

2000 No. 2811

ANIMALS, WALES

ANIMAL HEALTH

**The Specified Risk Material (Amendment) (Wales)
Order 2000**

Made - - - - - 12th October 2000

Laid before Parliament 16th October 2000

Coming into force - - 7th November 2000

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 11 of the Animal Health Act 1981^(a) hereby makes, and the Minister of Agriculture, Fisheries and Food and the National Assembly for Wales, in exercise of the powers conferred by sections 1, 10(1)(a) and (c) and (2), 29(2)(b), 35(1), 76(3), and 83(2) of, and Schedule 2 to, the Animal Health Act 1981, and now vested in them jointly^(b), hereby make the following Order:

Title, commencement and application

1.—(1) This Order may be cited as the Specified Risk Material (Amendment) (Wales) Order 2000 and shall come into force on 7th November 2000.

(2) This Order applies to Wales only.

Amendments to the Specified Risk Material Order 1997

2.—(1) In so far as it applies to Wales, the Specified Risk Material Order 1997^(c) is amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 2 (interpretation)—

(a) the definitions of “class I specified risk material”, “class II specified risk material”, and “intestines” are revoked; and

(b) the definition of “specified risk material” is replaced by the following definition—
“specified risk material” means—

(a) specified bovine material;

(b) specified sheep or goat material;

(c) any part of the animal remaining attached to specified bovine material or specified sheep or goat material after dissection of the carcass;

(d) any animal material which comes into contact with specified bovine material or specified sheep or goat material after it has been removed from the carcass; and

(e) specified solid waste;”

^(a) 1981 c. 22. See section 86(1) for a definition of “the Minister”.

^(b) Functions of “the Ministers” (for a definition of which term, see section 86(1) of the Act), were, so far as exercisable by the Secretary of State for Wales and in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the Secretary of State for Scotland under the Act were, so far as exercisable in relation to Wales, transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

^(c) S.I. 1997/2964.

- (3) In article 3 (specified sheep or goat material)—
- (a) in paragraph (1), the phrase “class I” is revoked; and
 - (b) paragraph (2) is revoked.
- (4) Paragraphs (1) and (2) of article 4 (specified bovine material) are replaced by the following paragraphs—

“(1) In this Order, “specified bovine material” means—

- (a) the following material in relation to a bovine animal that was slaughtered or died in the United Kingdom or Portugal at an age greater than 6 months—
 - (i) the entire head (excluding the tongue but including the brains, eyes, trigeminal ganglia and tonsils);
 - (ii) the thymus;
 - (iii) the spleen;
 - (iv) the intestines from the duodenum to the rectum; and
 - (v) the spinal cord;
- (b) in relation to a bovine animal that was slaughtered or has died in the United Kingdom or Portugal at an age greater than 30 months (other than a bovine animal which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No.2) Regulations 1996(a)), the vertebral column (including dorsal root ganglia); and
- (c) in relation to a bovine animal that was slaughtered or died, at an age greater than 12 months, elsewhere than in the UK, Portugal, Australia or New Zealand, the following material—
 - (i) the skull (including the brains and eyes);
 - (ii) the tonsils;
 - (iii) the spinal cord; and
 - (iv) the ileum.

(2) In this article, the references to Portugal do not include a reference to the Autonomous Region of the Azores.”

- (5) Article 6 (import of class I specified risk material) shall be replaced by the following article—

“Import of specified risk material

6.—(1) No person shall import into Wales from outside the British Islands any specified risk material except where it is to be transported directly to—

- (a) approved premises;
- (b) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes, provided that those purposes do not involve the consumption, by humans or animals (other than animals kept for the purposes concerned) of specified risk material or products derived therefrom; or
- (c) in the case of specified risk material imported from another Member State, to an approved incinerator or an approved collection centre for direct consignment to an approved incinerator.

(2) In paragraph (1)(c), the expression “approved collection centre” and “approved incinerator” shall have the same meaning as in regulation 21(1)(a) and (d) of the Specified Risk Material Regulations 1997(b).

(3) No person shall import into Wales from outside the British Islands any food or feeding stuff listed in Schedule 1 below, except food or feeding stuff which—

- (a) does not contain specified risk material; and

(a) S.I. 1996/2097, amended by S.I. 1996/2522.

(b) S.I. 1997/2965, amended, in relation to Wales, by S.I. 2000/2659 (W. 172). See regulation 2 for a definition of “approved”. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999, the functions of the Minister were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales.

- (b) in the case of any food or feeding stuff that is imported from a third country, is accompanied by a certificate in the form set out in Schedule 2 below, issued by the appropriate veterinary authority of the place from which the food or feeding stuff was dispatched.
- (4) Where specified risk material is imported under paragraph (1) above, the importer shall ensure that it is transported to its place of destination without delay.
- (5) Contravention of or failure to comply with any provision of this article shall be an offence to which section 76(3) of the Animal Health Act 1981 applies.
- (6) It shall be a defence for any person charged with an offence under paragraph (1) or (3) above to prove—
- (a) where it is alleged that he or she imported any food or feeding stuff listed in Schedule 1 below containing specified risk material, that he or she did not know or have any reason to believe that it contained any specified risk material;
 - (b) where it is alleged that he or she imported any food or feeding stuff listed in Schedule 1 below without the certificate referred to in paragraph (3)(b) above, that it was accompanied by a document purporting to be the certificate required by that paragraph and which he or she did not know or have any reason to believe to be false; and
 - (c) where it is alleged that he or she imported any food or feeding stuff listed in Schedule 1 below which contained specified risk material and was not accompanied by the certificate referred to in paragraph (3)(b) above, that he or she did not know or have reason to believe that the food or feeding stuff contained specified risk material nor that the document purporting to be the certificate was false.
- (7) It shall be a defence for any person charged with an offence under paragraph (4) above to prove that he or she took all reasonable steps to ensure that it was transported to approved premises as required by that paragraph.”.
- (6) In article 9 (prohibition on the removal of brains and eyes)—
- (a) the words “aged over” are substituted by the words “which was slaughtered or has died at an age greater than”; and
 - (b) the words “(of any age at death)” are substituted by the words “which at the time it was slaughtered or died had one or more permanent incisor teeth erupted through the gum or was aged more than 12 months”.
- (7) In paragraph (1) of article 15 (seizure and destruction of imports), the phrase “class I” is deleted.
- (8) In Schedule 2 (form of importation certificate), in the first indent of paragraph II of the Declaration the word “, ileum” is added after the word “tonsils”.

10th October 2000

Hayman
Minister of Agriculture, Fisheries and Food

12th October 2000

Signed on behalf of the National Assembly for Wales
D Elis Thomas
Presiding Officer of the National Assembly for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which comes into force on 7th November 2000, gives effect to Article 3.1 of Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies (OJ No. L158, 30.6.2000, 76). It amends the Specified Risk Material Order 1997 (S.I. 1997/2964) in so far as it applies to Wales. The Specified Risk Material Order 1997 (“the 1997 Order”) applies to the whole of Great Britain.
2. The Order brings the definition of “specified risk material” used in the 1997 Order into line with that contained in Commission Decision 2000/418/EC.
3. It also replaces article 6 of the 1997 Order with a new article 6, which differs from the old one in two ways. First, it extends the categories of premises to which imported specified risk material is allowed to be sent. Secondly, it requires food and feeding stuff imported from a third country to be accompanied by a certificate confirming, amongst other things, that it does not contain specified risk material.
4. A regulatory appraisal in relation to this Order has been prepared pursuant to section 65 of the Government of Wales Act and placed in the library of the National Assembly for Wales. Copies may be obtained from Agriculture Policy Division 3, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

£1.75

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