O.J. No. L 273, 10.2.02, p.1 as last amended by Commission Regulation (EC) No. 208/2006, O.J. No. L 36, 8.2.06, p.25.