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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 530**

**ANIMALS**

**ANIMAL HEALTH**

**<sup>F1</sup>The Transmissible Spongiform  
Encephalopathies (Scotland) Regulations 2006**

*Made* - - - - *1st November 2006*  
*Laid before the Scottish  
Parliament* - - - - *2nd November 2006*  
*Coming into force* - - *24th November 2006*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and of all other powers enabling them in that behalf after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety , hereby make the following Regulations:

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1)**, **sch. 10** (with **reg. 22**)

**<sup>F1</sup>PART 1**

**General provisions**

**Citation, commencement and extent**

**1.** .....

**Interpretation**

**2.** .....

*Status: Point in time view as at 28/05/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)*

**Appointment of competent authority**

3. ....

**Exception for research**

4. ....

**<sup>F1</sup>PART 2**

**Introduction of Schedules**

**The Schedules**

5. ....

**PART 3**

**Administration and enforcement**

**Approvals, authorisations, licences and registrations**

<sup>F1</sup>6. ....

**Textual Amendments**

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**Occupier's duty**

<sup>F1</sup>7. ....

**Textual Amendments**

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**Suspension and amendment**

<sup>F1</sup>8. ....

**Textual Amendments**

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## Revocation of approvals, etc.

<sup>F1</sup>9. ....

### Textual Amendments

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## Appeals procedure

<sup>F1</sup>10. ....

### Textual Amendments

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## Valuations

<sup>F1</sup>11. ....

### Textual Amendments

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## Appointment of inspectors

<sup>F1</sup>12. ....

### Textual Amendments

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

## Powers of entry

<sup>F1</sup>13. ....

### Textual Amendments

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

## Powers of inspectors

<sup>F1</sup>14. ....

**Status:** Point in time view as at 28/05/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

**Textual Amendments**

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**Notices**

**F1**15. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Notices restricting movement**

**F1**16. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Obstruction**

**F1**17. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Penalties**

**F1**18. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Offences by bodies corporate**

**F1**19. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Enforcement**

**F1**20. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Miscellaneous amendments**

**21.** The miscellaneous amendments specified in Schedule 8 shall have effect.

**Consequential amendments**

**F1**22. ....

**Textual Amendments**

**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1), sch. 10** (with **reg. 22**)

**Revocations**

**F1**23. ....

**Textual Amendments**

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St Andrew's House,  
Edinburgh

*ROSS FINNIE*  
A member of the Scottish Executive

**Status:** Point in time view as at 28/05/2010.

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F1 SCHEDULE 1 Regulation 2

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F1 SCHEDULE 2 Regulation 5

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F1 SCHEDULE 3 Regulation 5

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F1 SCHEDULE 4 Regulation 5

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F1 SCHEDULE 5 Regulation 5

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F1 SCHEDULE 6 Regulation 5

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F1 SCHEDULE 7 Regulation 5

.....

SCHEDULE 8 Regulation 21

Miscellaneous Amendments

*The Animal By-Products (Scotland) Regulations 2003*

1. In the definition of “inspector” in regulation 2 of the Animal By-Products (Scotland) Regulations 2003 <sup>M1</sup>, for “and” substitute “or”.

**Marginal Citations**

M1 S.S.I. 2003/411, amended by S.S.I. 2006/3.

*The Feeding Stuffs (Scotland) Regulations 2005*

- 2.—(1) The Feedingstuffs (Scotland) Regulations 2005 <sup>M2</sup> are amended as follows.
- (2) In regulation 2, for the definition of “mammalian meat and bone meal” substitute—
- ““mammalian meat and bone meal” means—
- (a) any mammalian protein (including greaves) derived from the whole or part or any part of any dead mammal by—
    - (i) the process of rendering; or
    - (ii) in the case of a product originating outside of Scotland, by an equivalent process; or
  - (b) any material derived from mammalian protein,
- and for this purpose “protein” means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;”.
- (3) In regulation 2, for the definition of “processed animal protein” substitute—
- ““processed animal protein” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatine and any other similar products, and includes mixtures, feedingstuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;”.

**Marginal Citations**

M2 S.S.I. 2005/605, amended by S.S.I. 2006/16.

*The Official Feed and Food Controls (Scotland) Regulations 2005*

<sup>F13</sup>. . . . .

**Textual Amendments**

F1 Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), [reg. 1\(1\)](#), [sch. 10](#) (with [reg. 22](#))

<sup>F14</sup>. . . . .

**Textual Amendments**

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<sup>F15</sup>. . . . .

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**Textual Amendments**  
**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1)**, **sch. 10** (with **reg. 22**)

**F16.** .....

**Textual Amendments**  
**F1** Regulations revoked in part (28.5.2010) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010 \(S.S.I. 2010/177\)](#), **reg. 1(1)**, **sch. 10** (with **reg. 22**)

**F1**SCHEDULE 9

Regulation 22

.....

SCHEDULE 10

Regulation 23

REVOCATIONS

<i>Column 1 – enactment</i>	<i>Column 2 – references</i>	<i>Column 3 – extent</i>
The Specified Risk Material Order 1997	S.I. 1997/2964	Articles 1 to 4, 6 and 15–18 and Schedules 1 and 2
The Specified Risk Material Regulations 1997	S.I. 1997/2965	The whole Regulations
The Specified Risk Material (Amendment) Regulations 1997	S.I. 1997/3062	The whole Regulations
The Specified Risk Material (Amendment) Regulations 1998	S.I. 1998/2405	The whole Regulations
The Specified Risk Material (Coming into Force Date) (Amendment) Regulations 1998	S.I. 1998/2431	The whole Regulations
The Specified Risk Material (Inspection Charges) Regulations 1999	S.I. 1999/539	The whole Regulations
The Specified Risk Material Order Amendment (Scotland) Regulations 2000	S.S.I. 2000/344	The whole Regulations



The Specified Risk Material Amendment (Scotland) Regulations 2000	S.S.I. 2000/345	The whole Regulations
The Specified Risk Material Amendment (Scotland) Regulations 2001	S.S.I. 2001/3	The whole Regulations
The Specified Risk Material Order Amendment (Scotland) Regulations 2001	S.S.I. 2001/4	The whole Regulations
The Restriction on Pithing (Scotland) Regulations 2001	S.S.I. 2001/73	The whole Regulations
The Specified Risk Material Amendment (No. 2) (Scotland) Regulations 2001	S.S.I. 2001/86	The whole Regulations
The Processed Animal Protein (Scotland) Regulations 2001	S.S.I. 2001/276	The whole Regulations
The Specified Risk Material Amendment (Scotland) Order 2001	S.S.I. 2001/287	The whole Order
The Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001	S.S.I. 2001/288	The whole Regulations
The Processed Animal Protein Amendment (Scotland) Regulations 2001	S.S.I. 2001/383	The whole Regulations
The TSE (Scotland) Regulations 2002	S.S.I. 2002/255	The whole Regulations
The TSE (Scotland) Amendment Regulations 2003	S.S.I. 2003/198	The whole Regulations
The Animal By-Products (Scotland) Regulations 2003	S.S.I. 2003/411	Regulation 5(1) and Part 1 of Schedule 5
The TSE (Scotland) Amendment Regulations 2004	S.S.I. 2004/277	The whole Regulations
The TSE (Scotland) Amendment Regulations 2005	S.S.I. 2005/173	The whole Regulations
The TSE (Scotland) Amendment (No 2) Regulations 2005	S.S.I. 2005/469	The whole Regulations
The Food Hygiene (Scotland) Regulations 2006	S.S.I. 2006/3	Paragraphs 35 to 42 of Schedule 7
The TSE (Scotland) Amendment Regulations 2006	S.S.I. 2006/46	The whole Regulations

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The TSE (Scotland) Amendment (No 2) Regulations 2006	S.S.I. 2006/231	The whole Regulations
The TSE (Scotland) Amendment (No. 3) Regulations 2006	S.S.I. 2006/430	The whole Regulations

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## EXPLANATORY NOTE

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

These Regulations make provision in Scotland for the administration and enforcement of 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 as amended by and as read with the provisions in Schedule 1 (“the Community TSE Regulation”). They revoke the TSE (Scotland) Regulations 2002.

### The main regulations

Regulation 3 provides that the Scottish Ministers are the competent authority for the purposes of the Community TSE Regulation (except in Schedule 6, where the competent authority is the Food Standards Agency).

Regulation 4 provides that the Regulations do not apply to animals in approved research premises. Regulation 5 introduces the Schedules.

Regulations 6 and 7 deal with approval, authorisation, licensing and registration of premises and the duties of occupiers of such premises. Regulations 8 and 9 deal with suspension, amendment and revocation of approvals, etc.

Regulation 10 describes the procedure for appeals.

Regulation 11 describes the procedure for obtaining a valuation.

Regulation 12 give powers to the Scottish Ministers and the local authority to appoint inspectors. Regulations 13 and 14 deal with powers of entry and powers of inspectors. Regulation 15 sets out the requirements for notices. Regulation 16 allows movement under licence when a movement restriction is in place. Regulation 17 deals with obstruction of an inspector.

Regulation 18 sets out the penalties for offences. Regulation 19 deals with offences by bodies corporate. Regulation 20 identifies the enforcement authorities for the Regulations

Regulations 21 to 23 provide for amendments to and revocation of other statutory instruments.

### Schedule 1

Schedule 1 lists the EU instruments that amend the Community TSE Regulation No. 999/2001.

### Schedule 2

Schedule 2 deals with monitoring for TSEs.

Paragraph 1 provides for notification to the Scottish Ministers of fallen stock that must be tested for TSE.

Paragraph 2 makes it an offence to consign an over age bovine animal to a slaughterhouse for human consumption or to slaughter such an animal for human consumption.  
Paragraph 3 provides for brain stem sampling of specified bovine animals (BSE testing).  
Paragraph 4 provides that slaughterhouses cannot be used for slaughtering bovine animals over 30 months old unless Scottish Ministers have approved a Required Method of Operation (“RMOP”).  
Paragraph 5 provides for retention and disposal of carcasses and body parts. Paragraph 6 provides for compensation.  
Paragraphs 7 to 14 set out the operating systems for slaughtering and testing for BSE to be described in the RMOP.

### **Schedule 3**

Schedule 3 deals with control and eradication of TSEs in bovine animals.  
Paragraph 1 provides that the Scottish Ministers shall be notified if an animal is suspected of having a TSE and paragraph 2 provides for restrictions on the movement of the animal.  
Paragraph 3 provides that a suspect animal shall be killed and restrictions placed on the movement of other animals on the holding.  
Paragraph 4 provides that the progeny and cohort of the suspect animal shall be placed under movement restrictions pending the results of the test on the suspect animal. Paragraph 5 provides that they shall be killed if BSE is confirmed.  
Paragraph 6 deals with animals that die while under movement restriction.  
Paragraph 7 provides that the progeny of an animal confirmed as having BSE shall not be placed on the market.  
Paragraphs 8 and 9 provide for compensation for animals killed under Schedule 3.

### **Schedule 4**

Schedule 4 deals with control and eradication of TSE in sheep and goats.  
Paragraph 1 provides that the Scottish Ministers must be notified that an animal is suspected of having a TSE and paragraph 2 provides for restrictions on the movement of the animal.  
Paragraph 3 provides for restrictions on movement and the killing of a suspect animal.  
Paragraph 4 provides for restrictions on the movement of other animals and paragraph 5 provides for the lifting of restrictions if TSE is not confirmed.  
Paragraph 6 provides for identification of specified animals and for requirements of notice of the action to be taken when a TSE is confirmed.  
Paragraphs 7 provides for the implementation of eradication measures following confirmation of a TSE in goats and paragraph 8 provides for eradication measures following confirmation of BSE in sheep or goats.  
Paragraph 9 deals with time limits for appeals.  
Paragraph 10 provides for the killing of animals and destruction of products following confirmation of a TSE.  
Paragraph 11 provides for the implementation of eradication measures on other holdings and paragraphs 12 and 13 deal with land with more than one flock.  
Paragraph 14 deals with information to be provided to subsequent occupiers of the land.  
Paragraphs 15 to 19 set out the procedures to be followed after eradication measures have been undertaken; paragraph 15 restricts the introduction of animals onto a holding, paragraph 16 regulates the use of ovine germinal products, paragraph 17 restricts the movement of animals from a holding, paragraph 18 provides for the length of time of restrictions and paragraph 19 provides for notification of animals that die while under restriction.  
Paragraph 20 provides that the progeny of any sheep or goat confirmed as having a TSE shall not be placed on the market.  
Paragraph 21 provides that the Scottish Ministers must be notified if it is intended to consign sheep aged over 18 months for slaughter.

*Status: Point in time view as at 28/05/2010.*

*Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)*

Paragraph 22 deals with derogations.  
Paragraphs 23 to 25 provide for compensation.

## **Schedule 5**

Schedule 5 deals with feedingstuffs.  
Paragraphs 1 and 2 contain prohibitions on feeding specified feedingstuffs to specified animals and paragraph 3 provides for exceptions to the prohibitions.  
Paragraphs 4 and 5 provide for killing or restriction of animals suspected of having been fed specified materials, and paragraph 6 provides for compensation for animals killed. Paragraph 7 prohibits for the slaughter for human consumption of animals suspected of having been fed the specified materials.  
Paragraphs 8 and 9 regulate the production, labelling, transportation and use of fishmeal for feeding to non ruminant animals.  
Paragraphs 10 and 11 regulate the production, labelling, transportation and use of feedingstuffs containing dicalcium phosphate or tricalcium phosphate.  
Paragraphs 12 and 13 regulate the production, labelling, transportation and use of feedingstuffs containing blood products and blood meal.  
Paragraph 14 makes provision for changes in use of equipment.  
Paragraph 15 regulates the storage and transportation of specified bulk protein products and feedingstuffs containing them.  
Paragraph 16 regulates the manufacture, storage, transportation or packing of feedingstuff and petfood containing specified material.  
Paragraph 17 controls exports of processed animal protein.  
Paragraph 18 regulates the sale, supply and use of fertilisers derived from animal protein.  
Paragraph 19 deals with petfood with animal proteins not intended for use as petfood.  
Paragraph 20 provides for labelling of feedingstuff from premises producing processed animal protein.  
Paragraphs 21 and 22 deal with registration of home compounders and transporters and their duties. Paragraphs 23 and 24 deal with suspension, amendment and revocation of registration.

## **Schedule 6**

Schedule 6 deals with the removal and treatment of specified risk material, mechanically recovered meat and slaughtering techniques. Paragraph 1 appoints the Food Standards Agency as the competent authority for this Schedule. Paragraph 2 imposes certain duties on local authorities in relation to butcher shops.  
Paragraph 3 makes provision for training of slaughterhouse, cutting plant and butcher shop staff.  
Paragraph 4 deals with mechanically recovered meat, paragraph 5 with pithing, paragraph 6 with tongue harvesting and paragraph 7 with head meat harvesting.  
Paragraph 8 controls the removal of specified risk material, and paragraphs 9 and 10 deal with bovine animals and sheep and goats at a slaughterhouse.  
Paragraph 11 deals with young lamb and goat stamps.  
Paragraph 12 deals with the removal of spinal cord from sheep and goats.  
Paragraph 13 provides for the authorisation of cutting plants, and paragraph 15 controls the removal of specified risk material at a cutting plant.  
Paragraph 16 provides for removal of vertebral column that is specified risk material at cutting plants not authorised under paragraph 13.  
Paragraph 14 provides for the authorisation and registration of butcher shops, and paragraph 17 controls the removal of specified risk material at such shops.  
Paragraph 18 deals with meat from other member States.  
Paragraphs 19 and 20 require the staining of specified risk material, and paragraph 21 provides for the security of specified risk material.

Paragraph 22 prohibits the supply of specified risk material for human consumption.

### **Schedule 7**

Paragraph 1 prohibits the dispatch of certain live animals, meat and certain specified risk material to other member States and to third countries. Paragraph 2 prohibits the dispatch of bovine heads and meat containing specified risk material to third countries.

### **Schedules 8, 9 and 10**

Schedule 8 makes miscellaneous amendments to other statutory instruments, Schedule 9 makes consequential amendments to other statutory instruments and Schedule 10 contains revocations. A regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY and from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

**Status:**

Point in time view as at 28/05/2010.

**Changes to legislation:**

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