

2001 No. 2650

ANIMALS, ENGLAND ANIMAL HEALTH

The Specified Risk Material (Amendment) (England) Order 2001

<i>Made</i> - - - - -	<i>20th July 2001</i>
<i>Laid before Parliament</i>	<i>23rd July 2001</i>
<i>Coming into force</i> - -	<i>13th August 2001</i>

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on her by sections 1, 10(1)(a) and (c) and (2), 11, 29(2)(b), 35(1), 76(3) and 83(2) of, and Schedule 2 to, the Animal Health Act 1981(a), and of all other powers enabling her in that behalf, hereby makes the following Order:

Title, extent and commencement

1. This Order may be cited as the Specified Risk Material (Amendment) (England) Order 2001, shall extend to England and shall come into force on 13th August 2001.

Amendment of the Specified Risk Material Order 1997

2.—(1) In so far as it extends to England, the Specified Risk Material Order 1997(b) shall be amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 2 (interpretation)—

(a) the phrase “(subject to paragraph (5) below)” is inserted at the beginning of paragraph (c) of the definition of “specified risk material”; and

(b) the following definition is inserted at the end—

““vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia.”.

(3) The following paragraph is inserted at the end of article 2—

“(5) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcass of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) below, the part of the carcass not comprising the vertebral column shall not be regarded as specified risk material for the purposes of this Order.”.

(4) In paragraph (1) of article 3 (specified sheep and goat material), the phrase “(subject to paragraph (2) below)” is inserted before the definition “specified sheep or goat material”.

(a) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”. Functions of “the Ministers”, so far as exercisable in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234 and S.I. 2000/3377.

(5) The following paragraphs are inserted at the end of article 3—

“(2) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (3) below is not specified sheep or goat material as defined by paragraph (1) above.

(3) The countries are—

Australia
Argentina
Brazil
Botswana
Chile
Costa Rica
Namibia
New Zealand
Nicaragua
Paraguay
Uruguay
Singapore and
Swaziland.”.

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

“(1) In this Order, “specified bovine material” means—

- (a) (subject to paragraph (3) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;
- (b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 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) (subject to paragraph (4) below) in the case of such an animal which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (3) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—
 - (i) the skull (including the brain and eyes),
 - (ii) the tonsils,
 - (iii) the spinal cord, and
 - (iv) (subject to paragraph (5) below) the vertebral column.”.

(7) The following paragraph is substituted for paragraph (2) of article 4—

“(2) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.

(8) The following paragraphs are added at the end of article 4—

“(3) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in article 3(3) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.

(4) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of

- (a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or
- (b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purposes of this Order.

(5) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of this Order.

(6) In paragraph (4)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No. 2) Regulations 1996(a).”.

(9) In article 6—

(a) the words “Subject to paragraph (2A) below” are inserted at the beginning of paragraph (2); and

(b) the following paragraph is inserted after paragraph (2)—

“(2A) Paragraph (2) above shall not be taken to prohibit the import into England from outside the British Islands of a carcase of a bovine animal containing any vertebral column which is specified bovine material where—

(a) the carcase is to be transported directly to premises designated under regulation 15A of the Specified Risk Material Regulations 1997(b) for the removal of the vertebral column there; and

(b) not less than 72 hours before he intends to import the carcase, he has given notice of the intended import to the director of the Meat Hygiene Service of the Food Standards Agency for the region of that Service in which those premises are situated (or, if there is no such director, the officer of the Food Standards Agency responsible for the exercise of similar functions).”.

(10) In Schedule 2 (form of importation certificate) for the declaration there shall be substituted the following declaration—

“*Declaration*

***Either:**

This product does not contain and is not derived from specified risk material as defined in Annex I, point 1(a) of Decision 2000/418/EC, produced after 31st March 2001, or mechanically recovered meat obtained from the bones of bovine, ovine or caprine animals, produced after 31st March 2001. The animals have not been slaughtered, after 31st March 2001, after stunning by means of a gas injected into the cranial cavity or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

***Or:**

This product does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, reared and slaughtered in the following countries:

Australia
 Argentina
 Brazil
 Botswana
 Chile
 Costa Rica
 Namibia
 New Zealand
 Nicaragua
 Paraguay
 Uruguay
 Singapore and
 Swaziland.”.

***delete one of these as appropriate.”.**

20th July 2001

Elliot Morley
 Parliamentary Under Secretary of State
 Department for Environment, Food and Rural Affairs

(a) S.I. 1996/2097, as amended by S.I. 1996/2522 and S.I. 2000/656.

(b) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1997/2431), S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2001/817.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further amendments to the Specified Risk Material Order 1997 (S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3234 and S.I. 2000/3377) in so far as it extends to England. The Specified Risk Material Order 1997 (“the principal Order”) extends to Great Britain as a whole.

The amendments made by this Order to the principal Order reflects the provisions of Annex XI to 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 (OJ No. L147, 31.5.2001, p.1). That Annex imposed transitional measures with regard to the removal or specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (OJ No. L177, 30.6.2001, p.60).

In article 2 of the principal Order, a definition of vertebral column is added at the end of paragraph (1) and a new paragraph (5) is added (*article 2(2) and (3)*).

Article 3 of the principal Order (which defines “specified sheep and goat material”) is amended to exclude from the scope of the definition material derived from sheep and goats born, continuously reared and slaughtered in certain third countries (*article 2(4) and (5)*).

Article 4 of the principal Order (which defines “specified bovine material”) is substantially revised so that, in particular, material derived from bovine animals born, continuously reared and slaughtered in certain third countries is now outside the scope of the definition (*article 2(6) to (8)*).

Article 6 of the principal Order (which regulates the import of specified risk material) is amended to impose new requirements for the import of carcasses of bovine animals containing vertebral column which are specified risk material (*article 2(9)*).

In Schedule 2 of the principal Order, a new declaration is substituted in the form of an importation certificate required by article 6(2) of the principal Order to accompany imported products. The new declaration reflects the amendments made to the requirements relating to specified risk material in the principal Order. It also now requires a declaration that the animals from which the imported products have been derived have not been slaughtered, after 31st March 2001, after stunning by means of gas injection or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity (this last method of slaughter is also known as pithing) (*article 2(10)*).

A regulatory impact assessment, which includes a compliance cost assessment of the effect that this Order is likely to have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the BSE Division of the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1475 8/2001 649337 19585

ISBN 0-11-029874-8



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