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STATUTORY INSTRUMENTS

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**1995 No. 613**

**FOOD**

**The Bovine Offal (Prohibition) (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 6(4), 16(1)(f) and (3), 26(3) and 48(1) of, and paragraph 3 of Schedule 1 to, the Food Safety Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Bovine Offal (Prohibition) (Amendment) Regulations 1995 and shall come into force on 1st April 1995.

**Amendment**

2.—(1) The Bovine Offal (Prohibition) Regulations 1989<sup>(2)</sup> shall be amended as follows—

(a) in regulation 2(1) (interpretation)—

(i) after the definition of “animal feeding stuffs” there shall be inserted the following definition—

““enforcement authority” is to be construed in accordance with regulation 16 below;”;

(ii) for the definition of “food authority” there shall be substituted the following definition—

““food authority” has the same meaning as in the Act, except that it does not include the council of a non-metropolitan county;”;

(iii) for the definition of “stained” there shall be substituted the following definition—

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), section 31 and Schedule 9, paragraph 6.  
(2) S.I. 1989/2061, amended by S.I. 1990/2486, 1992/306, 1994/2628.

““stained” means treated with a solution of the colouring agent Patent Blue V (E131, Colour Index No. 42051) at a concentration of 0.5%; and, for the purposes of this definition, “treated” means that the whole surface of the specified bovine offal has been covered with the said solution either by immersing the specified bovine offal in, or spraying or otherwise applying, the solution;”;

(b) in regulation 9 (prohibition of bringing in of specified bovine offal from Scotland or Northern Ireland)—

(i) in paragraph (2) for the words “the food authority in whose district those premises are or that specified bovine offal is located” there shall be substituted the words “the enforcement authority in relation to those premises”;

(ii) for paragraph (3) there shall be substituted the following paragraph—

“On receipt, in accordance with paragraph (2) of this regulation, of any such copy of—

(a) a consignment note, the enforcement authority shall, where it is not the enforcement authority in relation to the premises from where the specified bovine offal has been brought in, notify in writing that other enforcement authority of the arrival of the consignment related to the note;

(b) a permit, the enforcement authority shall notify in writing the Department of Agriculture for Northern Ireland of the arrival of the consignment related to the permit.”;

(c) in paragraphs (1)(c) and (2) of regulation 10 (exemption from requirements as to sterilisation and staining of specified bovine offal in slaughterhouses) for the words “of the food authority in whose district the slaughterhouse is situated” there shall be substituted the words “of the enforcement authority”;

(d) in paragraph (4) of regulation 11 (removal of specified bovine offal)—

(i) in sub-paragraph (c) for the words “of the food authority in whose district those relevant premises are situated” there shall be substituted the words “of the enforcement authority”;

(ii) in sub-paragraph (d) for the words “of the food authority in whose district those premises are situated” there shall be substituted the words “of the enforcement authority”;

(e) in regulation 12 (authorisation for removal of unsterilised specified bovine offal from a slaughterhouse or other place)—

(i) in paragraph (1) for the words “the food authority in whose district those premises are located and shall give to that authority” there shall be substituted the words “the enforcement authority giving”;

(ii) in paragraph (2)—

(aa) for the words “an authority” there shall be substituted the words “the enforcement authority”;

(bb) for the sentence beginning “If the premises are situated” there shall be substituted the following sentence—

“If the authority which receives the application is not the enforcement authority in relation to the premises to which the specified bovine offal is intended to be delivered, then the authority which receives the application shall notify that other authority that the application has been made, and shall

take into account any information obtained from that authority in reaching its decision as to the nature of the premises.”;

(iii) in paragraph (3)—

(aa) for the words “an authority” there shall be substituted the words “the enforcement authority”;

(bb) for the words “in the form” there shall be substituted the words “corresponding in form and content to that”;

(iv) in paragraph (4) for the words “the authority in whose district the premises, or as the case may be the specified bovine offal, are or is situated” there shall be substituted the words “the enforcement authority in relation to the premises”;

(v) in paragraph (7)—

(aa) after the words “The occupier” there shall be inserted the words “of the premises named on the movement permit”;

(bb) for the words “the food authority in whose district his premises are situated” there shall be substituted the words “the enforcement authority in relation to those premises”;

(vi) in paragraph (9) for the words “either the authority by whom the permit was issued or the authority in whose district the premises are situated” there shall be substituted the words “either the enforcement authority by whom the permit was issued or the authority, if different, in relation to the premises named in the movement permit”;

(vii) in paragraph (11) for the words “the food authority in whose district his premises are situated” there shall be substituted the words “the enforcement authority in relation to his premises”;

(viii) in paragraph (13) for the words “food authority” there shall be substituted the words “enforcement authority”;

(f) regulation 15 (penalties and enforcement) shall be amended as follows—

(i) the words “and enforcement” shall be deleted from the heading;

(ii) paragraph (2) shall be deleted;

(g) after regulation 15 there shall be inserted the following regulation—

**“Enforcement**

**16.** These Regulations shall be enforced and executed—

(a) in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(3), by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales;

(b) in any other case, by each food authority within its area,

and accordingly, in these Regulations “enforcement authority”, in relation to any premises, means the authority that has those responsibilities by virtue of paragraphs (a) and (b) above.”.

(2) For the Schedule to the Bovine Offal (Prohibition) Regulations 1989 there shall be substituted the schedule set out in the Schedule to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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28th February 1995

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

7th March 1995

*Cumberlege*  
Parliamentary Under Secretary of State,  
Department of Health

3rd March 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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SCHEDULE

Regulation 2(2)

“SCHEDULE

Regulation 12

**SPECIFIED BOVINE OFFAL: MOVEMENT PERMIT**

**SCHEDULE**

**Regulation 2(2)**

“SCHEDULE

Regulation 12

**SPECIFIED BOVINE OFFAL: MOVEMENT PERMIT**

**PART I** (To be completed by the enforcement authority which authorises the movement)

(1) Name and address of consignor: .....

(2) Name of consignee and address of the premises to which specified bovine offal is to be delivered: .....

(3) Name and address of enforcement authority in relation to the premises whose address is shown at (2) above: .....

(4) (Completion optional)  
(a) Maximum quantity of specified bovine offal which may be moved: .....

(5) Authorisation  
The consignor named at (1) above is hereby authorised to despatch specified bovine offal to the consignee at the address shown at (2) above subject to any limitations set out at (4) above.

.....  
(Signature of authorising officer)

.....  
(Name and address of authority)

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**PART II (To be completed by the consignor)**

(6) Details of consignment

- (i) Type of material (brain/spinal cord/spleen/thymus/tonsils/intestines):  
.....
- (ii) Quantity of material: .....
- (iii) Number of containers: .....
- (iv) Size and type of containers: .....
- (v) Expected date of arrival: .....

(7) Means of Transport

- (i) Type of vehicle: .....
- (ii) Registration number: .....
- (iii) Name and address of owner: .....
- .....
- .....

(8) Declaration

I certify that the material described in (6) above was despatched today to the consignee at the address shown in (2) above, using the means of transport described in (7) above.

**WARNING:**  
Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution.

.....  
(Signature of consignor)

.....  
(Date)

**THIS FORM SHOULD NOW BE HANDED TO THE DRIVER OF THE VEHICLE, WHO SHOULD HAND IT TO THE CONSIGNEE ON ARRIVAL: KEEP ONE COPY FOR YOUR OWN RECORDS.**

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**PART III (To be completed by the consignee)**

(9) Declaration

I certify that the material described in (6) above was received at the address shown in (2) above on ..... (date).

**WARNING:**  
Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution.

.....  
(Signature of consignee)

.....  
(Date)

**THIS FORM SHOULD NOW BE SENT TO THE ENFORCEMENT AUTHORITY AT THE ADDRESS SHOWN IN (3) ABOVE: KEEP ONE COPY FOR YOUR OWN RECORDS.**

**PART IV (To be completed by the person taking delivery of the material if it was not delivered to the consignee at the address shown in (2) above)**

(10) Reason why material was not delivered to the address shown in (2) above:

(11) Declaration

I certify that the material described in (6) above was delivered to me at -  
..... (insert address)  
on ..... (date).

**WARNING:**  
Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution.

.....  
(Signature of person taking delivery of the material)

**THIS FORM SHOULD NOW BE SENT TO YOUR ENFORCEMENT AUTHORITY: KEEP ONE COPY FOR YOUR OWN RECORDS.**

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**PART V** (To be completed by the enforcement authority in relation to the premises where the material was delivered)

Date of receipt of form: .....

.....  
(Name of officer)

.....  
(Enforcement authority)

**THIS FORM SHOULD NOW BE RETURNED TO THE ORIGINATING AUTHORITY SHOWN IN (5) ABOVE: ONE COPY SHOULD BE RETAINED."**

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### EXPLANATORY NOTE

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

These Regulations amend the Bovine Offal (Prohibition) Regulations 1989 (S.I.1989/2061).

The Regulations amend the definition of "stained" by requiring a different colour stain to be used to identify specified bovine offal (regulation 2(1)(a)(iii)).

The other amendments made by these Regulations transfer enforcement powers in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 to the Minister.

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Animal Health (Zoonoses) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.