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STATUTORY INSTRUMENTS

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**1998 No. 2405**

**FOOD**

**The Specified Risk Material (Amendment) Regulations 1998**

*Made* - - - - *28th September 1998*  
*Laid before Parliament* *28th September 1998*  
*Coming into force* - - *19th October 1998*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland acting in relation to Scotland, in exercise of the powers conferred on them by sections 16(1)(a), (b), (e) and (f), 26(1)(b) and 48(1) of 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 that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, now make the same:

**Title and commencement**

1. These Regulations may be cited as the Specified Risk Material (Amendment) Regulations 1998 and shall come into force on 19th October 1998.

**Amendments to the Specified Risk Material Regulations 1997**

2.—(1) The Specified Risk Material Regulations 1997<sup>(2)</sup> are amended in accordance with the following paragraphs of this regulation.

(2) The following definition is inserted between the definitions of “licensed” and “official veterinary surgeon” in paragraph (1) of regulation 2 (interpretation)—

““listed premises” means those premises notified to the Minister by the *Ministere de l’agriculture et de la pêche* of the French Republic and published by notice in the London and Edinburgh Gazettes;”.

(3) The following paragraph is inserted between paragraphs (2) and (3) of regulation 2—

“(2A) In these Regulations, the word “whole” in each of the phrases “intended for export whole” and “exporting it whole” means without having been longitudinally split through the middle of its vertebral column.”.

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act.  
(2) S.I. 1997/2965, amended by S.I. 1997/3062.

(4) In regulation 7 (specified risk material for human consumption) the following paragraph is inserted at the end—

“(6) Nothing in paragraph (1) above shall prevent the sale for human consumption of a sheep carcase containing its spinal cord (that cord being specified risk material) if—

- (a) the carcase is intended for export whole direct to listed premises;
- (b) the person selling it has in his possession the declaration required by regulation 10(10)(b) below; and
- (c) the carcase has been marked in accordance with regulation 16A below.”.

(5) In regulation 10 (initial treatment of bovine, sheep and goat carcasses in a slaughterhouse) the following paragraph is inserted at the end—

“(10) Nothing in paragraph (2) above shall require the removal of a spinal cord (that cord being specified risk material) from the carcase of a sheep which has been slaughtered in a slaughterhouse if—

- (a) the carcase is intended for export whole direct to listed premises;
- (b) the occupier of the slaughterhouse concerned provides a written declaration to an official veterinary surgeon—
  - (i) indicating that he believes that the carcase is intended for export whole direct to listed premises, and
  - (ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and
- (c) the carcase has been marked in accordance with regulation 16A below.”.

(6) The following regulation is inserted between regulations 16 and 17—

**“Marking of sheep carcasses intended for export whole direct to listed premises**

**16A.—**(1) In the case of any carcase to which regulation 10(10) above applies, the occupier of the slaughterhouse at which the sheep concerned was slaughtered shall ensure that its carcase is marked in accordance with the following paragraphs of this regulation.

(2) The mark required by paragraph (1) above (“the export mark”) shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 centimetre high the legend “MHS FR” and shall be applied by an official veterinary surgeon, an authorised officer of the enforcement authority, an inspector or a meat technician acting under the responsibility of an official veterinary surgeon, and no other person shall apply the export mark or possess the equipment for applying that mark.

(3) No person shall—

- (a) apply the export mark to a sheep carcase unless it contains its spinal cord (that cord being specified risk material) and it is intended for export whole direct to listed premises; or
- (b) do any other thing which is likely to lead any person wrongly to believe that a sheep carcase—
  - (i) still contains its spinal cord (that cord being specified risk material), and
  - (ii) is intended for export whole direct to listed premises.

(4) The Minister may in relation to any slaughterhouse appoint as meat technicians such number of persons as are necessary to assist the official veterinary surgeon and inspectors in carrying out their functions under paragraph (2) above.”.

(7) Paragraph (1) of regulation 17 (transportation of unmarked carcasses of sheep and goats) is amended as follows—

- (a) the word “or” at the end of sub-paragraph (b) is revoked;
- (b) the word “or” is inserted at the end of sub-paragraph (c); and
- (c) the following sub-paragraph is inserted after sub-paragraph (c)—

“(d) in the case of a sheep carcass, one which—  
(i) contains its spinal cord (that cord being specified risk material),  
(ii) is intended for export whole direct to listed premises, and  
(iii) is moved in a sealed vehicle.”

(8) The following paragraph is substituted for paragraph (2) of regulation 17—

“(2) No person shall transport a carcass in accordance with paragraph (1) above unless the carcass is accompanied by a document indicating—

- (a) (in all cases) the name, address and licence number of the slaughterhouse from which the carcass is being transported;
- (b) (in the case where the carcass is being transported to authorised cutting premises) the name, address and licence number of those premises; and
- (c) (in the case of the transportation referred to in sub-paragraph (d) of that paragraph) the name and address of the listed premises to which it is intended the carcass will be exported.”

(9) In paragraph (1) of regulation 18 (presence of an official veterinary surgeon) the words “or to listed premises” are inserted after the word “premises”.

(10) The following paragraphs are inserted at the end of regulation 19 (possession of unmarked carcasses of sheep and goats)—

“(3) No person shall transport a sheep carcass—

- (a) intended for export whole direct to listed premises; and
- (b) containing its spinal cord (that cord being specified risk material),

unless, first, he has in his possession (in addition to the document required by regulation 17(2) above) a copy of the declaration required by regulation 10(10)(b) above and, second, the carcass has been marked in accordance with regulation 16A above.

(4) Where an authorised officer of the enforcement authority certifies that any sheep carcass has been possessed in contravention of paragraph (1) above or transported in contravention of paragraph (3) above that carcass shall be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.”

(11) The following regulation is inserted after regulation 19, as part of Part V—

**“Arrival of carcasses at listed premises**

**19A.**—(1) The occupier of each slaughterhouse from which any sheep carcass containing its spinal cord (that cord being specified risk material) has been moved in a sealed vehicle for the purpose of exporting it whole direct to listed premises shall as soon as is practicable after the end of the third complete working day following the day of its departure from the slaughterhouse concerned give written notice to the person who supervised its loading into that vehicle in accordance with regulation 18(1) above as to whether or not he has received confirmation of the carcass’s arrival at the listed premises concerned.

(2) In paragraph (1) above, the reference to a “working day” is a reference to a day which is a working day in the part of Great Britain where the slaughterhouse from which the sheep carcase concerned has been moved is situated; and for that purpose—

(a) a working day in England and Wales is a day which is not—

(i) a Saturday or a Sunday,

(ii) a common law holiday there, or

(iii) a bank holiday there under the Business and Financial Dealings Act 1971(3);  
and

(b) a working day in Scotland is a day which is not—

(i) a Saturday or a Sunday, or

(ii) a bank holiday there under the Business and Financial Dealings Act 1971.”.

(12) In regulation 29 (offences and penalties) the following paragraph is inserted between paragraphs (2) and (3)—

“(2A) If any person makes a declaration under regulation 10(10)(b) above—

(a) knowing it to be false or misleading in a material particular; or

(b) being reckless as to whether it is false or misleading in a material particular,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(13) In paragraph (3) of regulation 29, the phrase “or under paragraph (2A) above” is inserted before the word “shall”.

23rd September 1998 *Nick Brown*  
Minister of Agriculture, Fisheries and Food

25th September 1998 *Frank Dobson*  
Secretary of State for Health

Signed by authority of the Secretary of State for Wales

24th September 1998 *Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

28th September 1998 *Donald Dewar*  
Secretary of State, Scottish Office

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(3) 1971 c. 80.

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## EXPLANATORY NOTE

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

1. These Regulations amend the Specified Risk Material Regulations 1997 (S.I. 1997/2965, as already amended by S.I. 1997/3062). Those Regulations extend to Great Britain only.

2. The amendments made by these Regulations have effect to allow the export to certain premises in France of carcasses of older sheep containing spinal cord which is “specified risk material”. “Specified risk material” is defined in regulation 2(1) of S.I. 1997/2965.

3. The amendments work by disapplying regulation 7(1) of S.I. 1997/2965 (prohibition on selling for human consumption specified risk material or food containing same) and part of regulation 10(2) of that instrument (requirement for slaughterhouse operator to remove specified risk material from carcasses of sheep slaughtered there) in the case of those sheep carcasses containing spinal cord which is specified risk material which are intended for export whole direct to listed premises. Definitions of “intended for export whole” (together with a related expression) and “listed premises” are inserted into regulation 2 of S.I. 1997/2965 (interpretation).

4. A new regulation (regulation 16A) is inserted into S.I. 1997/2965, requiring the marking of those sheep carcasses containing spinal cord which is specified risk material which are intended for export whole direct to listed premises.

5. Amendments are also made to regulation 17 of S.I. 1997/2965 (transportation of unmarked carcasses of sheep and goats) to ensure that the sheep carcasses concerned are moved in sealed vehicles and are accompanied by appropriate documentation during transport.

6. Regulation 19 of S.I. 1997/2965 (possession of unmarked carcasses of sheep and goats) is also amended—

- (a) to ensure, first, that a person transporting the sheep carcasses concerned (those containing spinal cord which is specified risk material and which are intended for export whole direct to listed premises) has in possession further documentation and, second, that the carcasses are appropriately marked; and
- (b) to enable the carcasses concerned to be brought within the scope of section 9 of the Food Safety Act 1990 (1990 c. 16) (inspection and seizure of suspected food).

7. A further new regulation (regulation 19A) is inserted into S.I. 1997/2965, imposing requirements with respect to the arrival of the carcasses concerned at the listed premises to which it was intended they should be transported.

8. A regulatory appraisal for these Regulations has been prepared. A copy of it has been placed in the library of each House of Parliament. Further copies of it can be obtained from the Animal Health (BSE and International Trade) Division of the Ministry of Agriculture, Fisheries and Food at Government Buildings, Hook Rise South, Tolworth, Surrey KT6 7NF.