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WELSH STATUTORY INSTRUMENTS

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**2001 No. 4048 (W.339)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The BSE Monitoring (Wales) (Amendment) Regulations 2001**

*Made* - - - - *20th December 2001*

*Coming into force* - - *7th January 2002*

The National Assembly for Wales, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, hereby makes the following Regulations—

**Title, extent and commencement**

1. These Regulations may be cited as The BSE Monitoring (Wales) (Amendment) Regulations 2001, they apply to Wales and come into force on 7th January 2002.

**Amendment of The BSE Monitoring (Wales) Regulations 2001**

2.—(1) The BSE Monitoring (Wales) Regulations 2001<sup>(3)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) Regulation 2(1) shall be amended as follows—

(a) after the definition of “bovine animal” there shall be inserted the following definition—

““the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Regulation (EC) No. 1248/2001<sup>(4)</sup> amending Annexes III, X and XI to Regulation (EC) No. 999/2001<sup>(5)</sup> as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies;”;

(b) the definition of “the Commission Decisions” is revoked;

(c) for the definition of “a notifiable bovine animal” there shall be substituted the following definition—

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(1) S.I. 1999/2788.

(2) 1972 c. 68.

(3) S.I. 2001/2360 (W. 197).

(4) OJ No. L 173, 27.6.2001, p.12.

(5) OJ No. L 147, 31.5.2001, p.1.

““a notifiable bovine animal” (“*anifail buchol hysbysadwy*”) means a bovine animal over 24 months of age which has died or has been killed but which was not—

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996<sup>(6)</sup>;
  - (b) killed in the framework of an epidemic such as foot and mouth disease; or
  - (c) slaughtered for human consumption;”;
- (d) in the definition of “premises”, after the words “the public,” there shall be inserted the following words—
- “including any place where bovine animal carcasses or parts of such carcasses may be kept”.
- (3) For paragraph (2) of regulation 2 there shall be substituted the following paragraph—
- “(2) Expressions in these Regulations which are not defined in paragraph (1) above and which appear in the Commission Regulation have the same meaning in these Regulations as they have for the purposes of the Commission Regulation in which they appear.”.
- (4) In regulation 3—

- (a) for the heading there shall be substituted the following—

**“Requirements relating to bovine animals over 24 months of age”;**

- (b) in paragraph (1) and paragraph (4) the phrase “or the carcass of such an animal,” shall be revoked;
  - (c) for paragraph (2) there shall be substituted the following paragraph—
 

“(2) Any veterinary surgeon or other person who, in the course of his or her duties examines or inspects any notifiable bovine animal, shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcass is examined or inspected, notify the fact to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent.”
- (5) In paragraph (1) of regulation 4 (Powers of entry, examination, search and sampling etc.) the following shall be deleted “(including any premises, or part of any premises occupied as a private dwelling)”.
- (6) In paragraph (2) of regulation 4 (Powers of entry, examination, search and sampling etc.) the following shall be deleted “(other than any premises occupied as a private dwelling)”.
- (7) In subparagraph 4(h) of regulation 4 for the words “Commission Decisions” there shall be substituted the words “Commission Regulation”.

### **Amendment of Cattle Identification Regulations**

**3.—(1)** The Cattle Identification Regulations 1998<sup>(7)</sup> shall be amended by substituting for the definition of “notifiable bovine animal” the following definition—

““notifiable bovine animal” means a bovine animal over 24 months of age which has died or has been killed but which was not—

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996;
- (b) killed in the framework of an epidemic such as foot and mouth disease; or
- (c) slaughtered for human consumption;”.

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(6) OJ No. L99, 20.4.1996, p14.

(7) S.I. 1998/871 as amended by S.I. 1998/2969, S.I. 1999/1339 and S.I. 2001/2360.

(2) The Cattle (Identification of Older Animals) (Wales) Regulations 2000<sup>(8)</sup> shall be amended by substituting for the definition of “notifiable bovine animal” the following definition—

““notifiable bovine animal” (“*anifial buchol hysbysadwy*”) means a bovine animal over 24 months of age which has died or has been killed but which was not—

- (a) killed for destruction pursuant to Commission Regulation (EC) No. 716/1996;
- (b) killed in the framework of an epidemic such as foot and mouth disease; or
- (c) slaughtered for human consumption;”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>

20th December 2001

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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<sup>(8)</sup> S.I. 2000/3339 (W. 217) as amended by S.I. 2001/2360 (W. 197).

<sup>(9)</sup> 1998 c. 38.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

These regulations make amendments to The BSE Monitoring (Wales) Regulations 2001 ([S.I. 2001/2360 \(W. 197\)](#)).

The amendments give effect to the obligations in article 1.1 of Commission Regulation ([EC No. 1248/2001](#) (OJ No. L173, 27.6.2001, p.12) amending Annex III to Regulation ([EC No. 999/2001](#) (OJ No. L147, 31.5.2001, p.1) as regards epidemio-surveillance and testing of transmissible spongiform encephalopathies.

These require member states to ensure that certain categories of bovine animals over 24 months of age are examined in accordance with the prescribed minimum requirements for monitoring BSE. The definition of “a notifiable bovine animal” has been amended as a consequence to reflect the change in age of animals to which the obligation applies.

An amendment is also made to paragraphs (1) and (4) of regulation 3 to delete the superfluous phrase “or the carcase of such an animal,” and paragraph (2) has been substituted as a result. Regulation 4 and the definition of “premises” have been amended to provide inspectors with the power to enter all premises where bovine animal carcasses or parts of such carcasses are kept.

Consequential amendments to the definition of “notifiable bovine animal” are made to the Cattle Identification Regulations 1998 ([S.I. 1998/871](#), amended by [S.I. 1998/2969](#), [S.I. 1999/1339](#) and [S.I. 2001/2360 \(W. 197\)](#)) and the Cattle (Identification of Older Animals) (Wales) Regulations 2000 ([S.I. 2000/3339 \(W. 217\)](#), amended by [S.I. 2001/2360 \(W. 197\)](#)).