
STATUTORY INSTRUMENTS

2000 No. 3381

FOOD, ENGLAND

**The Specified Risk Material (Amendment)
(England) (No. 2) Regulations 2000**

Made - - - - 28th December 2000
Laid before Parliament 29th December 2000
Coming into force - - 1st January 2001

The Secretary of State in exercise of the powers conferred on him 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 of all other powers enabling him in that behalf having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment) (England) (No. 2) Regulations 2000; they extend to England only and come into force on 1st January 2001.

Amendment to the Specified Risk Material Regulations 1997

2.—(1) In so far as they extend to England, the Specified Risk Material Regulations 1997(2) are amended in accordance with paragraph (2) of this regulation.

(2) The following paragraph is substituted for paragraph (1) of paragraph 4 (specified bovine material)—

“(1) In these Regulations, “specified bovine material” means—

(1) 1990 c. 16. Functions formerly exercisable by “the Ministers” are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12 and 21 of that Schedule amend sections 17(1) and 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(2) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2045 (itself amended by S.I. 1998/2431), S.I. 1999/539, S.I. 2000/656 and S.I. 2000/2672.

- (a) the intestines from the duodenum to the rectum of any bovine animal which was slaughtered or has died elsewhere than in Australia or New Zealand;
- (b) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 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) in the case of such an animal which was slaughtered or has died at an age greater than 30 months (other than one which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996(3)), the vertebral column, including dorsal root ganglia; and
- (c) the following material derived from a bovine animal which was slaughtered or has died at an age greater than 12 months elsewhere than in the United Kingdom, Portugal, Australia or New Zealand—
 - (i) the skull (including the brains and eyes),
 - (ii) the tonsils, and
 - (iii) the spinal cord.”.

Signed by authority of the Secretary of State for Health

28th December 2000

Gisela Stuart
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make a further amendment to the Specified Risk Material Regulations 1997 (S.I.1997/2965), as already amended in so far as they extend to England. The Specified Risk Material Regulations 1997 extend to Great Britain as a whole.

2. These Regulations give effect to Article 1 of a Commission Decision adopted on 27th December 2000. That Decision amends Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies (OJ No. L158, 30.6.2000, p. 76) by inserting a revised definition of specified risk material into its Annex I.

3. These Regulations amend the Specified Risk Material Regulations 1997 to bring the definition of “specified bovine material” in regulation 4(1) of that instrument into line with the revised definition of specified risk material in Annex I to Commission Decision 2000/418/EC.

4. A regulatory impact assessment has been prepared in respect of these Regulations. A copy of it has been placed in the Library of each House of Parliament. Further copies of the assessment can be obtained from the Meat Hygiene Division of the Food Standards Agency, Ergon House, Horseferry Road, London SW1P 3WG.