CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 3546 (Cy.290)

BWYD, CYMRU

ANIFEILIAID, CYMRU

Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2001

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn diddymu'r rhan honno o Reoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001 (OS 2001/2732, Cy.231), a oedd yn honni gwneud diwygiadau i Orchymyn Deunydd Risg Penodedig 1997 (OS 1997/2964), ond a oedd yn cynnwys gwallau drafftio. Yr oedd y diwygiadau a wnaed i Reoliadau Deunydd Risg Penodedig 1997 (OS 1997/2965, fel y'u diwygiwyd eisoes) gan Reoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001 wedi'u gwneud yn ddilys ac nid ydynt yn cael eu diddymu gan y Rheoliadau hyn.

Diwygiadau i Orchymyn Deunydd Risg Penodedig 1997

2. Mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i Orchymyn Deunydd Risg Penodedig 1997 (OS 1997/2964, fel y'i diwygiwyd eisoes) i'r graddau y mae'n gymwys i Gymru. Mae Gorchymyn Deunydd Risg Penodedig 1997 ("y prif Orchymyn") yn gymwys i Brydain Fawr gyfan.

3. Mae'r diwygiadau sy'n cael eu gwneud gan y Rheoliadau hyn i'r prif Orchymyn yn adlewyrchu darpariaethau Atodiad (XI) i Reoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cygor sy'n gosod rheolau ar gyfer atal, rheoli a chael gwared ar rai enseffalopathïau sbyngffurf trosglwyddadwy (OJ Rhif L147, 31.5.2001, t.1). Gosododd yr Atodiad hwnnw

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 3546 (W.290)

FOOD, WALES

ANIMALS, WALES

The Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. These Regulations, which apply to Wales only, revoke that part of the Specified Risk Material (Amendment) (Wales) Regulations 2001 (SI 2001/2732, W.231), which purported to make amendments to the Specified Risk Material Order 1997 (SI 1997/2964), but which contained drafting errors. The amendments made to the Specified Risk Material Regulations 1997 (SI 1997/2965, as already amended) made by the Specified Risk Material (Amendment) (Wales) Regulations 2001 were validly made and are not revoked by these Regulations.

Amendments to the Specified Risk Material Order 1997

2. 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.

3. 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

fesurau trosiannol mewn perthynas â thynnu deunydd risg penodedig ac fe'i mewnosodwyd yn Rheoliad (EC) Rhif 999/2001 gan Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 1326/2001 (OJ Rhif L177, 30.6.2001, t.60).

4. Yn erthygl 2 o'r prif Orchymyn, mae diffiniad o "vertebral column" yn cael ei ychwanegu ar ddiwedd paragraff 1 a pharagraff 5 newydd yn cael ei ychwanegu (rheoliad 3(2) a (3)).

5. Mae erthygl 3 o'r prif Orchymyn (sy'n diffinio "specified sheep and goat material") yn cael ei diwygio i hepgor o'r diffiniad ddeunydd sy'n deillio o ddefaid a geifr a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd (rheoliad 3(4) a (5)).

6. Mae erthygl 4 o'r prif Orchymyn (sy'n diffinio "specified bovine material") yn cael ei ddiwygio'n sylweddol fel bod, yn benodol, deunydd sy'n deillio o anifeiliaid buchol a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd bellach y tu allan i gwmpas y diffiniad (rheoliad 3(6) i (8));

7. Mae erthygl 6 o'r prif Orchymyn (sy'n rheoli mewnforio deunydd risg penodedig) yn cael ei diwygio i osod gofynion newydd ynghylch mewnforio carcasau anifeiliaid buchol sy'n cynnwys esgyrn cefn sy'n ddeunydd risg penodedig, ac mae ffurf newydd ar dystysgrif fewnforio yn cael ei rhoi yn lle'r hen un yn Atodlen 2 (rheoliad 3(9) a (10)).

Diwygiadau i Reoliadau Deunydd Risg Penodedig 1997

8. Mae mân ddiwygiadau yn cael eu gwneud i Reoliadau Deunydd Risg Penodedig 1997 (OS 1997/2965, fel y'u diwygiwyd eisoes) i newid cyfeiriadau anghywir at "the Minister" i "the National Assembly for Wales".

9. Mae arfarniad rheoliadol ar gyfer y Rheoliadau hyn wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 (1998 p.38) ac wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Wood Street Caerdydd, CF10 1EW.

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).

4. 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)).

5. 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)).

6. 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)).

7. Article 6 of the principal Order (which regulates the import of specified risk material) is amended to impose new requirements for the import of carcases 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)).

Amendments to the Specified Risk Material Regulations 1997

8. Minor amendments are made to the Specified Risk Material Regulations 1997 (SI 1997/2965, as already amended) to alter incorrect references to "the Minister" to "the National Assembly for Wales".

9. 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 1EW.

OFFERYNNAU STATUDOL

2001 Rhif 3546 (Cy.290)

BWYD, CYMRU

ANIFEILIAID, CYMRU

Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2001

Wedi'u gwneud *31 Hydref 2001*

Yn dod i rym *1 Tachwedd 2001*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(**a**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**b**) mewn perthynas â'r polisi amaethyddol cyffredin, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2001; maent yn gymwys i Gymru yn unig a deuant i rym ar 1 Tachwedd 2001.

Diddymu Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001

2. Mae Rheoliad 3 o Reoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001 drwy hyn wedi'i ddiddymu(**c**).

Diwygio Gorchymyn Deunydd Risg Penodedig 1997

3.-(1) I'r graddau y mae'n gymwys i Gymru, caiff Gorchymyn Deunydd Risg Penodedig 1997(**ch**) ei ddiwygio yn unol â pharagraffau canlynol y Rheoliad hwn.

(2) Ym mharagraff (1) o erthygl 2 (dehongli) -

(a) mewnosodir yr ymadrodd "(subject to paragraph (5) below)" ar ddechrau paragraff (c) o'r diffiniad o "specified risk material"; a

(a) OS 1999/2788.

(b) 1972 (p.68).

(c) OS 2001/2732 (Cy. 231).

(ch) OS 1997/2964, a ddiwygiwyd gan OS 2000/2811 ac OS 2000/3387 (Cy.224).

STATUTORY INSTRUMENTS

2001 No. 3546 (W.290)

FOOD, WALES

ANIMALS, WALES

The Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001

Made *31 October 2001*

Coming into force *1 November 2001*

The National Assembly for Wales, being designated (**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy, makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001; they apply to Wales only and come into force on 1 November 2001.

Revocation of the Specified Risk Material (Amendment) (Wales) Regulations 2001

2. Regulation 3 of the Specified Risk Material (Amendment) (Wales) Regulations 2001(**c**) is hereby revoked.

Amendment of the Specified Risk Material Order 1997

3.- (1) In so far as it applies to Wales, the Specified Risk Material Order 1997(**d**) 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

(a) SI 1999/2788.

(b) 1972 (c.68).

(c) SI 2001/2732 (W. 231).

(d) SI 1997/2964, amended by SI 2000/2811 and SI 2000/3387 (W.224).

(b) mewnosodir y diffiniad canlynol ar y diwedd -

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

(3) Mewnosodir y paragraff canlynol ar ddiwedd erthygl 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) Ym mharagraff (1) o erthygl 3 (deunydd defaid a geifr penodedig), mewnosodir yr ymadrodd "(subject to paragraph (2) below)" cyn yr ymadrodd "specified sheep or goat material".

(5) Mewnosodir y paragraffau canlynol ar ddiwedd erthygl 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) Mae'r paragraff canlynol yn cael ei roi yn lle paragraff (1) o erthygl 4 (deunydd buchol penodedig) -

"(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

(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) Mae'r paragraff canlynol yn cael ei roi yn lle paragraff (2) o erthygl 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) Ychwanegir y paragraffau canlynol ar ddiwedd erthygl 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.

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) Yn erthygl 6 -

(a) mewnosodir y geiriau "Subject to paragraph (3A) below" ar ddechrau paragraff (3); a

(b) mewnosodir y paragraff canlynol ar ôl paragraff (3) -

"(3A) Pararaph (2) above shall not be taken to prohibit the import into Wales from outside the British Islands a carcase of a bovine animal containing any vertebral column which is specified bovine material where-

(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 a person intends to import the carcase, that person 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 the premises are situated (or, if there is no such director, the officer of the Food Standards Agency responsible for the exercise of similar functions)."

(10) Yn Atodlen 2 (ffurf tystysgrif fewnforio) yn lle'r datganiad rhoddir y datganiad canlynol -

"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

(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 (3A) below" are inserted at the beginning of paragraph (3); and

(b) the following paragraph is inserted after paragraph (3) -

"(3A) Paragraph (2) above shall not be taken to prohibit the import into Wales from outside the British Islands a carcase of a bovine animal containing any vertebral column which is specified bovine material where -

(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 a person intends to import the carcase, that person 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 (or, if there is no such director, the officer of the Food Standards Agency responsible for the exercise of similar functions)."

(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
***delete one of these as appropriate.".**

Diwygiadau i Reoliadau Deunydd Risg Penodedig 1997

4.-(1) I'r graddau y maent yn gymwys i Gymru, mae Rheoliadau Deunydd Risg Penodedig 1997(**a**) yn cael eu diwygio yn unol â pharagraffau canlynol y Rheoliad hwn -

(2) Ym mharagraffau (1) a (4) o reoliad 6 (Cymeradwyaethau ac awdurdodiadau) mae'r geiriau "the National Assembly for Wales" yn cael eu rhoi yn lle'r geiriau "the Minister".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**b**)

31 Hydref 2001

Llywydd y Cynulliad Cenedlaethol

(a) OS 1997/2965, fel y'i diwygiwyd gan OS 1997/3062, OS 1998/2405 (a ddiwygiwyd ei hun gan OS 1997/2431), OS 1999/539, OS 2000/656, OS 2000/2659 (Cy.172), OS 2000/3387 (Cy.224) ac OS 2000/1973.

(b) 1998 p.38.

Australia
Botswana
Brazil
Chile
Costa Rica
Namibia
New Zealand
Nicaragua
Paraguay
Singapore
Swaziland and
Uruguay
***delete one of these as appropriate.".**

Amendments to the Specified Risk Material Regulations 1997

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

(2) In paragraphs (1) and (4) of regulation 6 (Approvals and authorisations) the words "the National Assembly for Wales" are inserted in place of the words "the Minister".

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

31st October 2001

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 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.

(b) 1998 c.38.

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Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2001

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 3546 (W.290)

FOOD, WALES

ANIMALS, WALES

The Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001

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