
STATUTORY INSTRUMENTS

2018 No. 731

**The Transmissible Spongiform
Encephalopathies (England) Regulations 2018**

PART 1

General provisions

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Transmissible Spongiform Encephalopathies (England) Regulations 2018 and come into force on 19th July 2018.

(2) They extend to England and Wales but apply in England only.

Interpretation

2. In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 2007(1);

“Commission [Decision 2007/411/EC](#)” means Commission [Decision 2007/411/EC](#) prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in the EUTSE Regulation(2);

“cutting plant” (except in paragraph 4(3)(b)(iii) of Schedule 7) has the meaning given to it in paragraph 1(17) of Annex 1 to Regulation (EC) No 853/2004(3), and is an establishment that is approved or conditionally approved as such by the Food Standards Agency(4) under Article 31(2) of Regulation (EC) No 882/2004(5), or operating as such under Article 4(5) of Regulation (EC) No 853/2004, pending such approval;

“EU TSE Regulation” means 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(6), as read with—

(a) Commission [Decision 2007/411/EC](#);

(1) [S.I. 2007/529](#), amended by [S.I. 2013/517](#); there are other amending instruments but none is relevant.

(2) OJ No L 155, 15.6.2007, p 74.

(3) OJ No L 139, 30.04.2004, p 55, as last amended by [Commission Regulation \(EU\) No 633/2014](#) (OJ No L 175, 14.6.2014, p 6).

(4) Established by the Food Standards Act 1999 c. 28.

(5) OJ No L 165, 30.4.2004, p 1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No. L 189, 27.6.2014, p 1).

(6) OJ No L 147, 31.5.2001, p 1, as last amended by [Commission Regulation \(EU\) No 2017/1972](#) (OJ No L 281, 31.10.2017, p 14).

- (b) Commission [Decision 2007/453/EC](#) establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk⁽⁷⁾; and
- (c) Commission [Decision 2009/719/EC](#) authorising certain Member States to revise their annual BSE monitoring programme⁽⁸⁾;

“holding” includes—

- (a) domestic premises if they are being used for any purpose in connection with these Regulations;
- (b) land and outbuildings;
- (c) a slaughterhouse;
- (d) a cutting plant;
- (e) a game-handling establishment;
- (f) a place that is, for the purposes of point 4(1)(a) of Annex 5, another place of slaughter;

“inspectors” and “veterinary inspectors” are appointed and authorised under regulation 13;

“local authority” means a county council, a district council, a London borough council, the Common Council of the City of London and the Council of the Isles of Scilly;

“offal” has the meaning given in point 1.11 of Annex 1 to Regulation [\(EC\) No. 853/2004](#);

“Regulation [\(EC\) No 853/2004](#)” means the Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin, as read with—

- (a) [Directive 2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption⁽⁹⁾;
- (b) [Commission Regulation \(EC\) No 1688/2005](#) implementing Regulation [\(EC\) No 853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs⁽¹⁰⁾; and
- (c) [Commission Regulation \(EC\) No 2074/2005](#) laying down implementation measures for certain products under Regulation [\(EC\) No 853/2004](#)⁽¹¹⁾;

“slaughterhouse” has the meaning given in paragraph 1(16) of Annex 1 to Regulation [\(EC\) No 853/2004](#), and is an establishment that is approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation [\(EC\) No 882/2004](#);

“specified risk material” means the tissues specified in Annex 5 of the EU TSE Regulation, and unless otherwise indicated, it does not include products containing or derived from those tissues;

“TSE” means transmissible spongiform encephalopathy;

“the TSE requirements” means those requirements set out in regulation 5 and Schedule 1;

“third country” means any country that is not a member of the EU;

“trained person” means a person who—

(7) OJ No L 172, 30.6.2007, p 84 as last amended by Commission Implementing [Decision 2017/1396/EU](#) (OJ No L 197, 28.7.2017, p 9).

(8) OJ No L 256, 29.9.2009, p 35, as last amended by Commission Implementing [Decision 2016/851/EU](#) (OJ No L141, 28.5.2016, p 131).

(9) OJ No L 157, 30.4.2004, p 33. The revised text of [Directive 2004/41/EC](#) is set out in a Corrigendum (OJ No L 195, 2.6.2004, p 12).

(10) OJ No L 271, 15.10.2005, p 17, as last amended by Commission Implementing Regulation (EU) No 1223/2011 (OJ L. 314, 29.11.2011, p. 12).

(11) OJ No L 338, 22.12.2005, p 27, as last amended by [Commission Regulation \(EU\) No 2016/759](#) (OJ No L 126, 14.5.2016, p 13).

- (a) has received training to take samples from dead bovine animals, and
- (b) the site operator is satisfied is competent to carry out such sampling.

(2) “Regulation (EC) No 882/2004” means the Regulation of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(12), as read with—

- (a) Commission Regulation (EC) No 2074/2005; and
- (b) Commission Regulation (EC) No 2076/2005;

(3) References in this instrument to Articles or Annexes are to Articles and Annexes in the EU TSE Regulation unless otherwise stated.

(4) Expressions that are not defined in these Regulations and occur in the EU TSE Regulation have the same meaning in these Regulations as they have for the purposes of the EU TSE Regulation.

Appointment of competent authority

3. The Secretary of State is the competent authority for the purposes of the EU TSE Regulation except as otherwise specified in paragraph 1 of Schedule 7.

Exception for research

4.—(1) The TSE requirements do not apply in relation to animals kept for the purposes of research in a holding approved for that purpose under this regulation by the Secretary of State.

(2) If a bovine, ovine or caprine animal which is kept in an approved research holding dies or is killed, it is a TSE requirement for the occupier to dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption(13), as implemented by Commission Regulation (EU) No. 142/2011(14).

(12) OJ No L 191, 28.5.2004 p. 1 as last amended by Commission Regulation (EU) No 2018/192 (OJ No L 36, 9.2.2018 p. 15).

(13) OJ No L 300, 14.11.2009 p. 1, as last amended by Council Regulation (EU) No 1385/2013 (OJ No L 354, 28.12.2013, p. 86).

(14) OJ No L 54, 26.2.2011, as last amended by Commission Regulation (EU) No 592/2014 (OJ L 165, 4.6.2014, p.33).