

SCHEDULE 6

Regulation 5

Specified risk material, mechanically recovered meat and slaughtering techniques

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Functions of the Food Standards Agency

1.—(1) Except in relation to butcher shops, the Food Standards Agency shall carry out the duties of the member State set out in point 12 of Part A of Annex XI to the Community TSE Regulation in relation to this Schedule, and shall grant authorisations for the purposes of point 10(a) of that Part.

(2) The Food Standards Agency may appoint as inspectors such persons (whether or not officers of the Agency) as they consider necessary for the purpose of enforcing Annex XI to the Community TSE Regulation and this Schedule within a slaughterhouse or cutting plant.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) An inspector appointed in accordance with paragraph (2) shall have the powers set out in regulations 13, 14, 15 and 16 and regulations 13(2) and (3), 14(2) and (3), 15(4) to (7) and 16(2) shall apply accordingly, and references to “the Scottish Ministers” or the “local authority” shall be construed as references to the Food Standards Agency.

Local authorities' duties with regards to butcher shops

2. Local authorities shall carry out the duties of the member State set out in point 12 of Part A of Annex XI to the Community TSE Regulation in relation to this Schedule in so far as it relates to the removal in butcher shops of those parts of the vertebral column of bovine animals that are specified risk material and shall grant authorisations and effect registrations for the purposes of point 10(b) of that Part.

Training

3.—(1) The occupier of any slaughterhouse, cutting plant or butcher shop where specified risk material is removed shall—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with duties contained in this Schedule; and
- (b) keep records of each person’s training for as long as that person works there.

(2) Failure to comply with any requirement of this paragraph is an offence.

Mechanically recovered meat

4.—(1) Any person who fails to comply with point 3 of Part A of Annex XI to the Community TSE Regulation (use of bovine, ovine and caprine bones for the production of mechanically recovered meat) is guilty of an offence.

(2) Any person who uses any mechanically recovered 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 recovered meat” means the product derived from residual meat on animal bones by mechanical means (other than meat produced using hand held powered knives that do not use powered pressure or suction).

Pithing

5. Any person who fails to comply with point 4 of Part A of Annex XI to the Community TSE Regulation (pithing) is guilty of an offence.

Tongue harvesting

6. Any person who fails to comply with point 6 of Part A of Annex XI to the Community TSE Regulation (tongue harvesting) is guilty of an offence.

Head meat harvesting

7. Any person who fails to comply with point 7 of Part A of Annex XI to the Community TSE Regulation (head meat harvesting) is guilty of an offence.

Removal of specified risk material

8.—(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 5, point 10(a) or point 10(b) of Part A of Annex XI to the Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

(ii) where the carcass containing the specified risk material has been brought into Scotland from another member State, any part of the vertebral column that is specified risk material from any bovine animal aged 30 months or less at slaughter,

unless the plant is authorised under paragraph 13(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 13(1)(b).

(3) In the case of a butcher shop, it is an offence to remove any part of the vertebral column that is specified risk material from a bovine animal, if the shop is not authorised and registered for that purpose under paragraph 14, or the carcass containing the specified risk material has been brought into Scotland from another member State.

Bovine animals in a slaughterhouse

9.—(1) When a bovine animal is slaughtered, 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.

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(2) The occupier of the slaughterhouse shall consign any carcass containing those parts of the vertebral column that are specified risk material as soon as is reasonably practicable—

- (a) in the case of any bovine animal that is aged over 30 months at slaughter, to a cutting plant authorised under paragraph 13(1)(a) or to another member State in accordance with the second paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation; and
- (b) in the case of any bovine animal that is aged 30 months or less at slaughter, to a cutting plant, or a butcher shop authorised and registered under paragraph 14 or another member State in accordance with the second paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation.

(3) The occupier of the slaughterhouse shall identify a carcass of a bovine animal containing vertebral column that is not specified risk material in accordance with point 14(a) of Part A of Annex XI to the Community TSE Regulation and provide information in accordance with point 14(b) of that Part.

(4) No person shall 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) except in accordance with point 14(a) of Part A of Annex XI to the Community TSE Regulation.

(5) Any person who fails to comply with any requirement of this paragraph commits an offence.

Sheep and goats in a slaughterhouse

10.—(1) When a sheep or goat is slaughtered, the occupier of a 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) Subject to sub-paragraph (3), 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 carcass to a cutting plant authorised under paragraph 13(1)(b) for removal of the spinal cord.

(3) An occupier of a slaughterhouse may, instead of complying without paragraph (2), but only where the Food Standards Agency has entered into a written agreement with the competent authority of another member State, send the carcass to a cutting plant in that member State providing that the dispatch is in accordance with that agreement and with the first paragraph of point 13 of Part A of Annex XI to the Community TSE Regulation, and any notice issued by an inspector under sub-paragraph (5).

(4) In sub paragraph (3), “cutting plant” means premises—

- (a) approved or conditionally approved as such by the Competent Authority of the member State to which the meat has been sent 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(2); or

(1) O.J. No. L 204, 11.8.00, p.1, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (O.J. No. L 236, 23.9.03, p.33).

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

(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(3) pending such approval.

(5) An inspector appointed in accordance with paragraph 1(2) of this Schedule may serve a notice to the occupier of a slaughter-house for the proper dispatch of any carcase to a cutting premises in another member State in accordance with this paragraph.

(6) Any person who fails to comply with any requirement of this paragraph commits an offence.

Young lamb and goat stamps

11.—(1) In this regulation “young goat stamp” and “young lamb stamp” mean the stamps described in paragraph (3) in relation to goats and sheep respectively.

(2) An inspector appointed in accordance with paragraph 1(2) of this Schedule 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.

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

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

(4) 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.

Removal of spinal cord from sheep and goats

12. Any person who removes 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;

is guilty of an offence.

Authorisation of cutting plants by the Food Standards Agency

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

- (a) those parts of the vertebral column that are specified risk material from bovine animals aged over 30 months at slaughter; 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 Part A of Annex XI to the Community TSE Regulation and this Schedule will be complied with.

(2) Regulations 6, 8, 9, and 10 apply to authorisations under this paragraph as they apply to approvals, authorisations, licences or registrations under those Regulations, but all references to the Scottish Ministers shall be construed as references to the Agency.

(3) 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).

Authorisation and registration of butcher shops by local authorities

14.—(1) A local authority may authorise a butcher shop to be used to remove those parts of the vertebral column that are specified risk material from bovine animals aged 30 months or less at slaughter and register the shop for that purpose, if the authority is satisfied that the provisions of Part A of Annex XI to the Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8 and 9, apply, but all references to the Scottish Ministers shall be construed as references to the local authority concerned.

(i) Where in respect of any butcher shop the local authority has given notice of a decision under this regulation—

- (a) to refuse to grant authorisation and registration;
- (b) to grant authorisation and registration subject to any conditions;
- (c) to suspend authorisation and registration; or
- (d) to revoke authorisation and registration,

the occupier may, within one month from the date of that notice, appeal against the decision to the sheriff.

(ii) an appeal to the sheriff under sub-paragraph (3)(i) shall be made by way of summary application;

(iii) where on appeal under this paragraph the sheriff determines that the decision of the local authority is incorrect, the authority shall give effect to that determination.

Removal of specified risk material at a cutting plant authorised under paragraph 13(1)

15.—(1) The occupier of a cutting plant authorised under paragraph 13(1) shall ensure that, as soon as is reasonably practicable after a carcass arrives at the plant, and in any event before it leaves the plant—

- (a) all specified risk material of a kind to which the authorisation relates; and
- (b) where the carcass is derived from a bovine animal aged 30 months or less at slaughter, those parts of the vertebral column that are specified risk material

are removed from the carcass and failure to do so is an offence.

(2) In sub-paragraph (1)(b), “carcass” means—

- (a) a carcass;
- (b) a half carcass;
- (c) a half carcass cut into no more than three wholesale cuts; and
- (d) quarters,

containing no specified risk material other than vertebral column.

Removal of bovine vertebral column that is specified risk material at a cutting plant not authorised under paragraph 13(1)(a)

16.—(1) In the case of a carcass derived from a bovine animal aged 30 months or less at slaughter that has not been brought into Scotland from another member State, the occupier of a cutting plant not authorised under paragraph 13(1)(a) shall ensure that those parts of the vertebral column that are specified risk material are removed from the carcass as soon as reasonably practicable, and in any event before the carcass leaves the premises.

(2) Any person who fails to comply with of this paragraph commits an offence.

Removal of bovine vertebral column that is specified risk material at a butcher shop authorised and registered under paragraph 14

17.—(1) In the case of a carcase derived from a bovine animal aged 30 months or less at slaughter that has not been brought into Scotland from another member State, the occupier of a butcher shop authorised and registered under paragraph 14 shall ensure that those parts of the vertebral column that are specified risk material are removed before the carcase leaves the premises.

(2) Any person who fails to comply with this paragraph commits an offence.

Carcases from another member State

18.—(1) For the purposes of point 13 of Part A of Annex XI to the Community TSE Regulation, where a carcase containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Scotland from another member State, the importer shall send it directly to a cutting plant authorised under paragraph 13(1)(a).

(2) Any person who fails to comply with this paragraph commits an offence.

Staining and disposal of specified risk material

19.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 11 of Part A of Annex XI to the Community TSE Regulation (staining and disposal of specified risk material) is guilty of an offence.

(2) For the purposes of that point—

(a) staining means 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(4)); or

(ii) such other colouring agent as may be approved in writing by the Scottish Ministers 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

20.—(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(5), the remainder (excluding the hide) shall immediately be stained in accordance with paragraph 19 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Any person who fails to comply with this paragraph commits an offence.

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

(5) O.J. No. L 99, 20.4.96, p.14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.05, p.25).

Security of specified risk material

21.—(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 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 shall ensure that the container is thoroughly washed as soon as reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Any person who fails to comply with any requirement of this paragraph commits an offence.

Prohibition on the supply of specified risk material for human consumption

22. It is an offence for any person 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.

Savings

23.—(1) Any appointment of an inspector under the 2002 Regulations in force immediately before the coming into force of these Regulations shall have effect as if it was an appointment of that person as an inspector under paragraph 1(2) of this Schedule.

(2) Any licence issued under regulations 55 or 55A of the 2002 Regulations and in force immediately before the coming into force of these Regulations, shall have effect as if it was an authorisation issued to a cutting plant or (as the case may be) butcher shop under paragraph 13 or 14 of this Schedule.

(3) For the purposes of this Schedule, any notice or direction served or sample procured under the 2002 Regulations is deemed to have been served or procured under this Schedule.

(4) In this paragraph “the 2002 Regulations” means the TSE (Scotland) Regulations 2002(6).

(6) S.S.I. 2002/255 as relevantly amended by S.S.I. 2003/411, 2006/3 and 2006/231.