

2002 No. 449

AGRICULTURE

**The Bovines and Bovine Products (Trade) Amendment
(Scotland) Regulations 2002**

Made 3rd October 2002

Laid before the Scottish Parliament 4th October 2002

Coming into force 7th October 2002

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Bovines and Bovine Products (Trade) Amendment (Scotland) Regulations 2002 and shall come into force on 7th October 2002.

(2) These Regulations extend to Scotland only.

Amendment of the Bovines and Bovine Products (Trade) Regulations 1999

2.—(1) The Bovines and Bovine Products (Trade) Regulations 1999(b) are amended in accordance with the following provisions of this regulation.

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

(a) the definitions of “bovine embryo” and “export dedicated establishment” are omitted;

(b) after the definition of “establishment” there is inserted—

““export approved establishment” means an establishment approved as such under regulation 12 below;”;

(c) after the definition of “inspector” there is inserted—

““justice of the peace” means a full justice as defined in section 9 of the District Courts (Scotland) Act 1975(c);”.

(3) In regulation 3(1)(a) (trade in live bovine animals, bovine embryos, mammalian meat and bone meal and related products), “or bovine embryo” is omitted.

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1999/1103, amended by S.I. 1999/1554 and S.S.I. 2000/62 and 184.

(c) 1975 c.20. The definition of “full justice” was inserted by section 8 of the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9).

(4) After regulation 5 there is inserted–

“Offers to despatch or consign

5A. No person shall offer to despatch or consign, or accept orders for the despatch or consignment of anything prohibited from being despatched or consigned by these Regulations.”.

(5) In regulation 10 (approval of establishments for the slaughter of DBES eligible animals and preparation of DBES goods)–

(a) for paragraph (3)(c) there is substituted–

“(c) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after such use;” and

(b) in paragraph (3)(e)(i) for “dedicated” there is substituted “approved”.

(6) In regulation 11(3)(c) (requirements imposed on the operator of an establishment approved under regulation 10) for “dedicated” there is substituted “approved”.

(7) In regulation 12 (approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES and ECHS goods and foreign origin bovine by-products)–

(a) in paragraph (2)(a)(i) for “dedicated” in both places where it appears there is substituted “approved”;

(b) paragraph (2)(a)(ii) is omitted;

(c) for paragraph (3) there is substituted–

“(3) The requirements for the approval of an establishment under this regulation are–

(a) that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after the last such use;

(b) that the methods of operation for the preparation of export eligible goods comply with the requirements of the first column in Schedule 2 or 3 to these Regulations or both as appropriate and the Scottish Ministers have determined how those requirements are to apply to the establishment as indicated in the second and third columns of those Schedules as appropriate; and

(c) that there is in operation at the establishment a system which ensures it is possible–

(i) to identify the origin of the raw material contained in any export eligible goods or foreign origin bovine by-products despatched from that establishment and to trace that raw material through each stage of preparation of the goods at the establishment; and

(ii) to record all amounts of incoming and outgoing materials and cross-check consignments entering or leaving the establishment.”; and

(d) in paragraph (4) for “export dedicated establishment or an application for approval of an establishment which is not an export dedicated establishment” there is substituted “export approved establishment for the preparation of DBES goods or an application for an export approved establishment for the preparation of foreign origin export eligible goods”.

(8) In regulation 13(a) (requirements imposed on the operator of an establishment approved under regulation 12)–

(a) in paragraphs (2)(b) and (4)(c) for “dedicated” there is substituted “approved”;

(b) in paragraph (2)(b) for “to these Regulations” there is substituted “or 3 to these Regulations or both as appropriate”; and

(c) paragraph (2)(c) is revoked.

(a) Regulation 13 was amended by S.I. 1999/1554.

(9) For regulation 17(7) (seizure of illegal goods) there is substituted–

“(7) Where the justice of the peace, on the basis of evidence appropriate in the circumstances, is satisfied that a consignment is illegal, but is also satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, the justice of the peace shall order–

- (a) the consignment to be returned to the owner; and
- (b) any expenses reasonably incurred in connection with storage of the consignment to be defrayed by the owner of the consignment.

(7A) Subject to paragraph (7B) below, where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraph (6), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.

(7B) Paragraph (7A) shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate and the consignment was detained until the correct documentation or certificate was provided.”.

(10) For Schedules 1, 2 and 3 there are substituted Schedules 1, 2 and 3 contained in the Schedule to these Regulations.

(11) For paragraph 1(c) of Schedule 6 (official seal) there is substituted–

“(c) bear the capital letters–

- (i) XAP (in respect of an official seal for an export approved establishment handling foreign origin export eligible goods); and
- (ii) XAPD (in respect of an official seal for an export approved establishment handling DBES goods)”.

Consequential Amendments

3. Regulation 2(2), (5), (6), (7) and (11) of the Bovines and Bovine Products (Trade) Amendment (Scotland) Regulations 2000(a) are omitted.

St Andrew’s House,
Edinburgh
3rd October 2002

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I. 2000/184.

SCHEDULE

“Regulation 10(3)(d)

SCHEDULE 1

Required methods of operation for DBES slaughterhouses

<i>REQUIREMENT</i>	<i>DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*</i>	<i>STAFF MEMBER(S) RESPONSIBLE FOR SUPERVISION*</i>
<p>1. Slaughterhouse management must agree with the supervising Official Veterinary Surgeon dedicated time periods (“DBES periods”) when only DBES eligible animals will be slaughtered. No bovine animals, which are not DBES eligible, may be slaughtered during DBES periods.</p> <p>2. All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.</p> <p>3. Before a DBES period can start after non-DBES production, the slaughter hall must first be cleansed and disinfected.</p> <p>4. There must be a system at the establishment to ensure that after slaughter DBES meat is traceable back to the DBES eligible animal from which it is derived or, in the case of offal which is intended for export, is traceable back to the batch of DBES eligible animals from which it is derived.</p> <p>5. There must be a system for recording all DBES eligible animals slaughtered and outgoing DBES fresh meat which ensures that it is possible to cross check consignments entering and leaving the establishment.</p> <p>6. All carcasses of DBES eligible animals must have individual numbers correlated with the eartag number and must be marked with an additional distinct mark in the form prescribed in Schedule 5 to the Bovines and Bovine Products (Trade) Regulations 1999 after the meat has been passed fit for human consumption following post mortem inspection.</p> <p>7. The additional mark may only be applied to carcasses during DBES periods.</p> <p>8. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals, may be ordered only with the authorisation of a veterinary inspector.</p> <p>9. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 11(7) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.</p>		

10. Carcases of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcases of such animals aged under 9 months which may also be despatched abroad. All carcases must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is not used at the same time for the carriage of any other meat derived from a bovine animal and sealed with an official seal. Where carcases of DBES eligible animals are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.

11. Outside of DBES periods, carcases of DBES eligible animals must be stored separately from carcases of non-DBES eligible animals in cold store chambers which are locked under seal so that goods cannot be added or removed without breaking the seal.

During DBES periods, carcases of non-DBES eligible animals must be stored separately from carcases of DBES eligible animals in cold store chambers, which are locked under seal so that goods cannot be added or removed without breaking the seal.

(Lockable rails in chillers are not sufficient to comply with this requirement.)

SCHEDULE 2

Required methods of operation for the preparation of DBES goods in export approved establishments

<i>REQUIREMENT</i>	<i>DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*</i>	<i>STAFF MEMBER(S) RESPONSIBLE FOR SUPERVISION*</i>
1. All DBES goods in the establishment must be processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.		
2.—(1) In respect of the preparation at the establishment of any fresh meat derived from DBES eligible animals, the meat must be deboned and all adherent tissues, including obvious nervous and lymphatic tissues, and the lymph nodes mentioned at paragraph (2) of this requirement must be removed.		
(2) The lymph nodes which must be removed with adherent and obvious nervous and lymphatic tissues are:—		
popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical.		
3. DBES goods must be traceable to the individual animal from which they were derived (for meat prior to cutting) or batch of animals from which they were derived (for meat after cutting) at the slaughterhouse. Offal derived from DBES animals must be traceable to the batch of animals from which it was derived.		
4. Cold stores must have chambers for storage of DBES carcase meat which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement.)		
5. Stores for packaged meat must have clear and effective segregation (i.e. spatial separation) between DBES goods and bovine products which are not eligible for despatch abroad (though this need not take the form of a chamber locked under a seal).		
6. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin derived from DBES animals must be marked with an additional distinct mark in the form prescribed in Schedule 5 to the Bovines and Bovine Products (Trade) Regulations 1999.		
7. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals may be ordered only with the authorisation of a veterinary inspector.		

<i>REQUIREMENT</i>	<i>DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*</i>	<i>STAFF MEMBER(S) RESPONSIBLE FOR SUPERVISION*</i>
<p>8. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 11(7) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.</p>		
<p>9. DBES goods must be despatched from the premises in means of transport which is not used at the same time for the carriage of any bovine products which are not eligible for despatch abroad.</p>		
<p>10. Where DBES goods are destined for placing on the market in the UK they should not bear the additional mark. Where such a mark is present it shall be cancelled or removed from the goods at the time that the goods leave the establishment.</p>		

SCHEDULE 3

Regulation 12(3)(b)

Required methods of operation for the preparation of foreign origin export eligible goods in export approved establishments

<i>REQUIREMENT</i>	<i>DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*</i>	<i>STAFF MEMBER(S) RESPONSIBLE FOR SUPERVISION*</i>
1. All raw materials for use in production for despatch abroad must be identifiable to species of origin. Materials of bovine origin and any mammalian meat and bone meal must be traceable to non-UK place of origin.		
2. All foreign origin export eligible goods which are eligible for despatch abroad must be unloaded, processed or treated, stored, handled, loaded and unloaded and transported separately, or at different times, from bovine products which are not eligible for despatch abroad.		
3.—(1) Cold stores must have chambers for storage of foreign origin export eligible goods which are eligible for despatch abroad which can be locked under seal so that products cannot be added or removed without breaking the seal. (Lockable rails in chillers are not sufficient to comply with this requirement.)		
(2) Stores for packaged meat must have clear and effective segregation (i.e. spatial separation) between foreign origin export eligible goods and bovine products which are not eligible for despatch abroad (though this need not take the form of a chamber locked under a seal).		
(3) Other stores must have clear and effective segregation between foreign origin export eligible goods which are eligible for despatch abroad and bovine products which are not so eligible (though this need not take the form of a chamber locked under seal).		
4. Fresh meat, minced meat, meat preparations, meat products and other products of animal origin of bovine origin which are eligible for despatch abroad must be marked with an additional mark in the form prescribed in Schedule 4 to the Bovines and Bovine Products (Trade) Regulations 1999.		
5. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals may be ordered only with the authorisation of a veterinary inspector.		
6. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals must be delivered into the control of an inspector in accordance with regulation 13(12) of the Bovines and Bovine Products (Trade) Regulations 1999 and maintained and applied under the control of an inspector.		

<i>REQUIREMENT</i>	<i>DESCRIPTION OF FACILITY OR CONTROL PROCEDURE BY WHICH THE REQUIREMENT WILL BE MET*</i>	<i>STAFF MEMBER(S) RESPONSIBLE FOR SUPERVISION*</i>
7. There must be sufficient identification of foreign origin export eligible goods for despatch to allow a full description of the goods to be provided on certificates required for the purposes of the Bovines and Bovine Products (Trade) Regulations 1999.		
8. Foreign origin export eligible goods must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is– (a) not used at the same time for the carriage of any goods which are not eligible for despatch abroad under these Regulations; and (b) sealed with an official seal.		”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bovines and Bovine Products (Trade) Regulations 1999 (“the Principal Regulations”) insofar as they extend to Scotland. The Principal Regulations give effect to Commission Decisions 98/692/EC (O.J. No. L 328, 4.12.98, p.28) and 98/564/EC (O.J. No. L 273, 9.10.98, p.37) which amended Council Decision 98/256/EC (O.J. No. L 113, 15.4.98, p.32).

The effect of the amendments in regulation 2 is to give effect to Commission Decision 2002/670/EC (O.J. No. L 228, 24.8.2002, p.22) which amends Council Decision 98/256/EC to enable the despatch from Scotland of bovine embryos and bone in veal carcasses from calves between 6 and 9 months exported under the Date Based Export Scheme (DBES). The decision further amends the required methods of operating procedures for the DBES in particular to enable participating companies to slaughter and process DBES ineligible bovine animals as well as DBES eligible bovine animals provided that adequate separation arrangements are in place.

In addition regulation 2(4) inserts regulation 5A into the principal regulations which prohibits offering to despatch or consign goods which may not be despatched or consigned under those Regulations. Regulation 2(9) amends regulation 17 to provide for the payment of expenses reasonably incurred in connection with storage by the owner of the consignment and in some circumstances the payment of compensation to the owner for any depreciation in value of the consignment.

A Regulatory Impact Assessment has not been prepared in respect of these Regulations.

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