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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 255**

**The TSE (Scotland) Regulations 2002 (revoked)**

**Part IV S**

**Specified Risk Material**

*Introductory provisions*

**Interpretation of expressions used in this Part S**

**30.**—(1) For the purposes of this Part of these Regulations material shall be treated as a cosmetic, pharmaceutical or medical product whether it is used or intended for use as such by itself or as an ingredient or additive in something which is so used or intended for such use.

(2) The provisions of this Part of these Regulations shall apply to specified risk material from scheme animals, save that the provisions appearing in the first column of the Table in Schedule 5 to these Regulations shall apply only to the extent, and subject to the modifications, specified in the corresponding entry in the second column of that Table.

**Presumptions that food intended for human consumption S**

**31.**—(1) For the purposes of this Part of these Regulations any food commonly used for human consumption shall, if placed on the market or offered, exposed or kept for placing on the market, be presumed, until the contrary is proved, to have been placed on the market or, as the case may be, to have been or to be intended for placing on the market, for human consumption.

(2) The following, namely—

- (a) any food commonly used for human consumption which is found on premises used for the preparation, storage or placing on the market of that food; and
- (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or placing on the market of that food,

shall be presumed, until the contrary is proved, to be intended for placing on the market, or for manufacturing food for placing on the market, for human consumption.

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

*Carcases and specified risk material*

**Removal of specified risk material S**

**32.** Subject to regulations 33 to 37, no person shall contravene or fail to comply with points 1 and 5 of Part A of Annex XI to the Community TSE Regulation.

## Removal of specified risk material from carcasses in slaughterhouses **S**

**33.**—(1) Subject to paragraphs (2) and (3) below, in relation to specified risk material which is removed as required by the Community TSE Regulation and these Regulations, the occupier of a slaughterhouse shall ensure that the specified risk material is removed from the rest of the carcass as soon as it is reasonably practicable after the animal was slaughtered and before the carcass is presented for inspection pursuant to regulation 37(1) below.

(2) In the case of a carcass of a sheep or goat which was aged over 12 months or had at least one permanent incisor erupted through the gum at the time of slaughter—

- (a) no person shall remove the spinal cord from such a carcass except in a licensed slaughterhouse or a licensed cutting premises in accordance with regulation 35 below; and
- (b) where such a carcass of a sheep or goat is dressed for human consumption in a slaughterhouse, the specified risk material except the spinal cord shall be removed in accordance with paragraph (1) above and the rest of the carcass shall be consigned to a licensed slaughterhouse or licensed cutting premises for removal of the spinal cord in accordance with regulation 35 below.

(3) In the case of the carcass of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996 <sup>MI</sup>—

- (a) no person shall remove the vertebral column from such a carcass except in a licensed cutting premises; and
- (b) where such a carcass of a bovine animal is dressed for human consumption in a slaughterhouse, the specified risk material except the vertebral column shall be removed in accordance with paragraph (1) above and the rest of the carcass shall be consigned to a licensed cutting premises for removal of the vertebral column in accordance with regulation 36 below.

(4) Without prejudice to the storage requirements of regulation 51 below, the occupier of a slaughterhouse shall ensure that the specified risk material does not come into contact with any other animal material (except animal material derived from animals tested for the presence of a TSE which is required to be disposed of as if it were specified risk material) while in the slaughterhouse.

(5) An occupier of a slaughterhouse in possession of any material derived from a carcass of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if the occupier disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(6) Material which is not specified risk material may be separated from intestines which have been removed from the carcass before the intestines are stained.

(7) In the case of specified risk material which is intended to be examined by or on behalf of an inspector or a veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(8) Notwithstanding the definition of specified risk material in regulation 3(1) above—

- (a) where the carcass of a sheep or goat containing spinal cord which is specified risk material is consigned to a licensed slaughterhouse or licensed cutting premises for removal in accordance with regulation 35 below; or
- (b) where the carcass of a bovine animal containing vertebral column which is specified risk material is consigned to licensed premises for removal in accordance with regulation 36 below or has been imported in accordance with the Community TSE Regulation and the Community Transitional Measures,

the carcass shall not be regarded as specified risk material for the purposes of these Regulations.

#### Marginal Citations

M1 S.I. 1996/2097, amended by S.I. 1996/2522 and S.S.I. 2000/62 and 449.

### Removal of specified risk material from carcasses elsewhere **S**

34.—(1) Subject to the following provisions of this regulation, when specified risk material is removed from the carcass of a ruminant animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified risk material is removed shall ensure that it is removed as soon as is reasonably practicable after the death of the animal and that it is stained blue immediately, and in any event before the carcass is frozen.

(2) Without prejudice to the storage requirements of regulation 51 below, the occupier of those premises shall ensure that the specified risk material does not come into contact with any other animal material while on the premises and that it is disposed of in accordance with these Regulations.

(3) In the case of specified risk material which is intended to be examined by or on behalf of an inspector, the specified risk material shall not be stained until after the completion of the examination.

(4) The provisions of this regulation shall not apply in the case of a post-mortem examination carried out by a veterinary surgeon or a veterinary practitioner at a farm, provided that veterinary surgeon or practitioner makes arrangements for the disposal of the whole of the carcass by burial there.

### Removal of spinal cord of sheep and goats **S**

35.—(1) Where a carcass of a sheep or goat is consigned as referred to in regulation 33(2)(b) above to a licensed slaughterhouse or licensed cutting premises the occupier of that slaughterhouse or cutting premises shall ensure that the spinal cord is removed in accordance with paragraph (2) below from the rest of the carcass at the premises as soon as practicable after the arrival of the carcass there and before the carcass is presented for inspection pursuant to regulation 37(3) below.

(2) Removal of spinal cord under paragraph (1) above shall be carried out by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column containing the whole spinal cord.

(3) If the spinal cord is removed at any premises other than a slaughterhouse or cutting premises for the purposes of veterinary or scientific examination, after that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

### Removal of vertebral column of bovine animals **S**

36.—(1) Where a carcass of a bovine animal containing vertebral column which is specified risk material—

- (a) is consigned as referred to in regulation 33(3)(b) above to licensed cutting premises; or
- (b) is imported and transported in accordance with the Community TSE Regulation or the Community Transitional Measures to licensed cutting premises,

the occupier of that cutting 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 and before the carcass is presented for inspection pursuant to regulation 37(3) below.

(2) In this regulation, “carcass” means any whole carcass, half carcass or quarter carcass.

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(3) If the vertebral column which is specified risk material is removed at any premises other than a slaughterhouse or licensed cutting premises for the purposes of veterinary or scientific examination, after that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

### **Inspection of carcasses in slaughterhouses and cutting premises** S

**37.**—(1) The occupier of any slaughterhouse shall permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect the carcase of any ruminant animal slaughtered there, so that the inspector or person can check whether the requirements of the Community TSE Regulation and these Regulations have been complied with; and
- (b) mark each carcase which has been so checked and found to comply with the requirements of the Community TSE Regulation and these Regulations.

(2) The occupier of any slaughterhouse shall give to any inspector or, or a person acting under the responsibility of an inspector, such reasonable assistance as the inspector or person may require.

(3) The occupier of a licensed slaughterhouse or licensed cutting premises shall permit an inspector or a person acting under the responsibility of an inspector, to inspect the carcase of any bovine animal or the carcase of any sheep or goat consigned there so that the inspector or person can check whether the specified risk material has been removed from the carcase in accordance with the Community TSE Regulation and this Part of these Regulations, and the occupier shall give to any such inspector or person such reasonable assistance as that inspector or person shall require.

### **Prohibition on placing on the market of non-compliant carcasses for human consumption** S

**38.** No person shall place on the market the carcase of any bovine animal, sheep or goat for human consumption unless it has been inspected, and if appropriate marked as required by regulation 37 above and on such inspection found to comply with the requirements specified in regulation 37 above.

### **Staining of specified risk material** S

**39.**—(1) No person shall contravene or fail to comply with point 7 of Part A of Annex XI to the Community TSE Regulation.

(2) Subject to paragraph (3) below, the occupier of a slaughterhouse or a cutting premises shall ensure that, after its removal, specified risk material is stained blue.

(3) In the case of scheme animals, the occupier of a slaughterhouse shall ensure that, after its removal, specified risk material is stained yellow.

(4) In this Part of these Regulations “stained blue” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051 <sup>M2</sup>) in such a way that the colouring is clearly visible—

- (a) in the case of specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and majority of the head,

except that, if the tongue is to be removed, this shall be done immediately after slaughter and the head shall be stained immediately after the removal of the tongue.

(5) In this Part of these Regulations “stained yellow” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution

of the colouring agent Tartrazine (E102, Colour Index No. 19140) in such a way that the colouring is clearly visible over the whole surface of the material.

- (6) The requirement to stain specified risk material shall not apply—
- (a) if the specified risk material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or
  - (b) to specified risk material which is intended to be used at premises licensed under regulation 56 below.

(7) Where specified risk material has been stained, the occupier of any premises at which such material is stored or handled and, in the case of a place [any premises?] licensed under this Part of these Regulations, the operator of that place, [occupier of those premises?] shall take appropriate measures to ensure that colouring remains visible—

- (a) in the case of stained specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and the majority of the head,

until the stained specified risk material is incinerated or rendered.

(8) Where specified risk material is required to be stained but has not been so stained, the occupier of any premises at which such material is stored or handled and, in the case of any premises of which an operator is licensed under this Part of these Regulations, the occupier of those premises shall, as soon as practicable after the occupier becomes aware that the specified risk material was required to be stained, inform the Scottish Ministers and detain the specified risk material until it has been inspected or collected on behalf of the Scottish Ministers or the Scottish Ministers have informed the occupier that it may be disposed of in accordance with the requirements of the Community TSE Regulation or this Part of these Regulations.

#### Marginal Citations

- M2** Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

### Consignment of specified risk material after removal from carcasses **S**

**40.** Once specified risk material has been removed from the carcass and treated in accordance with the Community TSE Regulation and this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery shall, without unreasonable delay, send it directly to—

- (a) a licensed collection centre;
- (b) a licensed rendering plant;
- (c) a licensed incinerator;
- (d) premises licensed under regulation 56 below; or
- (e) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purpose.

### **Young lamb stamp** **S**

**41.**—(1) Where a sheep or goat is slaughtered in a slaughterhouse, and at the time of slaughter it was aged not more than 12 months or it had no permanent incisor teeth erupted, the carcass of the animal shall be marked with the young lamb stamp.

(2) The young lamb stamp shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high “MHS” and “YL”, and shall be applied by an inspector, or a meat technician acting under the responsibility of an OVS, and no other person shall apply the young lamb stamp or possess the equipment for applying the stamp.

(3) No person shall use any stamp so resembling the young lamb stamp, or in such a way, as to be likely to suggest that any carcass other than a carcass of a sheep or goat which had no permanent incisors erupted, is such a carcass.

(4) The Agency may, in relation to any slaughterhouse, appoint as meat technicians such number of persons as are necessary to assist the inspectors in carrying out their functions under paragraph (2) above.

### **Presence of an inspector** **S**

**42.**—(1) An inspector, or meat technician acting under the responsibility of an OVS, shall be present at any slaughterhouse where any carcass of a sheep or goat that is not marked with a young lamb stamp is being loaded for delivery to a licensed slaughterhouse or to licensed cutting premises and that inspector or technician shall supervise the loading.

(2) An inspector, or meat technician acting under the responsibility of an OVS, shall be present at any licensed slaughterhouse or licensed cutting premises where any carcass of a sheep or goat that is not marked with a young lamb stamp is being unloaded, and that inspector or technician shall supervise the unloading.

(3) Immediately after the loading referred to in paragraph (1) above the delivery vehicle shall be sealed by an inspector, or meat technician acting under the responsibility of an OVS, and no other person may seal such a vehicle.

(4) On arrival at a licensed slaughterhouse or licensed cutting premises a sealed vehicle shall be unsealed by an inspector, or meat technician acting under the responsibility of an OVS, and no other person may unseal such a vehicle.

(5) The Agency may, in relation to any licensed slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as are necessary to assist the inspectors in carrying out their functions under this regulation.

### **Transport of unmarked carcasses of sheep and goats** **S**

**43.**—(1) No person shall transport from a slaughterhouse a carcass of a sheep or goat suitable for human consumption that is not marked with a young lamb stamp, except—

- (a) when all specified risk material has been removed from the carcass;
- (b) to licensed cutting premises that are co-located with the slaughterhouse; or
- (c) to a licensed slaughterhouse or licensed cutting premises after the carcass has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations 1995, provided it is transported in a sealed vehicle.

(2) No person shall transport a carcass in accordance with paragraph (1) above unless the carcass is accompanied by a document indicating—

- (a) the name, address and licence number of the slaughterhouse from which the carcass is being transported; and

where the carcase is being transported to a licensed slaughterhouse or licensed cutting premises, the name, address and licence number of those premises.

#### **Possession of unmarked carcasses of sheep and goats** **S**

44. No person shall have in their possession elsewhere than in a licensed slaughterhouse, in a sealed vehicle or at licensed cutting premises a carcase of a sheep or goat intended for sale for human consumption containing spinal cord, unless it is stamped with a young lamb stamp.

#### **Laceration of central nervous tissue** **S**

45.—(1) No person shall contravene or fail to comply with point 4 of Part A of Annex XI to the Community TSE Regulation.

(2) No person shall use any meat which is derived from a bovine, ovine or caprine animal that has been slaughtered in contravention of paragraph (1) above in the preparation of any food for human consumption or any feedingstuff.

#### *Prohibitions on placing on market and use of specified risk material*

#### **Prohibition on placing on market and use of specified risk material for human consumption** **S**

46.—(1) No person shall place on the market any specified risk material, or any food containing specified risk material, for human consumption.

(2) No person shall use any specified risk material in the preparation of food for human consumption.

(3) No person shall place on the market any specified risk material for use in the preparation of any food for human consumption.

(4) For the purposes of this regulation “specified risk material” includes anything derived from it.

#### **Prohibition on feeding specified risk material to animals** **S**

47.—(1) Subject to paragraph (2) below, no person shall—

- (a) place on the market any specified risk material for any feedingstuff, or any feedingstuff containing specified risk material;
- (b) use any specified risk material in the preparation of any feedingstuff; or
- (c) place on the market any specified risk material for use in the preparation of any feedingstuff.

(2) Paragraph (1) above shall not apply to—

- (a) the placing on the market of any specified risk material; or
- (b) the use of any specified risk material,

in the preparation of any feedingstuff for feeding to any animal for research purposes in a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(3) Subject to paragraph (4) below, no person shall place on the market any specified risk material, or any feedingstuff which that person knows or has reason to suspect contains any specified risk material, for feeding to any animal.

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*Changes to legislation: There are currently no known outstanding effects for the The TSE (Scotland) Regulations 2002 (revoked), Part IV. (See end of Document for details)*

(4) Paragraph (3) above shall not apply to the placing on the market of any feedingstuff to a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(5) Subject to paragraph (6) below, no person shall feed to any animal—

- (a) any specified risk material;
- (b) any feedingstuff which that person knows or has reason to suspect contains any specified risk material; or
- (c) a whole carcase or any part of a sheep, goat or bovine animal from which specified risk material has not been removed in accordance with these Regulations.

(6) Paragraph (5)(a) and (b) above shall not apply to the feeding to any animal of any specified risk material or feedingstuff for research purposes in a research establishment licensed under these Regulations and in accordance with any conditions subject to which the licence is issued.

(7) For the purposes of this regulation—

- (a) “specified risk material” includes anything derived from it;
- (b) a feedingstuff shall be treated as containing specified risk material if it contains anything derived from it; and
- (c) “animal” does not include a human being.

(8) It shall be a defence for any person charged with an offence under this regulation to prove that that person did not know or have any reason to believe that the material or the feedingstuff in relation to which that person is charged, contained specified risk material.

### **Specified risk material for use in cosmetic, pharmaceutical and medical products** S

**48.**—(1) No person shall sell any UK specified risk material for use in the preparation or manufacture of any cosmetic, pharmaceutical or medical product.

(2) No person shall use any UK specified risk material in the preparation or manufacture of any ingredient to be sold for use in the preparation or manufacture of a cosmetic, pharmaceutical or medical product.

(3) The prohibitions in paragraphs (1) and (2) above shall apply to anything derived from UK specified risk material as if it were UK specified risk material.

(4) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove that that person did not know or have any reason to believe that the material was, or was derived from, UK specified risk material.

### **Mechanically recovered meat** S

**49.**—(1) No person shall contravene or fail to comply with point 3 of Part A of Annex XI to the Community TSE Regulation.

(2) No person shall use any mechanically recovered meat which is derived from a bovine, ovine or caprine animal in the preparation of any food for human consumption or any feedingstuff.

*Prohibitions on collection, transport, rendering,  
incineration etc. and storage of specified risk material*

### **Use of premises for collection, rendering, incineration etc. of specified risk material** S

**50.** No person shall use any premises for any purpose in connection with—

- (a) the collection of specified risk material;



- (b) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material,

unless the occupier of the premises is licensed to use the premises for the purpose under this Part of these Regulations by the Licensing Authority.

### Storage of specified risk material **S**

51.—(1) Subject to paragraph (2) below, no person shall store specified risk material in the same room on any premises as any food, feedingstuff or any cosmetic, pharmaceutical or medical product.

(2) The requirement in paragraph (1) above shall not apply where an inspector has under this paragraph approved the storage of specified risk material in the same room as any food, feedingstuff or any cosmetic, pharmaceutical or medical product, on being satisfied that the arrangements for storage will ensure the adequate separation of the specified risk material from the food, feedingstuff or product.

(3) No person shall store specified risk material otherwise than in an impervious container which—

- (a) contains nothing but specified risk material;
- (b) is labelled as containing specified risk material;
- (c) is not left uncovered when containing specified risk material; and
- (d) after use for such storage, is thoroughly washed and disinfected before being used for any other purpose.

### Transport of specified risk material **S**

52.—(1) No person shall transport specified risk material unless—

- (a) the specified risk material is in a container marked with the words “specified risk material”, the place of destination and the name of the person to whom it is being sent; and
- (b) that person provides a written statement to the person to whom it is sent of the premises from which the specified risk material was collected for delivery.

(2) No person shall transport specified risk material unless it is—

- (a) transported in a container which—
  - (i) is not being used at the same time to transport any material other than specified risk material; and
  - (ii) is impervious; and
- (b) kept covered at all times while in the container except when necessary for loading into the container or examination by an inspector.

(3) Any person transporting specified risk material shall ensure that the container in which the specified risk material is transported is thoroughly washed and disinfected before being used for any other purpose.

### Procedure for bringing in specified risk material from England, Wales or Northern Ireland **S**

53.—(1) No person shall bring specified risk material into Scotland from England, Wales or Northern Ireland unless—

- (a) it is stained in accordance with the Community TSE Regulation and with legislation having effect in, as the case may be England, Wales or Northern Ireland and corresponding to the provisions of this Part of these Regulations relating to staining; or

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- (b) it is exempt from the requirement to stain under that legislation by virtue of provisions corresponding to regulation 39(6) above;
- (2) Any person bringing specified risk material into Scotland from England, Wales or Northern Ireland shall immediately transport it to one of the destinations specified in regulation 40 above.

### **Procedure for bringing in carcasses containing specified risk material from England, Wales or Northern Ireland** S

**54.**—(1) No person shall bring a carcass of a sheep or goat which contains spinal cord which is specified risk material into Scotland from England, Wales or Northern Ireland unless it is transported in a sealed vehicle, in accordance with the provisions of legislation having equivalent effect, as the case may be, in England, Wales or Northern Ireland to the provisions of regulation 43, to a licensed slaughterhouse or licensed cutting premises for removal of the spinal cord in accordance with regulation 35.

(2) No person shall bring a carcass of a bovine animal which contains vertebral column which is specified risk material into Scotland from England, Wales or Northern Ireland unless it is transported direct to a licensed cutting premises for removal of the vertebral column in accordance with regulation 36.

### *Licensing*

### **Licensing of premises** S

- 55.**—(1) The Licensing Authority may—
- (a) license any occupier of premises to use the premises for any use in connection with—
    - (i) the collection or transport of specified risk material; or
    - (ii) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material; and
  - (b) license any occupier of a slaughterhouse or cutting premises to use the slaughterhouse or cutting premises in connection with—
    - (i) the removal referred to in regulation 35 of the spinal cord, or any part of the spinal cord, from the vertebral column of a sheep or goat; or
    - (ii) the removal referred to in regulation 36 of the vertebral column of a bovine animal, subject to such conditions as the Authority believes are necessary to ensure the occupier is able to comply with the requirements of Part A of Annex XI to the Community TSE Regulation and these Regulations which apply to the use concerned.
- (2) On an application made to the Licensing Authority for a licence under this regulation, the Authority shall grant a licence if, following an inspection of the premises by an inspector, it is satisfied that—
- (a) the occupier of the premises has in place facilities, procedures and methods of operation sufficient for the occupier to be able to comply with such of the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the use to which the application relates;
  - (b) in respect of an application for a licence to use premises in connection with rendering of specified risk material, the premises have the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable the occupier of the premises to render the specified risk material at the premises by one of the methods specified in Part II of that Schedule; and

- (c) there is no significant risk that inspection on behalf of the Authority of the use of the premises will be hampered or denied.
- (3) In considering applications for a licence for the purposes of this regulation the Licensing Authority may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this Part of these Regulations.
- (4) In this Part of these Regulations—
  - (a) in relation to slaughterhouses and cutting premises “the Licensing Authority” is the Agency;
  - (b) in relation to any other premises, “the Licensing Authority” is the Scottish Ministers;
  - (c) “licensed collection centre” means premises used for any use in connection with the collection or transport of specified risk material which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations;
  - (d) “licensed incinerator” and “licensed rendering plant” means an incinerator or, as the case may be, a rendering plant, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations; and
  - (e) “licensed slaughterhouse” and “licensed cutting premises” means a slaughterhouse or, as the case may be, cutting premises, which its occupier is licensed by the Licensing Authority under this Part of these Regulations for use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations.

#### **Licensing of premises for the use of specified risk material in production or research S**

**56.**—(1) The Scottish Ministers may license the occupier of any premises to use premises for—

- (a) the use of specified risk material in the production referred to in Article 2 of the Community TSE Regulation; or
- (b) the use of specified risk material or other source of TSE infectivity in relation to keeping live animals used in or intended for research,

subject to such conditions as they believe are necessary to ensure the occupier of the premises is able to comply with the separation and production requirements of that Article which apply to the production or the keeping concerned.

(2) On an application made to them under this regulation for a licence the Scottish Ministers shall grant a licence if, following an inspection of the premises by a veterinary inspector, they are satisfied that—

- (a) the occupier of the premises has in place facilities and procedures for tracing through the production or keeping to which the application relates which are sufficient to trace all specified risk material delivered to the premises and able to show that—
  - (i) all specified risk material delivered to the premises is used for the purpose for which it was delivered or is disposed of in accordance with such conditions as they may specify in the licence; or
  - (ii) no product produced at the premises is used as, or in connection with or in the production of, any food or feedingstuff or any cosmetic, pharmaceutical or medical product; and
- (b) the use of the specified risk material in the production or keeping concerned does not give rise to risk—
  - (i) to human health; or

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- (ii) with the exception of the health of the animals for whose keeping the licence is required, animal health.
- (3) The occupier of any premises licensed under this regulation shall—
  - (a) ensure that the use of the premises for the licensed purpose is in accordance with—
    - (i) the conditions of the licence; and
    - (ii) the provisions of this Part of these Regulations, and Schedule 5 to, these Regulations relating to that use;
  - (b) ensure that any person employed by that occupier, and any person invited to the premises, complies with these conditions.
- (4) The occupier of any premises licensed under this regulation shall permit an inspector, or a person acting under the responsibility of an inspector, to—
  - (a) inspect any carcase, part carcase, blood, specified solid waste or specified risk material on the premises to enable the inspector to check whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and
  - (b) inspect any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,
 and shall give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as that inspector may require.
- (5) No person shall carry out any operation in relation to specified risk material at premises for which the occupier is licensed under this regulation except in accordance with any conditions specified in the licence.

### **Applications for licences** S

- 57.**—(1) An application for a licence under this Part of these Regulations shall be made in writing to the Licensing Authority by or on behalf of the occupier of the premises to which the application relates.
- (2) The Licensing Authority shall notify the applicant in writing of the decision of the authority on an application made to it in accordance with this regulation.
- (3) A licence under this Part of these Regulations shall specify—
- (a) the name and address of the person to whom the licence is granted and the address of the licensed premises;
  - (b) the use of the premises for which the licence is granted; and
  - (c) the conditions subject to which the licence is granted.
- (4) If the Authority refuses to grant a licence to the occupier of premises or grants a licence subject to any condition it shall give to the applicant a statement of—
- (a) the reasons for the refusal or the condition; and
  - (b) the right of the applicant under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person to whom an appeal may be made.

### **Requirements of use of licensed premises** S

- 58.**—(1) An occupier licensed to use premises under this Part of these Regulations shall—

- (a) ensure that the use of the premises for the licensed use is in accordance with the conditions of the licence;
  - (b) ensure that any person employed by that occupier, and any person invited to the premises, complies with these conditions.
- (2) An occupier licensed to use premises under this Part of these Regulations shall permit an inspector, or a person acting under the responsibility of an inspector, to—
- (a) inspect any carcass, part carcass, blood, specified solid waste or specified risk material on the premises to enable the inspector to check whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and
  - (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements of Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,
- and shall give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as that inspector may require.
- (3) No person shall carry out any operation in relation to specified risk material at premises for which the occupier is licensed under this regulation except in accordance with the requirements of the Community TSE Regulations and of these Regulations and with any conditions specified in the licence.

## **Suspension of licences** **S**

- 59.**—(1) The Licensing Authority may suspend a licence of any premises licensed under this Part of these Regulations if it appears to the Authority that—
- (a) the premises are being used otherwise than in accordance with—
    - (i) the licence; or
    - (ii) this Part of these Regulations or Schedule 5 to these Regulations;
  - (b) any condition specified in the licence has not been complied with;
  - (c) inspection of the premises for the purposes of these Regulations is being hampered or denied; or
  - (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required.
- (2) Before suspending a licence the Licensing Authority shall—
- (a) give notice of the intended suspension to the occupier of the premises; and
  - (b) have regard to any representations made to the Authority by that person in relation to the intended suspension.
- (3) A notice of suspension of a licence shall include the following information:—
- (a) a summary of the decision of the Licensing Authority to suspend the licence and a description of the use of the premises for which the licence is suspended;
  - (b) the reason for the suspension;
  - (c) the date on which the suspension takes effect (which may be the same date as the date on which the notice is issued);
  - (d) the matters which must be remedied for the suspension to be lifted; and

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- (e) a statement of the right of the person to whom the notice of suspension is given to appeal under this Part of these Regulations against the suspension and the period within which and the person to whom an appeal may be made.
- (4) Where a suspension of a licence of premises under this regulation has taken effect the premises shall be treated as if they were not licensed for the use for which the licence is suspended.
- (5) The Licensing Authority shall lift a suspension of a licence where—
  - (a) it is satisfied that—
    - (i) the reason for the suspension no longer applies; and
    - (ii) the person who would use the premises for the use for which they are licensed will use the premises in accordance with the licence and the conditions of the licence; or
  - (b) the determination of an appeal under this Part of these Regulations against the suspension is that the licence should not have been suspended.
- (6) Where the Licensing Authority lifts a suspension it shall give notice of this to the person to whom it gave notice of the suspension.

### **Revocation of licences** S

- 60.**—(1) The Licensing Authority may revoke a licence of any premises licensed under this Part of these Regulations if it appears to the Authority that—
- (a) the premises are being used otherwise than in accordance with—
    - (i) the licence; or
    - (ii) this Part of these Regulations or Schedule 5 to these Regulations;
  - (b) any condition specified in the licence has not been complied with;
  - (c) inspection of the premises for the purposes of these Regulations is being hampered or denied;
  - (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;
  - (e) the premises are not being used for the purpose for which the occupier is licensed.
- (2) Before revoking a licence the Licensing Authority shall—
- (a) give notice of the intended revocation to the occupier of the premises; and
  - (b) have regard to any representations made to the Authority by that person in relation to the intended revocation.
- (3) A notice of revocation of a licence shall include the following information:—
- (a) a summary of the decision of the Licensing Authority to revoke the licence and a description of the use of the premises for which the licence is revoked;
  - (b) the reason for the revocation;
  - (c) the date on which the revocation takes effect, which may not be before the period of 21 days after the date on which the notice is given;
  - (d) a statement of the right of the person to whom notice of revocation is given to appeal against the revocation;
  - (e) a statement—
    - (i) that, for the protection of public or animal health pending an appeal, continued use of the premises for the use for which the licence is revoked is prohibited; or

(ii) of any conditions for the protection of public or animal health to which any continued use of the premises for a licensed use is subject pending an appeal.

(4) Subject to paragraph (7) below, where a statement under paragraph (3)(e)(ii) is included in a notice of revocation of a licence, premises may continue to be used by the occupier for a use for which a licence is revoked during the period of 21 days after the notification to the occupier of the revocation.

(5) After the expiry of the period referred to in paragraph (4) above, the premises may not be used for the use for which the licence is revoked unless before the period expired an appeal was made in accordance with regulation 61 below and the appeal has not been finally disposed of or abandoned.

(6) Where the Licensing Authority has given notice of a decision to revoke the licence and the notice of revocation included a statement under paragraph (3)(e)(i) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked.

(7) Where the Licensing Authority has given notice of a decision to revoke the licence and the notice of revocation included a statement under paragraph (3)(e)(ii) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked except in accordance with any conditions specified in the statement.

#### Appeals against/review in relation to suspension and revocation of licences **S**

**61.**—(1) Where in respect of any premises the Licensing Authority has given notice of a decision under this Part of these Regulations—

- (a) to refuse to license any occupier of any premises;
- (b) to grant a licence of any occupier of any premises subject to conditions;
- (c) to suspend the licence of any occupier of any premises; or
- (d) to revoke the licence of any occupier of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person specified in the notice.

An appeal under this regulation shall be made by written statement given to the person specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as may be so specified.

(3) Where on an appeal under this regulation the person hearing the appeal determines that—

- (a) the grant of a licence should not have been refused the appeal;
- (b) unreasonable conditions have been attached to the grant of a licence; or
- (c) a licence should not have been suspended or revoked,

the Licensing Authority shall give effect to that determination.

#### *Collection centres and incinerators*

#### Collection centres **S**

**62.**—(1) Any person delivering specified risk material to a licensed collection centre shall state in writing to the operator of the collection centre concerned the place from which that specified risk material was collected for delivery to that collection centre.

(2) No person shall take delivery of specified risk material at a collection centre, or operate a collection centre for specified risk material, unless it has been licensed and has sufficient facilities for storing and handling specified risk material in a manner which keeps it separate from other animal material.

- (3) The operator of a licensed collection centre shall ensure that—
- (a) without prejudice to the storage requirements of regulation 51 above, all specified risk material in the collection centre is kept separate from all other animal material; and
  - (b) all equipment used in relation to the collection or storage of specified risk material that comes into contact with such material is thoroughly washed and disinfected before that operator uses the equipment or allows it to be used in relation to the collection or storage of any other material.
- (4) No person shall consign specified risk material from a licensed collection centre except to a licensed incinerator or a licensed rendering plant.

### **Incinerators** **S**

**63.**—(1) Any person delivering specified risk material to a licensed incinerator shall state in writing to the operator of the incinerator concerned the place from which that specified risk material was collected for delivery to that incinerator.

- (2) No person shall operate an incinerator incinerating specified risk material unless—
- (a) the incinerator has been licensed as having suitable facilities to incinerate specified risk material in accordance with paragraph (4) below;
  - (b) that person disposes of the ash in a way that does not pose a risk to human or animal health; and
  - (c) the incinerator is equipped with a refractory lining.

(3) The operator of a licensed incinerator shall make a consignment record on the arrival of specified risk material at the premises and shall keep that record for a period of not less than two years from the date of arrival.

(4) The operator of a licensed incinerator shall incinerate all specified risk material delivered to that operator to a standard specified in the licence and in such a way that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the licence.

(5) No person shall remove specified risk material from a licensed incinerator unless it has been completely incinerated.

### *Rendering plants*

### **Delivery of specified risk material to rendering plants** **S**

**64.**—(1) Any person delivering specified risk material to a licensed rendering plant shall state in writing to the operator of the rendering plant concerned the place from which that specified risk material was collected for delivery to that rendering plant.

(2) No person shall take delivery of specified risk material at a rendering plant, or operate a rendering plant for specified risk material, unless at the time of the delivery it is licensed under this Part of these Regulations as having the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable it to separate the specified risk material into protein and tallow by one of the methods specified in Part II of that Schedule.

(3) The occupier of a licensed rendering plant shall ensure that all containers, receptacles and vehicles which have been used for the transport of specified risk material are cleaned, washed and disinfected before they leave the premises.



### Storage etc. of specified risk material at rendering plants **S**

65.—(1) Subject to paragraph (2) below, and without prejudice to the storage requirements of regulation 51 above, the operator of a licensed rendering plant shall ensure that all specified risk material in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(2) The operator of a licensed rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided—

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for a period of not less than two years of the exact quantity of the specified risk material and the other material together with which the specified risk material is kept, handled, stored and rendered.

(3) For the purposes of this Part of these Regulations, references to specified risk material shall include references to any—

- (a) specified risk material kept, handled, stored or rendered together with other material; and
- (b) any other material together with which the specified risk material is kept, handled, stored or rendered.

### Rendering of specified risk material **S**

66.—(1) The operator of a licensed rendering plant will ensure that specified risk material is processed without undue delay and in any event within seven days of delivery using one of the methods described in Part II of Schedule 6 to these Regulations.

(2) No person shall move from the unclean section of a licensed rendering plant, as so specified by the occupier in accordance with paragraph 3 of Part I of Schedule 6 to the Regulations, into the clean section as so specified without first changing the working clothes and footwear of that person and disinfecting the latter.

(3) The operator of a licensed rendering plant shall ensure (except as provided by paragraph (4) below) that any equipment used for processing specified risk material is used only for that purpose.

(4) Subject to paragraph (5) below, the Scottish Ministers may, on application by the operator of a licensed rendering plant, consent to the use for other purposes of equipment previously used for processing specified risk material.

(5) No consent given under paragraph (4) above shall be effective until the Scottish Ministers have indicated in writing that they are satisfied that the equipment concerned has been cleaned in accordance with any conditions specified in that consent.

(6) No person shall take equipment or utensils from the unclean section of a licensed rendering plant into the clean section of a licensed rendering plant unless that equipment and those utensils are first washed and disinfected.

(7) The occupier of a licensed rendering plant shall ensure that systematic measures are taken to control birds, rodents, insects and other vermin on the premises.

(8) The occupier of a licensed rendering plant shall ensure that the premises and equipment on the premises are kept in a good state of repair and that measuring equipment is regularly calibrated.

### Rendered material **S**

67.—(1) After any specified risk material has been rendered at a licensed rendering plant the operator of the plant shall ensure that the rendered material is placed in a container labelled “specified risk material” and disposed of—

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- (a) by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990, or permit granted under the Pollution Prevention and Control (Scotland) Regulations 2000<sup>M3</sup> or the Pollution Prevention and Control (England and Wales) Regulations 2000<sup>M4</sup>;
- (b) as specified in the licence; or
- (c) by sending to a licensed incinerator.

(2) An operator of a licensed rendering plant shall ensure that rendered material produced from any specified risk material—

- (a) is consigned from the plant for disposal by burial; or
- (b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 6 to these Regulations.

(3) Material rendered from animal material, other than specified risk material from scheme animals, shall be disposed of by burning in a manner which has been authorised under the Environmental Protection Act 1990, the Pollution Prevention and Control (Scotland) Regulations 2000 or the Pollution Prevention and Control (England and Wales) Regulations 2000.

#### Marginal Citations

**M3** S.S.I. 2000/323.

**M4** S.I. 2000/1973.

### *Administration and enforcement*

#### **Records** **S**

**68.**—(1) Any person who consigns any specified risk material for transport from any premises shall make on consignment a record of each consignment showing—

- (a) the date on which the specified risk material was consigned from the premises;
- (b) the quantity and description of the material;
- (c) the destination to which it was consigned; and
- (d) the name of the haulier transporting it.

(2) Any person who transfers any specified risk material from any part of any premises licensed for the collection, disposal or destruction of any specified risk material to another part of the premises shall make on transfer a record of each transfer showing the date on which the specified risk material was transferred and the quantity and description of the material transferred.

(3) A person who collects any specified risk material from any premises for the purpose of transporting it shall make on collection a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material was collected;
- (c) the quantity and description of the material; and
- (d) the destination to which it is to be taken,

and shall ensure this record accompanies the specified risk material during transport.

(4) A person who receives any specified risk material collected from any premises shall make on receipt a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material is received;
- (c) the quantity and description of the material; and
- (d) name and address of the haulier who transported it.

(5) In addition to any records the person is required to make under paragraphs (1) and (4) above, an occupier of rendering premises (other than part-rendering premises) shall make a record of any specified risk material that person renders at the premises showing—

- (a) the weight rendered and the date of rendering;
- (b) the temperature of the material achieved during rendering;
- (c) in a batch system, the period during which the material was rendered;
- (d) the particle size to which the material was reduced before rendering;
- (e) if appropriate, the pressure to which the by-products are subjected during rendering;
- (f) if appropriate, the feed rate of the material;
- (g) if appropriate, the fat re-cycling rate;
- (h) the quantity and description of rendered material produced;
- (i) in the case of all rendered material—
  - (i) the method of disposal;
  - (ii) the quantity disposed of;
  - (iii) the date of disposal;
  - (iv) the name of the haulier; and
  - (v) the address of the disposal premises.

(6) In addition to any records the person is required to make under paragraphs (1) and (4) above, an occupier of part-rendering premises shall make a record of any specified risk material that person part-renders at the premises showing—

- (a) the weight part-rendered and the date of part-rendering; and
- (b) the quantity and description of part-rendered material produced.

(7) Any record required to be made under this regulation shall be kept by or on behalf of the person who is required to make it for a period of not less than two years from the date on which the record is made.

### Cleansing and disinfection **S**

**69.**—(1) If an inspector suspects that any vehicle, container or premises constitute a disease risk, that inspector may serve a notice on the person in charge of the vehicle or container, or on the occupier of the premises, requiring the vehicle, container or premises to be cleansed and disinfected.

(2) The notice may—

- (a) specify the method of cleansing and disinfection;
- (b) specify the method of disposal of any specified risk material remaining in the vehicle, container or premises; and
- (c) prohibit the movement of specified risk material into the vehicle or container or on to the premises until such time as the required cleansing and disinfection has been satisfactorily completed.

## **Powers of inspectors** **S**

**70.**—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing the authority of the inspector, have the right at all reasonable hours to enter any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
  - (i) TSE susceptible animal; or
  - (ii) any specified risk material,is being or has been kept on the premises;
- (b) ascertain whether—
  - (i) any TSE exists or has existed on the premises or any other premises; or
  - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
  - (i) specified risk material; or
  - (ii) the carcase of TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any—
  - (i) TSE susceptible animal;
  - (ii) carcase of such an animal;
  - (iii) specified risk material or any other material appearing to that inspector to be derived from an animal;
  - (iv) food or feedingstuff;
  - (v) cosmetic, pharmaceutical or medical product,as that inspector considers necessary;
- (f) mark for identification purposes any specified risk material or TSE susceptible animal, or the carcase of such an animal;
- (g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any such animal or in possession of any specified risk material, a notice—
  - (i) to restrict or prohibit the movement of the TSE susceptible animal, carcase or specified risk material; or
  - (ii) in respect of any such carcase or specified risk material, to require the person to dispose of the carcase or specified risk material in the manner and period specified in the notice;
- (h) seize any specified risk material, TSE susceptible animal or the carcase of such an animal;
- (i) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection ;
- (j) serve any notice—
  - (i) in connection with the seizure any specified risk material, TSE susceptible animal or the carcase of such an animal; or
  - (ii) under regulation 69 above;
- (k) inspect—

- (i) the premises; or
  - (ii) any equipment at the premises;
  - (l) inspect any facility, operation or procedure at the premises, including—
    - (i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or
    - (ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;
  - (m) serve any licence, suspension of a licence, withdrawal of a licence or revocation of a licence under this Part of these Regulations;
  - (n) serve any direction under regulation 72 below;
  - (o) examine any record, in whatever form the record may be held, and take copies of the record;
  - (p) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to that inspector such assistance as that inspector may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
  - (q) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or any evidence of any such contravention or failure.
- (2) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (1)(f) above.
- (3) If a sheriff or justice of the peace, on sworn information in writing—
- (a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as is mentioned in paragraph (1) above; and
  - (b) is satisfied either that—
    - (i) admission to the premises has been refused or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
    - (ii) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,the sheriff or justice of the peace may by signed warrant authorise an inspector to enter the premises, if need be by using reasonable force.
- (4) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and the employees of that occupier and any person on the premises who is or has been in possession or charge of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises, shall—
- (a) provide such reasonable facilities to the inspector and comply with such reasonable requirements as the inspector considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
  - (b) if required by an inspector, give such information as that occupier possesses as to—
    - (i) any mammalian meat and bone meal or processed animal protein, or any animal or carcase which is or has been on the premises;

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- (ii) any animal or carcase with which any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been on the premises may have come into contact; and
  - (iii) the location, transport and movement of any mammalian meat and bone meal or processed animal protein, or any animal or carcase, which is or has been in the possession or charge of the occupier.
- (5) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may be accompanied by—
- (a) such other person as that inspector considers necessary to give such assistance as that inspector considers necessary; and
  - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures.
- (6) If an inspector enters any unoccupied premises, that inspector shall leave them as effectively secured against unauthorised entry as that inspector found them.

#### **Recall, seizure and destruction of feedingstuffs** **S**

71.—(1) An inspector may serve on any person in whose possession is found any feedingstuff containing specified risk material, except a feedingstuff prepared for use at premises licensed for that use under regulation 56 above, a notice requiring that person to dispose of the material, and any other material with which it has come into contact, in such manner and within such period as may be specified in the notice.

(2) An inspector may serve on any person who has sold or supplied any feedingstuff containing specified risk material a notice requiring that person to collect at their own expense that product from the person to whom that person supplied or sold it, or from such other person to whom it may have subsequently been supplied or sold, and to transport it to such place and within such time as may be specified in the notice.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice.

(4) The amount of any expenses reasonably incurred by or on behalf of an inspector acting pursuant to paragraph (3) above shall be recoverable as a debt by that inspector or by any person under whose authority that inspector is acting from the person who was in default of the notice, unless that person took all reasonable steps to comply with the notice.

#### **Directions** **S**

72.—(1) If the Scottish Ministers or the Agency are satisfied that specified risk material cannot be disposed of under the provisions of these Regulations, whether for reasons of mechanical breakdown of equipment or otherwise, the Scottish Ministers or the Agency may give written directions to the owner or person in control of the specified risk material for its disposal in a safe manner in accordance with the conditions of the derogation in point 8 of Part A of Annex XI to the Community TSE Regulation, and the person to whom such directions are given shall comply with them.

(2) In the event of any person not complying with those directions, the Scottish Ministers or the Agency may make arrangements for the disposal of the specified risk material at the expense of the owner or person in control of the material.

### Compliance with notices **S**

73.—(1) Any notice served under this Part of these Regulations shall be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under this Part of these Regulations is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom the notice is served.

### Slaughterhouse staff training **S**

74. The occupier of any slaughterhouse where specified risk material is removed from carcasses pursuant to this regulation shall arrange or establish in consultation with an OVS a staff training programme to train staff to comply with those requirements of this Part of these Regulations which they perform on those premises.

### Compliance in relation to employees **S**

75.—(1) An occupier of any premises used for the purposes of a business in course of which any commercial operation with respect to food or food sources is carried out shall take all practicable steps to secure compliance by any of the employees of that occupier with the provisions of these Regulations which apply to those operations in relation to those premises.

(2) In this regulation “commercial operation” and “food source” have the same meanings as in the Food Safety Act 1990 <sup>M5</sup>.

#### Marginal Citations

M5 1990 c.16.

### Inspection and seizure of suspected food **S**

76.—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of this Part of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and any reference in them to the Act shall be construed as a reference to this Part of these Regulations—

- (a) section 9 (inspection and seizure of suspected food), subject to the modification that it shall apply to an inspector as it applies to an authorised officer of a food authority;
- (b) section 30(8) (evidence of certificate of analysis or examination); and
- (c) section 44 (protection of officers acting in good faith), subject to the modifications that it shall apply to a person appointed as an inspector for the purpose of these Regulations by a local authority or the Agency as it applies to an authorised officer of a food authority.

(2) On an inspection for the purposes of this Part of these Regulations of any food intended for human consumption an inspector may certify that the food fails to comply with a provision of this Part.

(3) Where any food is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

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