

2001 No. 376

FOOD

**Specified Risk Material (Amendment No. 3) Regulations
(Northern Ireland) 2001**

Made 16th October 2001

Coming into operation 6th November 2001

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 15(1)(a), (b), (c), (d) and (f), (2)(a) and (3), 16(1), 18(1)(a), 25 and 47(2) of, and paragraphs 2(1), 3(1), 5 and 6(1)(a) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation in accordance with Article 47(3) and (3B) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment No.3) Regulations (Northern Ireland) 2001 and shall come into operation on 6th November 2001.

Amendments to the Specified Risk Material Regulations (Northern Ireland) 1997

2.—(1) The Specified Risk Material Regulations (Northern Ireland) 1997^(c) are amended in accordance with the following paragraphs.

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

(a) in the definition of “specified risk material”, at the beginning of paragraph (c) there is inserted “(subject to paragraph (3A))” ;

(b) the following definition is inserted between the definition of “listed premises” and the definition of “official veterinary surgeon”—

“ “mechanically recovered meat” means meat which—

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) S.R. 1997 No. 552, as amended by S.R. 1999 Nos. 157 and 431, S.R. 2000 Nos.78 and 295, and S.R. 2001 Nos. 48 and 196

- (a) is derived from residual meat on animal bones; and
- (b) has been obtained by mechanical means;” and
- (c) the following definition is substituted for the existing definition of “vertebral column”—
- “ “vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;”.
- (3) After paragraph (3) of regulation 2 there is inserted—
- “(3A) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1), where the carcass of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with Article 6(2A) of the Specified Risk Material Order (Northern Ireland) 1997(a), the part of the carcass not comprising the vertebral column shall not be regarded as specified risk material for the purposes of these Regulations.”.
- (4) In paragraph (1) of regulation 3 (specified sheep and goat material), before “ “specified sheep or goat material” ” there is inserted “(subject to paragraph (4))”.
- (5) The following paragraphs are inserted at the end of regulation 3—
- “(4) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (5) is not specified sheep or goat material as defined by paragraph (1).
- (5) The countries are—
- Australia
 - Argentina
 - Botswana
 - Brazil
 - Chile
 - Costa Rica
 - Namibia
 - New Zealand
 - Nicaragua
 - Paraguay
 - Singapore
 - Swaziland
 - Uruguay.”.
- (6) The following paragraph is substituted for paragraph (1) of regulation 4 (specified bovine material)—
- “(1) in these Regulations, “specified bovine material” means—

(a) S.R. 1997 No. 551, as amended by S.R. 2001 Nos. 1 and 377

- (a) (subject to paragraph (5)) 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 (6)) in the case of a bovine animal described in this sub-paragraph which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (5)) 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 (7)) the vertebral column.”.

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

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

(8) The following paragraphs are inserted at the end of regulation 4—

“(5) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in regulation 3(5) is not specified bovine material as defined by paragraph (1)(a) or (c).

(6) Notwithstanding paragraph (1)(b)(v), 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 purpose of these Regulations.

(7) Notwithstanding paragraph (1)(c)(iv), 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 these Regulations.

(8) In paragraph (6)(b), “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(3)(a) or (b) of the Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(a).”

(9) The following regulation is substituted for regulation 5 (approvals)—

“Approvals

5.—(1) The Department may, on application, approve any premises for the purposes of Part VI (transport and disposal of specified risk material) if it is satisfied that the premises—

(a) are properly equipped to carry out the functions to which the approval relates; and

(b) comply with the requirements of that Part.

(2) The Agency may, on application, approve any premises under regulation 15 (prohibition on the removal of the spinal cord of a ruminant animal) if it is satisfied that the premises—

(a) are properly equipped to carry out the functions to which the approval relates; and

(b) comply with the requirements of that regulation.

(3) Any approval granted under these Regulations (including a consent given under regulation 24(8)) shall be in writing and may be made subject to conditions.

(4) Any such approval may be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval was granted or, if that person is no longer the occupier of the premises to which the approval relates, on the occupier of those premises, if the Department or, as the case may be, the Agency is satisfied that any provisions of these Regulations in relation to the premises or any conditions in the approval are not being complied with.”

(10) The following regulation is substituted for regulation 7 (prohibitions applying to the vertebral column)—

“Mechanically recovered meat

7.—(1) A person shall not use any bovine, ovine or caprine bone for the production of mechanically recovered meat.

(2) A person shall not use any mechanically recovered meat which is derived from a bovine, ovine or caprine bone in the preparation of food for sale for human consumption.”

(11) Regulation 8 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked.

(12) The following regulation is inserted immediately after regulation 15 (prohibition on the removal of the spinal cord of a ruminant animal)—

(a) S.R. 1996 No.404, as amended by S.R. 1996 No.506, S.R.2000 No.78 and S.R.2001 No. 155

“Treatment of imported carcasses containing vertebral column

15A.—(1) Where the imported carcass of a bovine animal containing vertebral column which is specified bovine material is transported to designated cutting premises in accordance with Article 6(2A) of the Specified Risk Material Order (Northern Ireland) 1997 the occupier of those premises shall ensure that the vertebral column is removed from the rest of the carcass at the premises as soon as is practicable after the arrival of the carcass there.

(2) The occupier of any designated cutting premises at which the vertebral column is removed in accordance with this regulation shall ensure that it is—

(a) stained in accordance with regulation 9(3); and

(b) disposed of as specified risk material in accordance with these Regulations.

(3) In paragraphs (1) and (2), “designated cutting premises” means licensed cutting premises which the Agency has, following receipt by it of a written application, designated in writing for the purposes of this regulation.

(4) Any designation made by the Agency for the purposes of this regulation may be made subject to conditions.

(5) Any such designation may be amended, suspended or revoked at any time by notice in writing served on the person in whose favour it was granted or, if that person is no longer the occupier of the premises to which the designation relates, on the occupier of those premises, if the Agency is satisfied that any provision of these Regulations has not been complied with in relation to the premises or any condition in the designation has been breached.

(6) In paragraph (1), “carcass” means any whole carcass, half carcass or quarter carcass.”.

(13) In paragraph (1) of regulation 26 (power to give directions)—

(a) after “Department” there is inserted “or the Agency”; and

(b) after “it” there is inserted “or, as the case may be, the Agency”.

(14) In paragraph (2) of regulation 26, after “Department” there is inserted “or, as the case may be, the Agency”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th October 2001.

(L.S.)

W. B. Smith

Senior Officer of the Department of
Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make further amendments to the Specified Risk Material Regulations (Northern Ireland) 1997 (S.R. 1997 No. 552, as already amended — “the principal Regulations”). They reflect the provisions of Annex XIA 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 (O.J. No. L147, 31.5.2001, p. 1). That Annex imposes transitional measures with regard to the removal of specified risk material and was inserted into Regulation (EC) No. 999/2001 by Article 3 of Commission Regulation (EC) No. 1326/2001 (O.J. No. L177, 30.6.2001, p. 60).

The substantive amendments made by these Regulations to the principal Regulations are as follows—

- (a) in the light of the transitional measures referred to above—
- (i) regulation 3 of the principal Regulations (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 (*regulation 2(4) and (5)*),
 - (ii) regulation 4 of the principal Regulations (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 (*regulation 2(6) to (8)*),
 - (iii) regulation 7 of the principal Regulations (prohibition applying to the vertebral column of ruminant animals) is replaced with a provision prohibiting the use of bovine, ovine and caprine bones in the production of mechanically recovered meat (*regulation 2(10)*) and regulation 8 (registration of premises on which meat is recovered by mechanical means from ruminant animals) is revoked (*regulation 2(11)*), and
 - (iv) a new regulation, 15A, dealing with the treatment of imported carcasses containing vertebral column which is specified bovine material, is inserted into the principal Regulations (*regulation 2(12)*); and
- (b) regulation 26 (power to give directions) is amended to enable the Food Standards Agency or the Department of Agriculture and Rural Development to give directions relating to the disposal of specified risk material (*regulation 2(13) and (14)*).

These Regulations also make consequential amendments to the principal Regulations in the light of certain of the substantive amendments referred to above and the enactment of the Food Standards Act 1999 (1999 c. 28) (*regulation 2(2), (3) and (9)*).

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