

SCHEDULE 7

Regulation 5

Specified risk material, mechanically separated meat and slaughtering techniques

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Explanatory Note

Appointment of the Food Standards Agency as the competent authority

1.—(1) The Food Standards Agency must carry out the duties on the member State in point 11(1) and point 11(2) of Annex V to the Community TSE Regulation in relation to this Schedule and may grant authorisations for the purposes of point 4(3)(a) of that Annex.

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant an inspector is any person appointed for that purpose by the Food Standards Agency.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) Any person exercising the powers of an inspector under this Schedule has the protection specified in regulation 14(3).

Training

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with their duties in this Schedule; and

(b) keep records of each person's training for as long as that person works there, and failure to do so is an offence.

Mechanically separated meat

3.—(1) Any person who fails to comply with point 5 of Annex V to the Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph “mechanically separated meat (“*cig a wahrenir yn fecanyddol*”) means the product obtained by removing meat from flesh bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

Pithing

4. Any person who fails to comply with point 6 of Annex V to the Community TSE Regulation (measures concerning laceration of tissue) is guilty of an offence.

Tongue harvesting

5. Any person who fails to comply with point 7 of Annex V to the Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

Head meat harvesting

6. Any person who fails to comply with point 8(1) of Annex V to the Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

Removal of specified risk material

7.—(1) Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4(1) or point 4(3)(a) of Annex V to the Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or
- (b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

Bovine animals in a slaughterhouse

8.—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcass of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) The occupier must as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);

- (b) a cutting plant located in another part of the United Kingdom and authorised under the corresponding provision applicable in that part; or
- (c) another member State in accordance with point 10(2) of Annex V to the Community TSE Regulation.

(3) The occupier must identify meat containing vertebral column that is not specified risk material in accordance with point 11(3)(a) of Annex V to the Community TSE Regulation and provide information in accordance with point 11(3)(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(1), except in accordance with point 11(3)(a) of Annex V to the Community TSE Regulation.

(5) Failure to comply with this paragraph is an offence.

Sheep and goats in a slaughterhouse

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the meat to—
 - (i) a cutting plant authorised under paragraph 12(1)(b);
 - (ii) a cutting plant located in another part of the United Kingdom and authorised under the corresponding provision applicable in that part; or
 - (iii) in accordance with point 10(1) of Annex V to the Community TSE Regulation, a cutting plant located in another member State, provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement.

(3) In sub-paragraph (2)(b)(iii), “cutting plant” (“*safle torri*”) means premises—

- (a) approved or conditionally approved as such 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.

(4) Failure to comply with this paragraph is an offence.

Young lamb and goat stamps

10.—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation (if any) relating to the animal does not indicate that it is aged over 12 months at slaughter.

(1) OJ No L 204, 11.8.2000, p.1, as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).

Status: This is the original version (as it was originally made).

(2) The stamp must mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “MHS”; and
- (b) in the case of—
 - (i) a sheep, “YL”; or
 - (ii) a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess the equipment for applying it.

(4) It is an offence to mark a sheep or goat with a stamp that is or resembles a young lamb stamp or a young goat stamp unless it is an animal permitted to be marked in accordance with subparagraph (1).

Removal of spinal cord from sheep and goats

11. It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

Authorisation of cutting plants by the Food Standards Agency

12.—(1) The Food Standards Agency may authorise a cutting plant to remove—

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, but all references to the Welsh Ministers must be construed as references to the Food Standards Agency.

Removal of specified risk material at a cutting plant authorised under paragraph 12(1)

13. The occupier of a cutting plant authorised under paragraph 12(1) commits an offence if they do not, as soon as is reasonably practicable after arrival at the plant of meat, and in any event before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

Meat from another member State

14. For the purposes of point 10(1) and point 10(2) of Annex V to the Community TSE Regulation, where meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Wales from another member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a), and failure to do so is an offence.

Staining and disposal of specified risk material

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the Community TSE Regulation (marking and disposal) is guilty of an offence.

- (2) For the purposes of that point—
- (a) staining involves treating the material (whether by immersion, spraying or other application) with—
- (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(2)); or
 - (ii) such other colouring agent as may be approved in writing by the Welsh Ministers or the Food Standards Agency; and
- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—
- (i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and
 - (ii) in the case of all other specified risk material, over the whole surface of the material.
- (3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the Community TSE Regulation.

Scheme animals

16.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom⁽³⁾, the occupier must ensure that the remainder (excluding the hide) is immediately stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Failure to comply with this paragraph is an offence.

Security of specified risk material

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) The occupier must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Failure to comply with this paragraph is an offence.

Prohibition on the supply of specified risk material for human consumption

18. It is an offence to sell or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

(2) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(3) OJ No L 99, 20.4.1996, p.14, as last amended by Commission Regulation (EC) No 2109/2005 (OJ No L 337, 22.12.2005, p.25).