
STATUTORY INSTRUMENTS

2008 No. 1881

The Transmissible Spongiform
Encephalopathies (England) Regulations 2008

PART 1

General provisions

Title, application and commencement

1. These Regulations—

- (a) may be cited as the Transmissible Spongiform Encephalopathies (England) Regulations 2008;
- (b) apply in England only; and
- (c) come into force on 7th August 2008.

Interpretation

2.—(1) In these Regulations—

“approved testing laboratory” has the meaning given to it in paragraph 4(3) of Schedule 2;

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

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 2007(1);

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598(2);

“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(3), as read with—

- (a) Commission Decision 2007/411/EC; and
- (b) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk(4);

“cutting plant” (except in Schedule 7, paragraph 9(2)(b)(iii)) has the meaning given to it in paragraph 1(17) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

(1) S.I. 2007/529.

(2) OJ No L 155, 15.6.2007, p 74.

(3) OJ No L 147, 31.5.2001, p 1, as last amended by Commission Regulation (EC) No 571/2008 (OJ No L 161, 20.6.2008, p 4).

(4) OJ No L 172, 30.6.2007, p 84.

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004; or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval;

“inspector” means an inspector appointed under regulation 12, and “veterinary inspector” means a veterinary surgeon appointed by the Secretary of State as an inspector;

“local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(5), a unitary authority, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county or the council of a district within the county area;
 - (iii) in each London borough, the council of that borough; or
- (c) in the City of London, the Common Council;

“Regulation (EC) No. 1774/2002” means 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(6), as read with—

- (a) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures(7);
- (b) Commission Regulation (EC) No. 878/2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes(8); and
- (c) Commission Regulation (EC) No. 92/2005 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats(9);

“Regulation (EC) No. 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(10), as read with—

- (a) Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(11)

(5) S.I. 1994/867 to which there are amendments not relevant to these Regulations.

(6) OJ No L 273, 10.10.2002, p 1, as last amended by Commission Regulation (EC) No 523/2008 (OJ No L 153, 12.6.2008, p 23).

(7) OJ No L 117, 13.5.2003, p 14.

(8) OJ No L 162, 30.4.2004, p 62, as amended by Regulation (EC) No 1877/2006 (OJ No L 360, 19.12.2006, p133).

(9) OJ No L 19, 21.1.2005, p 27, as last amended by Regulation (EC) No 1576/2007 (OJ No L 340, 22.12.07, p 89).

(10) OJ No L 139, 30.04.2004, p 55. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (OJ No L 226, 25.6.2004, p 22) which should be read with a further Corrigendum (OJ No L204, 4.8.2007, p 26), as last amended by Commission Regulation (EC) No 1243/2007 (OJ No L 281, 25.10.2007, p 8).

(11) OJ No L 157, 30.4.2004, p 33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No L 195, 2.6.2004, p 12).

- (b) [Commission Regulation \(EC\) No. 1688/2005](#) implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs⁽¹²⁾;
- (c) [Commission Regulation \(EC\) No. 2074/2005](#) laying down implementation measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004⁽¹³⁾; and
- (d) [Commission Regulation \(EC\) No. 2076/2005](#) laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004⁽¹⁴⁾;

“Regulation (EC) No. 882/2004” means 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⁽¹⁵⁾, as read with—

- (a) [Commission Regulation \(EC\) No. 2074/2005](#); and
- (b) [Commission Regulation \(EC\) No. 2076/2005](#);

“slaughterhouse” has the meaning given to it in paragraph 1(16) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004; or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval; and

“TSE” means transmissible spongiform encephalopathy.

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

(3) References in these Regulations to the Community instruments identified in Schedule 1 are references to those instruments as amended from time to time.

Appointment of competent authority

3. The Secretary of State is 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 8 do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under this regulation by the Secretary of State.

(12) OJ No L 271, 15.10.2005, p 17.

(13) OJ No L 338, 22.12.2005, p 27, as last amended by [Commission Regulation \(EC\) No 1244/2007](#) (OJ No L 281, 25.10.2007, p 12).

(14) OJ No L 338, 22.12.2005, p 83, as last amended by [Commission Regulation \(EC\) No 1246/2007](#) (OJ No L 281, 25.10.2007, p 21).

(15) OJ No L 165, 30.4.2004, p 1. The revised text of Regulation (EC) No 882/2004 is now set out in a Corrigendum (OJ No L 191, 28.5.2004, p 1), as last amended by [Council Regulation \(EC\) No 1791/2006](#) (OJ No L 363, 20.12.2006, p 1).

(2) If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1774/2002, and failure to do so is an offence.