
WELSH STATUTORY INSTRUMENTS

2000 No. 3387 (W. 224)

FOOD, WALES

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

Made - - - - *29th December 2000*

Coming into force - - *1st January 2001*

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972 ⁽²⁾ in relation to the common agricultural policy, in exercise of the powers conferred on it by section 2(2) and 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 ⁽³⁾ and now vested in the National Assembly for Wales ⁽⁴⁾, 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, commencement and application

1.—(1) These Regulations may be cited as the Specified Risk Material (Amendment) (Wales) (No. 2) Regulations 2000.

(2) These Regulations apply to Wales only and come into force on 1st January 2001.

Amendments to the Specified Risk Material Regulations 1997

2.—(1) In relation to Wales, the Specified Risk Material Regulations 1997 ⁽⁵⁾ are amended in accordance with paragraph (2) of this regulation.

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

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

(1) [SI 1999/2788](#).

(2) [1972c.68](#).

(3) [1990 c. 16](#).

(4) The functions of “the Ministers” under the Food Safety Act 1990, so far as exercisable in relation to Wales, are now exercisable by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 ([SI 1999/672](#)).

(5) [SI 1997/2965](#), amended by [SI 1997/3062](#), [SI 1998/2045](#) (itself amended by [SI 1998/2431](#)), [SI 1999/539](#), [SI 2000/656](#) and [2000/2659 \(W.172\)](#).

- (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; and
 - (iv) the spinal cord;
- (c) in relation to a bovine 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⁽⁶⁾, the vertebral column, including dorsal root ganglia; and
- (d) 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.”.

Amendment of the Specified Risk Material Order 1997

3.—(1) In relation to Wales, the Specified Risk Material Order 1997 (7) shall be amended in accordance with paragraph 2 of this Regulation.

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

- “(1) In this Order, “specified bovine material” means —
- (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; and
 - (iv) the spinal cord;
 - (c) in relation to a bovine 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, the vertebral column, including dorsal root ganglia; and

⁽⁶⁾ SI 1996/2097, amended by SI 1996/2522 and SI 2000/656.

⁽⁷⁾ SI 1997/2964, as amended by SI 2000/2811.

- (d) 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 on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8).

29th December 2000

Jane Hutt
Minister for Health and Social Services.

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

EXPLANATORY NOTE

(This note does not form part of the Regulations)

The Specified Risk Material Regulations 1997 (SI 1997/2965) (“the 1997 Regulations”) and the Specified Risk Material Order 1997 (SI 1997/2964 as amended by SI 2000/2811) (“the 1997 Order”) define certain material from bovine animals, sheep and goats as Specified Risk Material and place restrictions on the use of such material for human consumption. The 1997 Regulations and the 1997 Order apply to the United Kingdom as a whole.

These Regulations implement in relation to Wales Article 1 of a European Commission Decision adopted on 6th December (“the Decision”). Article 1 of the 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 extending the definition of Specified Risk Material to include the entire intestine of bovine animals.

Regulation 2(2) of these Regulations amends regulation 4(1) of the 1997 Regulations, which deals with specified bovine material. By virtue of the amendment, a new paragraph (1) will replace the existing paragraph (1) of regulation 4. The new paragraph (1) will provide as follows —

The intestine from the duodenum to the rectum is now defined as specified bovine material, in respect of bovine animals which have been slaughtered or have died elsewhere than in Australia or New Zealand (paragraph 1(a));

The head, thymus, spleen and spinal cord derived from a bovine animal which has been slaughtered or has died in the United Kingdom or Portugal aged more than 6 months are defined as bovine risk material (paragraph 1(b));

The vertebral column, including dorsal root ganglia, derived from a bovine animal which has been slaughtered or which has died in the United Kingdom or Portugal aged more than 30 months, is defined as bovine risk material. There is an exception for bovine animals certified under the Beef Assurance Scheme (paragraph 1(c));

The skull, tonsils and spinal cord derived from a bovine animal which has been slaughtered or which has died outside the United Kingdom or Portugal (other than in Australia or New Zealand) aged over 12 months, are defined as bovine risk material (paragraph 1(d)).

Regulation 3 of these Regulations amends paragraph (1) of Article 4 of the 1997 Order in the same way.

Consultation in accordance with section 48(4) and (4B) of the Food Safety Act 1990 has taken place. The Assembly Minister for Health and Social Services decided pursuant to section 65(2) of the Government of Wales Act 1998 and Standing Order 22.3 of the Standing Orders of the National Assembly for Wales, that no regulatory appraisal should be carried out because, due to the requirement that the Decision be implemented by 1st January 2001, it was not reasonably practicable to do so in the time available.