
WELSH STATUTORY INSTRUMENTS

2001 No. 2732 (W.231)

**FOOD, WALES
ANIMALS, WALES**

**The Specified Risk Material
(Amendment) (Wales) Regulations 2001**

Made - - - - 26th July 2001

Coming into force - - 13th August 2001

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(a), (b), (c), (d) and (f), (2)(a) and (3), 17(1), 19(1)(a), 26 and 48(1) of and paragraphs 2(1), 3(1), 5 and 6(1)(a) of Schedule 1 to the Food Safety Act 1990 **(1)** and by sections 1, 10(1)(a) and (c) and (2), 11, 29(2) (b), 35(1), 76(3) and 83(2) of, and Schedule 2 to, the Animal Health Act 1981 **(2)** and now vested in it **(3)**, after having had regard in accordance with section 48(4A) of the 1990 Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of the 1990 Act, makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Specified Risk Material (Amendment) (Wales) Regulations 2001; they apply to Wales only and come into force on 13th August 2001.

Amendments to the Specified Risk Material Regulations 1997

2.—(1) In so far as they apply to Wales, the Specified Risk Material Regulations 1997 **(4)** are amended in accordance with the following paragraphs of this regulation.

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

- (a)** the phrase “(subject to paragraph (4) below)” is inserted at the beginning of paragraph (c) of the definition of “specified risk material”;
- (b)** the following definitions are inserted between the definition of “listed premises” and the definition of “official veterinary surgeon” —???

(1) 1990 c. 16.

(2) 1981 c. 22.

(3) Functions formerly exercised by “the Ministers” under the Food Safety Act are now exercisable in relation to Wales by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).

(4) SI 1997/2965, amended by SI 1997/3062, SI 1998/2405 (itself amended by SI 1997/2431), SI 1999/539, SI 2000/656, SI 2000/2659 (W.172), SI 2000/3387(W.224) and SI 2000/1973.

- “mechanically recovered meat” means meat which—
- (a) is derived from residual meat on animal bones; and
 - (b) has been obtained by mechanical means;”;
- (c) the following definition is substituted for the existing definition of “vertebral column”—
- ““vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;”.
- (3) The following paragraph is inserted at the end of regulation 2—
- “(4) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcass of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) of the Specified Risk Material Order 1997 (5), the part of the carcass not comprising the vertebral column shall not be regarded as specified risk material for the purposes of these Regulations.”.
- (4) In paragraph (1) of regulation 3 (specified sheep and goat material), the phrase “(subject to paragraph (4) below)” is inserted before the phrase “specified sheep or goat material”.
- (5) The following paragraphs are inserted at the end of regulation 3—
- “(4) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (5) below is not specified sheep or goat material as defined by paragraph (1) above.
- (5) The countries are—
- Argentina
 - Australia
 - Botswana
 - Brazil
 - Chile
 - Costa Rica
 - Namibia
 - New Zealand
 - Nicaragua
 - Paraguay
 - Singapore
 - Swaziland and
 - Uruguay.”.
- (6) The following paragraph is substituted for paragraph (1) of regulation 4 (specified bovine material)—
- “(1) In these Regulations, “specified bovine material” means—
- (a) (subject to paragraph (5) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;
 - (b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months—

- (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),
 - (ii) the thymus,
 - (iii) the spleen,
 - (iv) the spinal cord, and
 - (v) (subject to paragraph (6) below) in the case of a bovine animal described in this sub-paragraph which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (5) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—
 - (i) the skull (including the brain and eyes),
 - (ii) the tonsils,
 - (iii) the spinal cord, and
 - (iv) (subject to paragraph (7) below) the vertebral column;”.
- (7) The following paragraph is substituted for paragraph (4) of regulation 4—

“(4) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.
- (8) The following paragraphs are inserted at the end of regulation 4—

“(5) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in regulation 3(5) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.

(6) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of—

 - (a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or
 - (b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purpose of these Regulations.

(7) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of these Regulations.

(8) In paragraph (6)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No.2) Regulations 1996 (6).”.
- (9) The following regulation is substituted for regulation 6 (approvals, authorisations and registrations)—

“Approvals and authorisations

6.—(1) The Minister may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if he is satisfied that the premises—

- (a) are properly equipped to carry out the functions to which the approval relates; and

(b) comply with the requirements of that Part of these Regulations.

(2) The Agency may, on application, authorise any premises under regulation 15 below (prohibition on the removal of the spinal cord of a ruminant animal) if it is satisfied that the premises—

(a) are properly equipped to carry out the functions to which the authorisation relates; and

(b) comply with the requirements of that regulation.

(3) Any approval or authorisation granted or made under these Regulations (including a consent given under regulation 24(7) below) shall be in writing and may be made subject to conditions.

(4) Any such approval or authorisation may be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval or authorisation was granted or, if that person is no longer the occupier of the premises to which the approval or authorisation relates, on the occupier of those premises, if the Minister or, as the case may be, the Agency is satisfied that any provisions of these Regulations in relation to the premises or any conditions in the approval or authorisation are not being complied with.”

(10) The following regulation is substituted for regulation 8 (prohibitions applying to the vertebral column)—

“Mechanically recovered meat

8.—(1) No person shall use any bovine, ovine or caprine bone for the production of mechanically recovered meat.

(2) No person shall use any mechanically recovered meat which is derived from a bovine, ovine or caprine bone in the preparation of food for sale for human consumption.”.

(11) Regulation 9 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked.

(12) The following regulation is inserted immediately after regulation 15 (prohibition on the removal of the spinal cord of a ruminant animal)—

“Treatment of imported carcasses containing vertebral column

15A.—(1) Where the imported carcass of a bovine animal containing vertebral column which is specified bovine material is transported to designated cutting premises in accordance with article 6(2A) of the Specified Risk Material Order 1997 the occupier of those premises shall ensure that the vertebral column is removed from the rest of the carcass at the premises as soon as is practicable after the arrival of the carcass there.

(2) The occupier of any designated cutting premises at which the vertebral column is removed in accordance with this regulation shall ensure that it is—

(a) stained in accordance with regulation 10(3) above; and

(b) disposed of as specified risk material in accordance with these Regulations.

(3) In paragraphs (1) and (2) above, “designated cutting premises” means licensed cutting premises which the Agency has, following receipt by it of a written application, designated in writing for the purposes of this regulation.

(4) Any designation made by the Agency for the purposes of this regulation may be made subject to conditions.

(5) Any such designation may be amended, suspended or revoked at any time by notice in writing served on the person in whose favour it was granted or, if that person is no longer the

occupier of the premises to which the designation relates, on the occupier of those premises, if the Agency is satisfied that any provision of these Regulations has not been complied with in relation to the premises or any condition in the designation has been breached.

(6) In paragraph (1) above “carcase” means any whole carcase, half carcase, or quarter carcase.”.

(13) In paragraph (1) of regulation 26 (power to give directions)—

(a) the words “or the Agency” are inserted before the words “is satisfied”; and

(b) the words “he or as the case may be” are inserted before the words “the Agency”.

(14) In paragraph (2) of regulation 26 the words “or as the case may be the Agency” are inserted before the word “may”.

Amendment of the Specified Risk Material Order 1997

3.—(1) In so far as it applies to Wales, the Specified Risk Material Order 1997 shall be amended in accordance with the following paragraphs of this Regulation.

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

(a) the phrase “(subject to paragraph (5) below)” is inserted at the beginning of paragraph (c) of the definition of “specified risk material”; and

(b) the following definition is inserted at the end—

““vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia.”.

(3) The following paragraph is inserted at the end of article 2—

“(5) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcase of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) below, the part of the carcase not comprising the vertebral column shall not be regarded as specified risk material for the purposes of this Order.”.

(4) In paragraph (1) of article 3 (specified sheep and goat material), the phrase “(subject to paragraph (2) below)” is inserted before the phrase “specified sheep or goat material”.

(5) The following paragraphs are inserted at the end of article 3—

“(2) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (3) below is not specified sheep or goat material as defined by paragraph (1) above.

(3) The countries are—

Argentina

Australia

Brazil

Botswana

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore
Swaziland and
Uruguay.”.

(6) The following paragraph shall be substituted for paragraph (1) of article 4 (specified bovine material)—

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

- (a) (subject to paragraph (3) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;
- (b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months—
 - (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),
 - (ii) the thymus,
 - (iii) the spleen,
 - (iv) the spinal cord, and
 - (v) (subject to paragraph (4) below) in the case of such an animal which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (3) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—
 - (i) the skull (including the brain and eyes),
 - (ii) the tonsils,
 - (iii) the spinal cord, and
 - (iv) (subject to paragraph (5) below) the vertebral column.”.

(7) The following paragraph is substituted for paragraph (2) of article 4—

“(2) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.

(8) The following paragraphs are added at the end of article 4—

“(3) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in article 3(3) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.

(4) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of—

- (a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or
- (b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purpose of this Order.

(5) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of this Order.

(6) In paragraph (4)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No. 2) Regulations 1996.”.

(9) In article 6—

(a) the words “Subject to paragraph (2A) below” are inserted at the beginning of paragraph (2); and

(b) the following paragraph is inserted after paragraph (2)—

“(2A) No person shall import into Wales from outside the British Islands a carcase of a bovine animal containing any vertebral column which is specified bovine material unless—

(a) the carcase is to be transported directly to premises designated under regulation 15A of the Specified Risk Material Regulations 1997 for the removal of the vertebral column there; and

(b) not less than 72 hours before he intends to import the carcase, he has given notice of the intended import to the director of the Meat Hygiene Service of the Food Standards Agency for the region of that Service in which those premises are situated”

(10) In Schedule 2 (form of importation certificate) for the declaration there shall be substituted the following declaration—

“Declaration

***Either:**

This product does not contain and is not derived from specified risk material as defined in Annex I, point 1(a) of Decision [2000/418/EC](#), produced after 31 March 2001, or mechanically recovered meat obtained from the bones of bovine, ovine or caprine animals, produced after 31 March 2001. The animals have not been slaughtered, after 31 March 2001, after stunning by means of a gas injected into the cranial cavity or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

***Or:**

This product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, reared and slaughtered in the following countries:—

Argentina

Australia

Botswana

Brazil

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland and

Uruguay

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delete one of these as appropriate.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (7).

26th July 2001

Rhodri Morgan
The First Secretary of the National Assembly

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. These Regulations, which apply to Wales only, make further amendments both to the Specified Risk Material Regulations 1997 (SI 1997/2965, as already amended) and to the Specified Risk Material Order 1997 (SI 1997/2964, as already amended). The Specified Risk Material Regulations 1997 (“the principal Regulations”) apply to Great Britain as a whole.

Amendments to the Specified Risk Material Regulations 1997

2. These Regulations reflect in Wales the provisions of Annex XI to 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 (OJ No. L147, 31.5.2001, p.1). That Annex imposes transitional measures with regard to the removal of specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (OJ No. L177, 30.6.2001, p.60).

3. The substantive amendments made by these Regulations to the principal Regulations are as follows:—

- (a) in the light of the transitional measures referred to above
 - (i) regulation 3 of the principal Regulations (which defines “specified sheep and goat material”) is amended to exclude from the scope of the definition material derived from sheep and goats born, continuously reared and slaughtered in certain third countries (regulation 2(4) and (5));
 - (ii) regulation 4 of the principal Regulations (which defines “specified bovine material”) is substantially revised so that, in particular, material derived from bovine animals born, continuously reared and slaughtered in certain third countries is now outside the scope of the definition (regulation 2(6) to (8));
 - (iii) regulation 8 of the principal Regulations (prohibition applying to the vertebral column of ruminant animals) is replaced with a provision prohibiting the use of bovine, ovine and caprine bones in the production of mechanically recovered meat (regulation 2(10)) and regulation 9 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked (regulation 2(11));
 - (iv) a new regulation, 15A, dealing with the treatment of imported carcasses containing vertebral column which is specified bovine material, is inserted into the principal Regulations (regulation 2(12)); and
- (b) in view of the amendment made to regulation 26 of the principal Regulations by the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings)(England and Wales) Regulations 2000 (SI 2000/656), that regulation is further amended to enable the Food Standards Agency or the National Assembly for Wales to give directions relating to the disposal of specified risk material (regulation 2(13) and (14)).

4. These Regulations also make consequential amendments to the principal Regulations in the light of certain of the substantive amendments referred to above and the enactment of the Food Standards Act 1999 (1999 c. 28) (regulation 2(2), (3) and (9)).

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Amendments to the Specified Risk Material Order 1997

5. These Regulations make further amendments to the Specified Risk Material Order 1997 (SI 1997/2964, as already amended) in so far as it applies to Wales. The Specified Risk Material Order 1997 (“the principal Order”) extends to Great Britain as a whole.

6. The amendments made by these Regulations to the principal Order reflect the provisions of Annex XI to 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 (OJ No. L147, 31.5.2001, p.1). That Annex imposed transitional measures with regard to the removal of specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (OJ No. L177, 30.6.2001, p.60).

7. In article 2 of the principal Order, a definition of vertebral column is added at the end of paragraph 1 and a new paragraph 5 is added (regulation 3(2) and (3)).

8. Article 3 of the principal Order (which defines “specified sheep and goat material”) is amended to exclude from the scope of the definition material derived from sheep and goats born, continuously reared and slaughtered in certain third countries (regulation 3(4) and (5)).

9. Article 4 of the principal Order (which defines “specified bovine material”) is substantially revised so that, in particular, material derived from bovine animals born, continuously reared and slaughtered in certain third countries is now outside the scope of the definition (regulation 3(6) to (8)).

10. Article 6 of the principal Order (which regulates the import of specified risk material) is amended to impose new requirements for the import of carcasses of bovine animals containing vertebral column which is specified risk material; and a new form of importation certificate is substituted in Schedule 2 (regulation 3(9) and (10)).

11. A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 (1998 c. 38) and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Wood Street Cardiff, CF10 1EN.