

This Scottish Statutory Instrument has been made in consequence of defects in S.S.I. 2002/255 and is being issued free of charge to all known recipients of that Instrument.

SCOTTISH STATUTORY INSTRUMENTS

2003 No. 198

ANIMALS

ANIMAL HEALTH

The TSE (Scotland) Amendment Regulations 2003

<i>Made</i>	- - - -	<i>20th March 2003</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>21st March 2003</i>
<i>Coming into force</i>	- -	<i>26th May 2003</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the TSE (Scotland) Amendment Regulations 2003 and shall come into force on 26th May 2003.

Amendment of the TSE (Scotland) Regulations 2002

2.—(1) The TSE (Scotland) Regulations 2002(2) are amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) (interpretation)—

(a) in the definition of “the Community Transitional Measures”, for “270/2001” substitute “270/2002”; and

(b) in the definition of “specified solid waste”, for “collated,” substitute “collected”.

(3) In regulation 13(4) (mammalian meat and bone meal for use in fertilisers on agricultural land)—

(a) for “the date of coming into force of” substitute “30th April 1998 and”; and

(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.S.I. 2002/255.

- (b) at the end insert “was concluded before that date”.
- (4) In regulation 39 (staining of specified risk material)–
 - (a) in paragraph (7)–
 - (i) for “a place [any premises?]” substitute “any premises”; and
 - (ii) for “operator of that place, [occupier of those premises?]” substitute “occupier of those premises”; and
 - (b) in paragraph (8), for “operator” substitute “occupier”.
- (5) In regulation 44 (possession of unmarked carcasses of sheep and goats), for “sale” substitute “placing on the market”.
- (6) In regulation 48(1) (specified risk material for use in cosmetic, pharmaceutical and medical products), for “sell” substitute “place on the market”.
- (7) In regulation 61(1) (appeal against/review in relation to suspension and revocation of licences), for “person to whom the notice is given” substitute “occupier”.
- (8) For regulation 63(2)(b) (incinerators), there is substituted–
 - “(b) that person disposes of the ash 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⁽³⁾, a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2000⁽⁴⁾ or a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000⁽⁵⁾”.
- (9) In regulation 69(1) (cleansing and disinfection), insert at the end “within such period as may be specified in the notice”.
- (10) In regulation 70 (powers of inspectors), insert after paragraph (6)–
 - “(7) An inspector may make such enquiries and carry out such investigations as that inspector considers necessary for any purpose connected with the administration or enforcement of the provisions of this Part of these Regulations.”.
- (11) In the entry relating to regulation 33(4) in Column 2 of Schedule 5 (application of Part IV of the Regulations to scheme animals), for “removed from the slaughterhouse” substitute “ready for final despatch from the slaughterhouse in accordance with regulation 40”.

St Andrew’s House, Edinburgh
20th March 2003

ROSS FINNIE
A member of the Scottish Executive

(3) 1990 c. 43.

(4) S.S.I. 2000/323, as amended by S.S.I. 2002/493.

(5) S.I.2000/1973.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the TSE (Scotland) Regulations 2002 ([S.S.I. 2002/255](#)) (“the 2002 Regulations”). The majority of the amendments are made in consequence of defects in those Regulations.

Regulation 2(2) corrects the date of a European Community measure and the definition of “specified solid waste”. Regulation 2(3) clarifies a transitional provision allowing manufacturers to sell, and others to possess and use on non-agricultural land, fertilisers containing mammalian meat and bone meal which were manufactured before 30th April 1998 provided they were contracted for by the manufacturer before that date. Regulation 2(4) corrects printing errors in regulation 39 of the 2002 Regulations. Regulation 2(5) makes it clear that in certain circumstances it is an offence for persons to have in their possession, outwith a licensed slaughterhouse, a carcass of a sheep or goat intended for placing on the market for human consumption. Regulation 2(6) makes it clear that it is an offence not only to sell, but to place on the market for sale, specified risk material for use in making cosmetic, pharmaceutical or medical products. Regulation 2(7) clarifies the procedure in relation to appeals and reviews.

Regulation 2(8) is a new provision. It substitutes a new regulation 63(2)(b) for the existing regulation 63(2)(b) in the 2002 Regulations, to require that ash from specified risk material is buried in licensed landfill sites.

Regulation 2(9) clarifies the requirements for cleansing and disinfection set out in regulation 69 of the 2002 Regulations. Regulation 2(10) makes it clear that an inspector enforcing Part IV of the 2002 Regulations may make such enquiries and investigations as may be necessary, consistent with enforcement powers elsewhere in the 2002 Regulations.

Regulation 2(11) corrects a defect in Schedule 5, making it clear that specified risk material from an animal slaughtered under the ‘Over Thirty Months Scheme’ may be mixed with other material from the same animal, for disposal.

This instrument is being issued free of charge to all known recipients of the 2002 Regulations. A Regulatory Impact Assessment has not been prepared in respect of these Regulations.