

SCHEDULE 1

Regulation 2

Instruments relevant to the Community TSE Regulation

The Community TSE Regulation has been amended by, and shall be read with—

- (a) Commission Regulation (EC) No. 1248/2001 amending Annexes III, X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemic surveillance and testing of transmissible spongiform encephalopathies ^{M1};
- (b) Commission Regulation (EC) No. 1326/2001 laying down transitional measures to permit the changeover to Regulation (EC) No. 999/2001 of the European Parliament and of the Council for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation ^{M2};
- (c) Commission Regulation (EC) No. 270/2002 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards specified risk material and epidemic surveillance for transmissible spongiform encephalopathies and amending Regulation (EC) No. 1326/2001 as regards animal feeding and placing on the market of ovine and caprine animals and products thereof ^{M3};
- (d) Commission Regulation (EC) No. 1494/2002 amending Annexes III, VII and XI to Regulation (EC) No. 999/2001 of the European Parliament and the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk materials and rules for importation of live animals and products of animal origin ^{M4};
- (e) Commission Regulation (EC) No. 260/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the eradication of transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos ^{M5};
- (f) Commission Regulation (EC) No. 650/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the import of live ovine and caprine animals ^{M6};
- (g) Commission Regulation (EC) No. 1053/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests ^{M7};
- (h) Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ^{M8};
- (i) Regulation (EC) No. 1128/2003 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 as regards the extension of the period for transitional measures ^{M9};
- (j) Commission Regulation (EC) No. 1139/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring programmes and specified risk material ^{M10};
- (k) Commission Regulation (EC) No. 1234/2003 amending Annexes I, IV and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council and Regulation (EC) No. 1326/2001 as regards transmissible spongiform encephalopathies and animal feeding ^{M11};

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Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

- (l) Commission Regulation (EC) No. 1809/2003 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rules for importation of live bovine animals and products of bovine, ovine and caprine origin from Costa Rica and New Caledonia ^{M12};
- (m) Commission Regulation (EC) No. 1915/2003 amending Annexes VII, VIII and IX to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the trade and import of ovine and caprine animals and the measures following the confirmation of transmissible spongiform encephalopathies in bovine, ovine and caprine animals ^{M13};
- (n) Commission Regulation (EC) No. 2245/2003 amending Annex III to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine and caprine animals ^{M14};
- (o) Commission Regulation (EC) No. 876/2004 amending Annex VIII to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards trade in ovine and caprine animals for breeding ^{M15};
- (p) Commission Regulation (EC) No. 1471/2004 amending Annex XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the import of cervid products from Canada and the United States ^{M16};
- (q) Commission Regulation (EC) No. 1492/2004 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in bovine, ovine and caprine animals, the trade and importation of semen and embryos of ovine and caprine animals and specified risk material ^{M17};
- (r) Commission Regulation (EC) No. 1993/2004 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards Portugal ^{M18};
- (s) Commission Regulation (EC) No. 36/2005 amending Annexes III and X to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance for transmissible spongiform encephalopathies in bovine, ovine and caprine animals ^{M19};
- (t) Commission Regulation (EC) No. 214/2005 amending Annex III to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in caprine animals ^{M20};
- (u) Commission Regulation (EC) No. 260/2005 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests ^{M21};
- (v) Regulation (EC) No. 932/2005 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures ^{M22};
- (w) Commission Decision 2005/598/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 ^{M23};
- (x) Commission Regulation (EC) No. 1292/2005 amending Annex IV to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards animal nutrition ^{M24};

- (y) Commission Regulation (EC) No. 1974/2005 amending Annexes X and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards national reference laboratories and specified risk material ^{M25};
- (z) Commission Regulation (EC) No. 253/2006 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards rapid tests and measures for the eradication of TSEs in ovine and caprine animals ^{M26};
- (aa) Commission Regulation (EC) No. 339/2006 amending Annex XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the rules for importation of live bovine animals and products of bovine, ovine and caprine origin ^{M27};
- (bb) Commission Regulation (EC) No. 657/2006 amending Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the United Kingdom and repealing Council Decision 98/256/EC and Decisions 98/351/EC and 1999/514/EC^{M28}.
- (cc) Commission Regulation (EC) No. 688/2006 amending Annexes III and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards the monitoring of transmissible spongiform encephalopathies and specified risk material of bovine animals in Sweden ^{M29}; and
- (dd) Commission Regulation (EC) No. 1041/2006 amending Annex III to Regulation (EC) No. 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine animals ^{M30}.

Marginal Citations

- M1** O.J. No. L 173, 27.6.01, p.12.
- M2** O.J. No. L 177, 30.6.01, p.60.
- M3** O.J. No. L 45, 15.2.02, p.4.
- M4** O.J. No. L 225, 22.8.02, p.3.
- M5** O.J. No. L 37, 13.2.03, p.7.
- M6** O.J. No. L 95, 11.4.03, p.15.
- M7** O.J. No. L 152, 20.6.03, p.8.
- M8** O.J. No. L 236, 23.9.03, p.33.
- M9** O.J. No. L 160, 28.6.03, p.1.
- M10** O.J. No. L 160, 28.6.03, p.22.
- M11** O.J. No. L 173, 11.7.03, p.6.
- M12** O.J. No. L 265, 16.10.03, p.10.
- M13** O.J. No. L 283, 31.10.03, p.29.
- M14** O.J. No. L 333, 20.12.03, p.28.
- M15** O.J. No. L 162, 30.4.04, p.52.
- M16** O.J. No. L 271, 19.8.04, p.24.
- M17** O.J. No. L 274, 24.8.04, p.3.
- M18** O.J. No. L 344, 20.11.04, p.12.
- M19** O.J. No. L 10, 13.1.05, p.9.
- M20** O.J. No. L 37, 10.2.05, p.9.
- M21** O.J. No. L 46, 17.2.05, p.31.
- M22** O.J. No. L 163, 23.6.05, p.1.
- M23** O.J. No. L 204, 5.8.05, p.22.
- M24** O.J. No. L 205, 6.8.05, p.3.
- M25** O.J. No. L 317, 3.12.05, p.4.
- M26** O.J. No. L 44, 15.2.06, p.9.
- M27** O.J. No. L 55, 25.2.06, p.5.
- M28**) O.J. No. L 116, 29.4.06, p.9.

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- M29** O.J. No. L 120, 5.5.06, p.10.
M30 O.J. No. L 187, 8.7.06, p.10.

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- M1** O.J. No. L 173, 27.6.01, p.12.
M2 O.J. No. L 177, 30.6.01, p.60.
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M8 O.J. No. L 236, 23.9.03, p.33.
M9 O.J. No. L 160, 28.6.03, p.1.
M10 O.J. No. L 160, 28.6.03, p.22.
M11 O.J. No. L 173, 11.7.03, p.6.
M12 O.J. No. L 265, 16.10.03, p.10.
M13 O.J. No. L 283, 31.10.03, p.29.
M14 O.J. No. L 333, 20.12.03, p.28.
M15 O.J. No. L 162, 30.4.04, p.52.
M16 O.J. No. L 271, 19.8.04, p.24.
M17 O.J. No. L 274, 24.8.04, p.3.
M18 O.J. No. L 344, 20.11.04, p.12.
M19 O.J. No. L 10, 13.1.05, p.9.
M20 O.J. No. L 37, 10.2.05, p.9.
M21 O.J. No. L 46, 17.2.05, p.31.
M22 O.J. No. L 163, 23.6.05, p.1.
M23 O.J. No. L 204, 5.8.05, p.22.
M24 O.J. No. L 205, 6.8.05, p.3.
M25 O.J. No. L 317, 3.12.05, p.4.
M26 O.J. No. L 44, 15.2.06, p.9.
M27 O.J. No. L 55, 25.2.06, p.5.
M28) O.J. No. L 116, 29.4.06, p.9.
M29 O.J. No. L 120, 5.5.06, p.10.
M30 O.J. No. L 187, 8.7.06, p.10.

SCHEDULE 2

Regulation 5

TSE monitoring

PART 1

Monitoring for TSE

Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has possession or control of the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation, or the body of any goat aged 18 months or over at death, shall—

- (a) within 24 hours from the time when the animal dies or is killed or the body comes into that person's possession or charge notify the Scottish Ministers; and
- (b) retain it until it has been collected by or on behalf of the Scottish Ministers,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Consignment and slaughter of over-age bovine animals

2. If a bovine animal was born or reared in the United Kingdom before 1st August 1996, it is an offence—

- (a) to consign it to a slaughterhouse for human consumption (whether the animal is alive or dead); or
- (b) to slaughter it for human consumption in a slaughterhouse.

Brain stem sampling of bovine animals

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III to the Community TSE Regulation is slaughtered shall—

- (a) take a sample of brain stem in accordance with point 1 of Chapter C of Annex X to the Community TSE Regulation; and
- (b) arrange for it to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Scottish Ministers shall, by means of a notice, notify the occupier of a slaughterhouse if a bovine animal comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III to the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III to the Community TSE Regulation, the Scottish Ministers may serve a notice on the occupier of a slaughterhouse requiring the occupier to sample and send for testing in accordance with sub paragraph (1) any bovine animal slaughtered there.

(4) The Scottish Ministers shall approve laboratories to test samples taken under this paragraph if they are satisfied that the laboratory—

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- (a) will carry out the testing in accordance with Chapter C of Annex X to the Community TSE Regulation;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse.

(5) In this paragraph “approved testing laboratory” means a laboratory approved under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority in that part of the United Kingdom to carry out the test.

Slaughter of bovine animals over 30 months of age

4.—(1) It is an offence for the occupier of a slaughterhouse to use the slaughterhouse to slaughter for human consumption a bovine animal aged over 30 months unless the Scottish Ministers have approved the Required Method of Operation (referred to in this Schedule as “RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP shall, as a minimum—

- (a) describe the procedures that will be followed to comply with Part 1 of this Schedule; and
- (b) describe all the systems and procedures specified in Part 2 of this Schedule.

(3) The Scottish Ministers shall approve the RMOP if they are satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with, and the occupier shall demonstrate this by means of an assessment of two days duration in which bovine animals are slaughtered (using bovine animals under 30 months old unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom^{M31}).

(4) If a bovine animal aged over 30 months is slaughtered for human consumption other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

Marginal Citations

M31 O.J. No. L 99, 20.4.96, p.14, as last amended by Commission Regulation (EC) No. 2109/2005 (O.J. No. L 337, 22.12.05, p.25).

Retention of products and disposal

5.—(1) In relation to any sampled bovine animal, the occupier of a slaughterhouse, hide market or tannery shall, for the purposes of point 6(3) of Part I of Chapter A of Annex III to the Community TSE Regulation and pending receipt of the test result, either—

- (a) retain all carcasses and all parts of the body (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with sub paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of that Part, if a positive result is received for a sampled bovine animal, the occupier of the slaughterhouse shall immediately dispose of—

- (a) the carcass and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under point 6(6) of that Part, the carcass and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part.

(3) If no sample has been sent to an approved testing laboratory for testing in accordance with paragraph 3 of this Schedule, or if a no test result is received, in respect of a bovine animal required to be tested under this Schedule, the occupier shall immediately dispose of—

- (a) the carcass and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation, the carcass and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part; and for the purposes of this sub paragraph “no test result” means a sample that an approved testing laboratory has certified cannot be tested for any reason.

(4) The Scottish Ministers may grant in writing a derogation under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation if they are satisfied that there is a system in place that prevents contamination between carcasses.

(5) In relation to any sampled sheep or goat, the occupier of a slaughterhouse, hide market or tannery shall—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III to the Community TSE Regulation, retain the carcass and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcass and all parts of the body (including the blood and the hide) in accordance with point 7(4) of that Part.

(6) Any person who fails to comply with sub paragraphs (1) to (3) or (5) is guilty of an offence.

Compensation

6.—(1) If a bovine animal slaughtered for human consumption tests positive, the Scottish Ministers shall pay compensation for the carcass and all parts of the body (including the blood and the hide) of—

- (a) that animal; and,
- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) In the case of a bovine animal for which a no test result (as described in paragraph 5(3)) is received the Scottish Ministers shall—

- (a) inform the owner in writing whether they intend to pay compensation for—
 - (i) the carcass and all parts of the body (including the blood and the hide) of that animal; and
 - (ii) if they are destroyed because of that no test result, the carcass and all parts of the body (including the blood but not the hide) of the animal immediately preceding it on the slaughter line and the two animals immediately following it; and
- (b) if they do not intend to pay compensation, give their reasons in writing, and the appeals procedure in regulation 10 applies.

(3) The compensation is the market value, established under the procedure in regulation 11, with the occupier paying any fee arising for nominating and employing a valuer.

(4) Compensation is not payable in any other case.

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Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

PART 2

Contents of an RMOP

Animal identification and separation

- 7.—(1) The RMOP shall describe the system that—
- (a) enables bovine animals born or reared in the United Kingdom before 1st August 1996 to be identified and ensures that they are not slaughtered for human consumption;
 - (b) enables bovine animals over 30 months of age but born on or after 1st August 1996 to be identified and ensures that they are sampled in accordance with this Schedule; and
 - (c) enables bovine animals specified in point 2(1) of Part I of Chapter A of Annex III to the Community TSE Regulation to be identified and ensures that they are sampled in accordance with this Schedule.
- (2) It shall also describe the system that ensures that bovine animals over 30 months of age are—
- (a) batched together before slaughter separately from those aged 30 months or under; and
 - (b) slaughtered in batches separately from those aged 30 months or under.

Brain stem sampling

- 8.—(1) The RMOP shall describe how the slaughterhouse occupier will ensure that there are—
- (a) sufficient staff trained and competent in the taking, labelling, packaging and dispatch of brain stem samples;
 - (b) hygienic facilities for sampling; and
 - (c) sampling procedures that do not jeopardise the hygienic production of meat intended for human consumption.
- (2) It shall describe how health and safety guidelines designed to minimise the risk of exposure of staff to BSE during brain stem sampling and packaging will be complied with.

Correlation of sample to carcass and all other parts of the body

9. The RMOP shall describe the system linking the brain stem sample of each bovine animal over 30 months of age to the carcass of that animal and all parts of the body of that animal (including the blood and the hide).

Retention of carcasses

10.—(1) The RMOP shall describe the system that ensures that all carcasses retained in accordance with paragraph 5(1) of this Schedule are retained in slaughter order either in a sealed or locked chiller or on a sealed or locked rail in an unsealed chiller pending the receipt of the test result.

(2) It shall describe how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcasses for the purposes of this Schedule.

Retention of parts of the body

11. The RMOP shall describe the system that ensures that all parts of the body (including the blood and the hide) are retained in accordance with paragraph 5(1) of this Schedule.

Disposal before receipt of the result

12. The RMOP shall describe the disposal arrangements for all carcasses and all parts of the body (including the blood and the hide) retained pending receipt of a test result but disposed of before the test result is received.

Other measures following sampling

13. The RMOP shall describe the systems in place that ensure that—
- (a) brain stem samples are packaged in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)^{M32};
 - (b) test results are received, either by fax or by other electronic means; and
 - (c) following a positive or a no test result (as described in paragraph 5(3)), everything required to be disposed of in accordance with point 6(4) or 6(5) of Part I of Chapter A of Annex III to the Community TSE Regulation or under this Schedule is identified and disposed of accordingly.

Marginal Citations

M32 ISBN 92-1-139097-4.

Removal of vertebral column

14. The RMOP shall describe the system that ensures that, in the case of a bovine animal for which a negative test result has been received—

- (a) those parts of the vertebral column that are specified risk material are not removed in the slaughterhouse; and
- (b) the meat containing that specified risk material is consigned to a cutting plant authorised under paragraph 13 of Schedule 6 to remove it.

SCHEDULE 3

Regulation 5

Control and eradication of TSE in bovine animals

Notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has possession or control of any bovine animal suspected of having a TSE shall immediately notify the Scottish Ministers and retain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any bovine animal suspected of having a TSE shall, with all practical speed, notify the Scottish Ministers.

(3) Any person (other than the Scottish Ministers) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Scottish Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

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Restriction of a notified animal

2. When a bovine animal is the subject of notification under paragraph 1 an inspector may serve a notice prohibiting its movement from the premises pending determination of whether or not it is suspected of having BSE.

Killing of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a bovine animal has BSE the inspector shall—

- (a) cause it to be killed on the holding immediately; or
- (b) remove its cattle passport and serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) ensure that its cattle passport is stamped “Not for human consumption” and serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) The inspector shall restrict the movement of other bovine animals in accordance with the second and fourth paragraphs of Article 12(1) of the Community TSE Regulation and Article 2(1) (a) of Commission Decision [2005/598/EC](#).

(3) In accordance with Article 12(3) of the Community TSE Regulation, if the suspect animal is killed on the holding, it is an offence to remove the body from that holding except in accordance with a written direction from an inspector.

(4) If the suspect animal is not killed immediately, its keeper shall dispose of its milk in such a way that it cannot be consumed by humans or animals except its own calf or animals kept for research purposes, and failure to comply with this sub paragraph is an offence.

Identification and restriction of progeny and cohorts

4.—(1) In accordance with Articles 12(1) and 13(2) of the Community TSE Regulation, if—

- (a) a veterinary inspector suspects that a bovine animal has BSE;
- (b) the monitoring of bovine animals under Schedule 2 or under Annex III to the Community TSE Regulation confirms that an animal is suspected of having BSE; or
- (c) the competent authority of another part of the United Kingdom or another member State notifies the Scottish Ministers that a bovine animal is suspected of having BSE,

an inspector shall identify—

- (i) if the suspect animal is female, all its progeny born within two years prior to, or after, clinical onset of the disease; and
- (ii) all its bovine cohorts born on or after 1st August 1996,

and for these purposes the animal's date of birth is the one shown on its cattle passport.

(2) An inspector shall serve notices prohibiting movement of the animals identified in accordance with sub-paragraph (1) from the holding on which they are kept or where the inspector suspects they may be kept (whether or not this is the same holding as that of the suspect animal) and remove their cattle passports.

(3) If the inspector cannot immediately identify the animals specified in sub paragraph (1) the inspector shall prohibit the movement of all bovine animals from the holding pending identification.

(4) Movements of restricted animals are only permitted in accordance with regulation 16.

Action following confirmation

5.—(1) In accordance with Article 13(1)(c) of, and point 2 of Annex VII to, the Community TSE Regulation, when it is confirmed that a bovine animal had BSE an inspector shall cause to be killed—

- (a) if the animal is female, all its progeny born within two years prior to, or after, clinical onset of the disease; and
- (b) in all cases, all the bovine animals in its cohort born on or after 1st August 1996 except where—
 - (i) an inspector is satisfied that the animal did not have access to the same feed as the animal in which BSE was confirmed; or
 - (ii) the animal is a bull that is kept at, and will not be removed from, a semen collection centre, but it is an offence to remove the animal from the centre except to be killed, and when it is killed the owner shall ensure that the carcase is completely destroyed, and failure to do so is an offence.

(2) If the animal is not killed on the holding, an inspector shall ensure that its cattle passport is stamped “Not for human consumption” and shall serve a notice directing the owner to consign it to other premises for killing as specified in the direction.

(3) If the test is negative the inspector shall remove all restrictions imposed because of the suspect animal and return the cattle passports.

(4) When an animal is killed under this paragraph, it is an offence to remove the body of the animal from the premises on which it was killed except in accordance with a written direction from an inspector.

Death while under restriction

6. If a bovine animal dies or is killed other than in accordance with Article 12(1) and (2) of the Community TSE Regulation while it is under restriction for any reason under this Schedule, the owner shall immediately notify the Scottish Ministers, and retain the body on the premises until the owner is directed in writing to move or dispose of it by an inspector, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

Placing on the market of progeny

7. Any person who places on the market a bovine animal in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

When compensation is payable

8. The Scottish Ministers shall pay compensation—
- (a) when an animal is killed under this Schedule;
 - (b) when an animal is to be killed under this Schedule, and has been valued for the purposes of compensation, but dies (or is killed for other reasons) after valuation; or
 - (c) where an animal is subject to a movement restriction under this Schedule and has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section 1 of Annex III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin ^{M33}, in which case compensation is the market value of the body (including the blood and the hide).

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

Marginal Citations

M33 O.J. No. L 139, 30.04.04, p.55. The revised text of Regulation (EC) No. 843/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

Amount of compensation payable

9.—(1) The compensation is the average price paid in Great Britain for that age and category of animal—

- (a) for a pedigree animal, in the previous six months; and
- (b) for any other bovine animal, in the previous month.

(2) A pedigree animal is one for which a pedigree certificate has been issued by a breeders' organisation or association that fulfils the conditions of Council Decision [84/247/EEC](#) laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species ^{M34}.

(3) The Scottish Ministers shall categorise animals as follows, and for the purposes of determining which category the animal falls into, the age of the animal is the age, as shown by its cattle passport, at the date on which the notice of intention to kill was served.

Categories

Male

Female

Beef Sector – non-pedigree animal

Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months—	Over 20 months—
Breeding bulls	Calved
Other	Not calved

Dairy Sector – non-pedigree animal

Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months—
	Calved
	Not calved

Beef Sector – pedigree animal

6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months (not calved)
	Calved under 36 months
	Calved 36 months and over

Dairy Sector – pedigree animal

Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months (not calved)
	Calved under 36 months
	Calved 36 months and over

Marginal Citations
M34 O.J. No. L 125, 12.05.1984, p.58.

Exceptions

10.—(1) Where the Scottish Ministers consider that the data to calculate the average price is inadequate, they may pay compensation at—

- (a) for animals in that category, the most recent previously calculated average price for which there was sufficient data to calculate the average price; or
- (b) for the individual animal, the market price.

(2) For buffalo or bison, compensation is the market price.

(3) The market price is the price that might reasonably have been obtained for the individual animal from a purchaser in the open market at the time of valuation if the animal was not required to be killed under this Schedule, calculated in accordance with regulation 11 and any fee for nominating the valuer and the valuer's fee shall be payable by the Scottish Ministers.

SCHEDULE 4

Regulation 5

Control and eradication of TSE in sheep and goats

Notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has possession or control of any sheep or goat suspected of having a TSE shall immediately notify the Scottish Ministers and retain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any sheep or goat suspected of having a TSE shall, with all practical speed, notify the Scottish Ministers.

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

(3) Any person (other than the Scottish Ministers) who examines the body of any sheep or goat, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE shall immediately notify the Scottish Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

Restriction of a notified animal

2.—(1) When a sheep or goat is the subject of notification under paragraph 1, a veterinary inspector may, pending determination of whether or not it is suspected of having a TSE, serve a notice prohibiting the movement of the animal from its holding and the movement of any other sheep or goat on to or from that holding.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

Killing of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a sheep or goat has a TSE, the inspector shall—

- (a) cause the animal to be killed on the holding immediately;
- (b) serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) serve a notice directing the owner to consign the animal to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) In accordance with Article 12(3) of the Community TSE Regulation, if the animal is killed on the holding, it is an offence to remove the body from the holding except in accordance with a written direction from an inspector.

Movement restrictions

4.—(1) For the purposes of point 3 of Annex VII to the Community TSE Regulation, and Article 12(1) of that Regulation, following suspicion of a TSE (whether in a live animal or through the monitoring under Annex III to the Community TSE Regulation), an inspector—

- (a) shall serve a notice—
 - (i) prohibiting the movement onto or from its holding of any sheep or goat on the same holding as the suspect animal if the inspector considers that the animal was exposed to a TSE on that holding; or
 - (ii) if the suspect animal came from another holding, and the inspector considers that the suspect animal may have been exposed to a TSE on that other holding, the inspector may serve such a notice on that other holding and on the holding the animal was on when it became a suspect animal, or only on the other holding; and
- (b) shall serve a notice prohibiting movement onto or from a holding where an animal specified in point 1(b) of Annex VII to the Community TSE Regulation is kept or where the inspector suspects such an animal is kept.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

Action where TSE is not confirmed

5. If it is confirmed that the animal did not have a TSE, an inspector shall remove all restrictions imposed because of the suspect animal.

Action following confirmation of TSE in sheep

6.—(1) When it is confirmed that a suspect sheep or the body of a sheep monitored under Annex III to the Community TSE Regulation has a TSE the Scottish Ministers, after—

- (a) carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and
- (b) sampling the animals to establish their genotype (if this is necessary),

shall decide which of the options set out in points 2(b)(i) and (ii) of Annex VII to the Community TSE Regulation they intend to exercise.

(2) They shall then serve a notice on the occupier of the holding identifying which of the options in those paragraphs they intend to exercise.

(3) The notice shall specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of any animals to be slaughtered for human consumption;
- (c) the identity of any animals that may be retained;
- (d) the identity of any ovum or embryo to be destroyed;
- (e) the time limit for complying with the notice; and
- (f) the right to apply for a derogation in accordance with paragraph 22(2).

(4) The appeals procedure in regulation 10 applies.

Action following confirmation of TSE in goats

7.—(1) If it is confirmed that a suspect goat, or a body of a goat monitored under Annex III to the Community TSE Regulation, has a TSE, the Scottish Ministers, after carrying out the inquiry specified in Article 13(1)(b) of that Regulation and in point 1(b) of Annex VII to that Regulation, shall serve on the occupier of the holding a notice of their intention to cause to be killed and destroyed all the goats on the holding and all embryos and ova from those animals in accordance with Article 13(1)(c) of, and point 2(b)(i) of Annex VII, to that Regulation.

(2) The appeals procedure in regulation 10 applies.

Action following confirmation of BSE in sheep or goats

8.—(1) If BSE is confirmed in a sheep or goat on a holding, the Scottish Ministers, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and point 1 of Annex VII to that Regulation, shall serve on the occupier of the holding a notice of their intention to cause to be killed and destroyed the animals, embryos and ova in accordance with Article 13(1)(c) of, and point 2(c) of Annex VII to, that Regulation.

(2) The appeals procedure in regulation 10 applies.

Time for appeals

9. The Scottish Ministers shall not cause to be killed any sheep or goat, or cause to be destroyed any ovum or embryo, under this Schedule until—

- (a) they have received written notification from the person on whom the notice is served that that person has no intention to proceed with an appeal; or
- (b) after the 21 day period for appeal under regulation 10 has expired; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

Killing and destruction following confirmation

10.—(1) An inspector shall ensure that all the animals specified for killing in the notice in paragraphs 6(2), 7(1) or 8(1) are killed and that all the ova and embryos specified for destruction in the notice are destroyed.

(2) If an animal is not killed on the holding, an inspector shall direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed under this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

Animals from another holding

11. For the purposes of point 2(b)(iii) of Annex VII to the Community TSE Regulation, if the animal with a TSE was introduced from another holding, the Scottish Ministers may act in accordance with this Schedule in relation to the holding of origin in addition to, or instead of, the holding on which a TSE was confirmed.

Common grazing

12. In the case of animals with a TSE on common grazing, the Scottish Ministers may limit a notice under paragraphs 6(2) or 7(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII to the Community TSE Regulation.

Multiple flocks on a holding

13. Where more than one flock is kept on a single holding, the Scottish Ministers may limit a notice under paragraphs 6(2) or 7(1) to an individual flock in accordance with point 2(b)(iii) of Annex VII to the Community TSE Regulation.

Subsequent occupiers

14. If there is a change in occupation of the holding, the previous occupier shall ensure that the subsequent occupier is made aware of the existence and contents of any notice served under this Schedule, and failure to do so shall be an offence.

Introduction of animals onto a holding

15. Any person who introduces an animal onto a holding in contravention of point 4 of Annex VII to the Community TSE Regulation is guilty of an offence.

Use of ovine germinal products

16. Any person who uses ovine germinal products in contravention of point 5 of Annex VII to the Community TSE Regulation is guilty of an offence.

Movement of animals from a holding

17. Any person who moves an animal from a holding in contravention of point 7 of Annex VII to the Community TSE Regulation is guilty of an offence.

Period of movement restrictions

18. For the purposes of point 8 of Annex VII to the Community TSE Regulation the relevant dates shall be established by the Scottish Ministers giving written notification of those dates to the occupier of the holding.

Death while under restriction

19. If any animal aged 18 months or over dies or is killed otherwise than in accordance with Article 12(1) and (2) of the Community TSE Regulation while it is under restriction for any reason under this Schedule or Annex VII to the Community TSE Regulation, the owner shall immediately notify the Scottish Ministers, and retain the body on the premises until the owner is directed in writing to move or dispose of it by the Scottish Ministers, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

Placing on the market of progeny of sheep or goats in which BSE is confirmed

20. Any person who places on the market any sheep or goat in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

Notification while the holding is under restriction

21.—(1) For the purposes of point 8(d) of Annex VII to the Community TSE Regulation, for the period that the holding is under restriction in accordance with point 8 of that Annex, if the owner intends to consign a sheep aged 18 months or more for slaughter for human consumption, the owner shall notify the Scottish Ministers at least four weeks before consignment.

(2) The owner shall not consign a sheep aged 18 months or more for killing or slaughter for human consumption except in accordance with a written direction from the Scottish Ministers.

(3) Failure to comply with this paragraph is an offence.

Derogations

22.—(1) The Scottish Ministers shall not exercise the option permitted under point 7(c) of Annex VII to the Community TSE Regulation.

(2) The occupier of a holding may apply to the Scottish Ministers asking them to permit before 1st January 2007 the introduction of non-pregnant ewe lambs of unknown genotype in accordance with paragraph 6 of that Annex VII.

(3) Upon application by the occupier of a holding, the Scottish Ministers may allow the occupier to exercise one or both of the options permitted under point 9 of that Annex VII.

(4) An application under this paragraph shall be in writing and shall set out in full the reasons for the application.

(5) The Scottish Ministers shall give the applicant their decision in writing, which shall state that they—

- (a) consent to the application; or
- (b) consent in part to the application; or
- (c) refuse the application.

(6) Unless the Scottish Ministers consent to the application in full, the appeals procedure in regulation 10 applies.

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

Compensation payable for animals killed as suspect animals

23.—(1) The Scottish Ministers shall pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

- (2) Where it is confirmed that the animal had a TSE, the compensation is—
- (a) £30 in the case of an animal at the end of its productive life; and
 - (b) £90 in any other case.
- (3) Where it is not confirmed that the animal had a TSE, the compensation is the higher of—
- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal had a TSE; and
 - (b) such sum as appears to the Scottish Ministers, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for animals killed or products destroyed following confirmation

24. The Scottish Ministers shall pay compensation to the owner of animals killed and products destroyed under this Schedule following confirmation of a TSE in accordance with the following provisions of this paragraph—

Compensation

<i>Animal or product</i>	<i>Compensation (£) A</i>	<i>Compensation (£) B</i>
Male sheep or goat	90	90
Female sheep ^(a) or goat	90	65
Lamb (under 12 months old) ^(b) or kid under (12 months old)	50	40
Embryo	150	150
Ovum	5	5

^(a)Where the Scottish Ministers have granted a derogation under point 9 of Annex VII to the Community TSE Regulation the compensation for a female sheep is £30 if it is killed after the first year of the derogation period.

^(b)Where the Scottish Ministers have granted a derogation in accordance with that point in respect of any ram in a flock, the compensation for any lamb in that flock killed after the first year of the period of derogation is £25.

Note on the rates

- (a) (a) The rate in Column A is payable if—
- (i) the owner notified the Scottish Ministers that an animal was suspected of being affected by a TSE in accordance with paragraph 1 before 10th March 2006, and the presence of a TSE was confirmed (whether before or after that date); and
 - (ii) the animal for which compensation is being paid was in the flock or herd before 10th March 2006; and
- (b) the rate in Column B is payable in all other cases.

Valuations

25.—(1) If the owner of an animal considers the compensation in paragraph 24 to be unreasonable the owner may notify the Scottish Ministers, and the procedure in regulation 11 applies, with the owner paying the fee for nominating the valuer and the valuer's fee.

(2) If the Scottish Ministers consider the compensation in paragraph 24 to be excessive in all the circumstances they may obtain a valuation of the animal in accordance with regulation 11, with the Scottish Ministers paying the fee for nominating the valuer and the valuer's fee.

(3) The valuer shall value the animal at the market price.

(4) The market price for sheep and goats is the price that might reasonably have been obtained for the individual animal at the time of valuation from a buyer in the open market if the animal was not from a flock affected by TSE.

SCHEDULE 5

Regulation 5

Feedingstuffs

PART 1

Restrictions on feeding proteins to animals

Prohibition on feeding animal protein to ruminants

1.—(1) For the purposes of Article 7 and point (b) of Part I of Annex IV to the Community TSE Regulation it is an offence to—

- (a) feed to any ruminant animal;
- (b) supply for feeding to any ruminant animal; or
- (c) permit any ruminant animal to have access to,

any animal protein (or anything containing animal protein) other than the proteins specified in point A(a) of Part II of Annex IV to that Regulation.

(2) It is an offence to bring onto any premises where ruminant animals are kept, or to possess on such premises, anything prohibited by this paragraph, other than—

- (a) food intended for human consumption;
- (b) in accordance with paragraph 3;
- (c) premises registered under paragraph 8(6), 10(5) or 12(8); or
- (d) where authorised by an inspector and suitable measures are in place to ensure that ruminant animals do not have access to it.

Prohibition on feeding animal protein to non-ruminants

2.—(1) For the purposes of Article 7(2) of, and point (a) of Part I of Annex IV to, the Community TSE Regulation it is an offence to—

- (a) feed to any pig, poultry, horse or any farmed non ruminant animal;
- (b) supply for feeding to any such animal; or
- (c) allow any such animal to have access to,

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

anything in relation to which this paragraph applies.

- (2) Subject to sub paragraph (3), the prohibition in sub paragraph (1) applies in relation to—
- (a) processed animal protein;
 - (b) gelatine of ruminant origin;
 - (c) blood products;
 - (d) hydrolysed protein;
 - (e) dicalcium phosphate and tricalcium phosphate of animal origin; and
 - (f) petfood containing animal protein.
- (3) The prohibition in sub paragraph (1) does not apply in relation to—
- (a) the protein specified in point A(a) of Part II of Annex IV to the Community TSE Regulation;
 - (b) fishmeal (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with the conditions in point B of that Part;
 - (c) dicalcium phosphate and tricalcium phosphate (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with the conditions in point C of that Part;
 - (d) blood products derived from non ruminants (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with the conditions in point D of that Part;
 - (e) in the case of feeding to fish, blood meal derived from non ruminants (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with the conditions in point D of that Part; and
 - (f) tuber and root crops (and feedingstuffs containing such products) in which bone spicules have been detected if authorised by the Scottish Ministers following a risk assessment in accordance with point A(d) of that Part.
- (4) In this paragraph “protein” includes any feedingstuffs containing animal protein.
- (5) It is an offence to bring onto any premises where any animals specified in sub paragraph (1) are kept anything prohibited by this paragraph, or to possess it on such premises other than—
- (a) food intended for human consumption;
 - (b) in accordance with paragraph 3; or
 - (c) where authorised by an inspector and suitable measures are in place to ensure that animals specified in sub paragraph (1) do not have access to it.

Exceptions

3. Paragraphs 1(2) and 2(5) do not apply to—
- (a) petfood for feeding to pets (including working dogs) on those premises;
 - (b) organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by products not intended for human consumption ^{M35} and the Animal By Products (Scotland) Regulations 2003 ^{M36} and paragraph 18,

provided that—

- (i) it is not fed to any farmed animals;
- (ii) it is not stored or handled in parts of the premises—

- (aa) to which farmed animals have access; or
- (bb) where feedingstuffs for farmed animals are stored or handled;
- (iii) it does not come into contact with—
 - (aa) feedingstuffs permitted to be fed to farmed animals; or
 - (bb) handling equipment used in connection with any such feedingstuffs; and
- (iv) farmed animals do not have access to petfood at any time and do not have access to organic fertiliser or soil improver until it has been applied to the land and the no grazing period specified in regulation 11(1) of the Animal By Products (Scotland) Regulations 2003 has expired.

Marginal Citations

M35 O.J. No. L 273, 10.10.02, p.1 as last amended by Commission Regulation (EC) No. 209/2006 (O.J. No. L 36, 8.2.06, p.25).

M36 [S.S.I. 2003/411](#), amended by [S.S.I. 2006/3](#).

Movement prohibitions and restrictions of animals

4. Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to—

- (a) specified risk material;
- (b) any material which the inspector has reasonable grounds to believe carries the risk of TSE infectivity; or
- (c) animal protein for which the inspector cannot establish the origin or the TSE infectivity risk,

the inspector may serve a notice on the owner or person in charge of the animal prohibiting or restricting the movement of the animal from the premises described in the notice.

Killing of animals

5.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 4, the inspector may serve a notice on the owner or person in charge of the animal in accordance with this paragraph.

- (2) The notice may either—
 - (a) require the owner or person in charge of the animal to kill it and dispose of it as specified in the notice; or
 - (b) require the owner or person in charge of the animal to keep it on such premises and in such manner as the notice provides, in which case the inspector shall ensure that the cattle passport of any bovine animal is stamped with the words “Not for human consumption”.

Compensation

6.—(1) Where an animal is killed under paragraph 5, the Scottish Ministers may pay compensation if they consider it appropriate in all the circumstances and shall give their decision on whether or not to pay compensation in writing.

(2) The compensation is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee for nominating the valuer and the valuer's fee.

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

(3) The appeals procedure in regulation 10 applies in relation to the decision of the Scottish Ministers.

Slaughter or sale for human consumption

7. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal the passport for which has been stamped under paragraph 5.

PART 2

Production of protein and feedingstuffs

Fishmeal for feeding to non-ruminant farmed animals

8.—(1) Any person producing fishmeal intended for feeding to non ruminant farmed animals shall do so in accordance with point B(a) of Part II of Annex IV to the Community TSE Regulation.

(2) Any person producing feedingstuffs containing fishmeal intended for feeding to non ruminant farmed animals shall do so—

- (a) in accordance with point B(c) of that Part, in premises authorised by the Scottish Ministers for the purposes of that point;
- (b) in accordance with point B(c)(i) of that Part, for home compounders registered by the Scottish Ministers for the purposes of that point; or
- (c) in accordance with point B(c) (ii) of that Part, in premises authorised by the Scottish Ministers for the purposes of that point.

(3) Any person packaging the feedingstuffs shall label them in accordance with point B(d) of that Part, and any documentation accompanying the feedingstuffs shall be in accordance with that point.

(4) Any person transporting the feedingstuffs in bulk shall do so in accordance with the first sentence of point B(e) of that Part.

(5) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants shall comply with the second sentence of point B(e) of that Part.

(6) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point B(f) of that Part unless the Scottish Ministers are satisfied that the provisions of the second paragraph of that point are complied with and have registered the farm under that paragraph.

Offences relating to fishmeal and feedingstuffs containing fishmeal

9.—(1) Failure to comply with paragraph 8 is an offence.

(2) It is an offence for a home compounder registered under paragraph 8(2)(b) to—

- (a) keep ruminant animals;
- (b) consign feedingstuffs containing fishmeal (whether complete or partly complete) produced by the home compounder from the home compounder's holding; or
- (c) use feedingstuffs containing fishmeal with a crude protein content of 50% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point B(c)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are kept in separate facilities in accordance with the first indent of that point;

- (b) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non ruminant farmed animals

10.—(1) Any person producing feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non ruminant farmed animals shall do so—

- (a) in accordance with point C(a) of Part II of Annex IV to the Community TSE Regulation, in an establishment authorised by the Scottish Ministers for the purposes of that point;
- (b) in accordance with point C(a)(i) of that Part, for home compounders registered by the Scottish Ministers for the purposes of that point; or
- (c) in accordance with point C(a)(ii) of that Part in an establishment authorised by the Scottish Ministers for the purposes of that point.

(2) Any person packaging the feedingstuffs shall label them in accordance with point C(b) of that Part, and any documentation accompanying the feedingstuffs shall be in accordance with that point.

(3) Any person transporting those feedingstuffs in bulk shall do so in accordance with the first sentence of point C(c) of that Part.

(4) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants shall comply with the second sentence of point C(c) of that Part.

(5) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point C(d) of that Part unless the Scottish Ministers are satisfied that the provisions of the second paragraph of that point are complied with and have registered the farm under that paragraph.

Offences relating to feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals

11.—(1) Failure to comply with paragraph 10 is an offence.

(2) It is an offence for a home compounder registered under paragraph 10(1)(b) to—

- (a) keep ruminant animals;
- (b) consign feedingstuffs containing dicalcium phosphate or tricalcium phosphate (whether complete or partly complete) from the home compounder's holding; or
- (c) use feedingstuffs containing dicalcium phosphate or tricalcium phosphate with a phosphorus content of 10% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point C(a)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the first indent of that point;
- (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Blood products and blood meal

12.—(1) Any person who produces—

- (a) blood products, or feedingstuffs containing blood products, intended for feeding to non-ruminant farmed animals; or

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

(b) blood meal, or feedingstuffs containing blood meal, intended for feeding to fish, shall ensure that the blood comes from a slaughterhouse that is registered with the Scottish Ministers for the purposes of point D(a) of Part II of Annex IV to the Community TSE Regulation and that either—

- (i) is not used to slaughter ruminants; or
- (ii) has in place a control system in accordance with the second paragraph of point D(a) of that Part to ensure that ruminant blood is kept separate from non ruminant blood, and has been authorised for the purpose by the Scottish Ministers.

(2) The occupier of the slaughterhouse shall consign the blood in accordance with point D(a) of Part II of Annex IV to the Community TSE Regulation, and any transporter shall transport it in accordance with that point.

(3) Any person producing blood products or blood meal shall do so in accordance with either the first or the second paragraph of point D(b) of that Part.

- (4) Any person producing feedingstuffs containing blood products or blood meal shall do so—
- (a) in accordance with point D(c) of that Part, in an establishment authorised by the Scottish Ministers for the purposes of that point;
 - (b) in accordance with point D(c)(i) of that Part, for home compounders registered by the Scottish Ministers for the purposes of that point; or
 - (c) in accordance with point D(c)(ii) of that Part, in an establishment authorised by the Scottish Ministers for the purposes of that point.

(5) Any person packaging the feedingstuffs shall label them in accordance with point D(d) of that Part, and any documentation accompanying the feedingstuffs shall be in accordance with that point.

(6) Any person transporting the feedingstuffs in bulk shall do so in accordance with the first sentence of point D(e) of that Part.

(7) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants shall comply with the second sentence of point D(e) of that Part.

(8) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point D(f) of that Part unless the Scottish Ministers are satisfied that the provisions of the second paragraph of that point are complied with and have registered the farm under that paragraph.

Offences relating to feedingstuffs containing blood products or blood meal

13.—(1) Failure to comply with paragraph 12 is an offence.

(2) It is an offence for any person collecting blood in accordance with the second paragraph of point D(a) of Part II of Annex IV to the Community TSE Regulation to fail to—

- (a) slaughter animals in accordance with the first indent of that paragraph;
- (b) collect, store, transport or package blood in accordance with the second indent of that paragraph; or
- (c) regularly sample and analyse blood in accordance with the third indent of that paragraph.

(3) It is an offence for any person producing blood products or blood meal in accordance with the second paragraph of point D(b) of that Part to fail to—

- (a) ensure that the blood is processed in accordance with the first indent of that paragraph;
- (b) keep raw material and finished product in accordance with the second indent of that paragraph; or
- (c) sample in accordance with the third indent of that paragraph.

(4) It is an offence for any person producing feedingstuffs in accordance with point D(c)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs are manufactured in accordance with the first indent of that point;
- (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

(5) It is an offence for a home compounder registered under paragraph 12(4)(b) to—

- (a) keep ruminant animals where blood products are used;
- (b) keep animals other than fish where blood meal is used;
- (c) consign feedingstuffs containing blood products or blood meal (whether complete or partly complete) from the home compounder's holding; or
- (d) use feedingstuffs containing blood products or blood meal with a total protein content of 50% or more in the production of complete feedingstuffs.

Change in use of equipment

14. It is an offence to use equipment used to produce feedingstuffs for non ruminant animals under paragraph 8, 10 or 12, for the production of feedingstuffs for ruminant animals, unless authorised in writing by an inspector.

Conditions applying to the storage and transport of bulk quantities of protein products and feedingstuffs containing such proteins

15.—(1) It is an offence to store or transport—

- (a) bulk processed animal protein (other than fishmeal); or
- (b) bulk products, including feedingstuffs, organic fertilisers, and soil improvers containing such proteins,

except in accordance with point C(a) of Part III of Annex IV to the Community TSE Regulation.

(2) It is an offence to store or transport bulk fishmeal, bulk dicalcium phosphate, bulk tricalcium phosphate, blood products derived from non ruminants or blood meal derived from non ruminants, except in accordance with points C(b) and C(c) of Part III of Annex IV to the Community TSE Regulation.

(3) In addition to the requirements of sub paragraphs (1) and (2), it is an offence to transport bulk processed animal protein or any of the materials specified in sub paragraph (2) unless the transporter is registered with the Scottish Ministers for that purpose.

Conditions applying to the manufacture and transport of petfood or feedingstuffs

16.—(1) It is an offence to manufacture, store, transport or package feedingstuffs, including petfood, that contain blood products of ruminant origin or processed animal protein, other than fishmeal, except in accordance with point D of Part III of Annex IV to the Community TSE Regulation.

(2) It is an offence to manufacture or transport petfood containing dicalcium or tricalcium phosphate or blood products of non ruminant origin except in accordance with point D of that Part.

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

Export of processed animal protein to third countries

17.—(1) In accordance with point E(1) of Part III of Annex IV to the Community TSE Regulation it is an offence to export processed animal proteins derived from ruminants, and anything containing such proteins.

(2) It is an offence to export processed animal proteins derived from non ruminants (and anything containing such proteins) except in accordance with point E(2) of that Part and an agreement in writing between the United Kingdom and the competent authority of the third country.

Fertilisers

18.—(1) It is an offence to sell or supply for use as a fertiliser on agricultural land, or to possess with the intention of such sale or supply, any—

- (a) mammalian protein (other than ash) derived from animal by products classified as Category 2 material in Regulation (EC) No. 1774/2002; or
- (b) ash derived from the incineration of animal by products classified as Category 1 material in that Regulation.

(2) It is an offence to use anything prohibited in sub paragraph (1) on agricultural land as a fertiliser.

(3) In this paragraph—

- (a) “agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture; and
- (b) “agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodland, and horticulture (except the propagation of plants and the growing of plants within greenhouses, glass structures or plastic structures).

Record keeping for transport etc. of reject petfood

19.—(1) Any person who supplies, transports or receives any petfood containing animal protein that is not intended for use as petfood shall—

- (a) record—
 - (i) the name of the manufacturer;
 - (ii) the date of supply and receipt;
 - (iii) the premises of origin and destination;
 - (iv) the quantity of petfood; and
 - (v) the nature of the animal protein contained in the petfood; and
- (b) keep those records for 2 years.

(2) The consignor shall ensure that the petfood is labelled with the information referred to in sub paragraph (1) or is accompanied by documentation that contains that information.

(3) Any person who fails to comply with this paragraph is guilty of an offence.

Cross-contamination of materials originating from premises where processed animal proteins (except fishmeal) are in use

20. It is an offence to supply an ingredient of a feedingstuff if that ingredient is produced on premises where any processed animal protein (except fishmeal) is used in any manufacturing process unless the label or accompanying documentation indicates this.

Registration of home compounders and transporters

21.—(1) The Scottish Ministers shall register home compounders and transporters under this Schedule if they are satisfied that the provisions of the Community TSE Regulation and these Regulations will be complied with.

(2) The registration shall be in writing, and shall specify—

- (a) the name of the home compounder or transporter;
- (b) the address of their premises; and
- (c) the purpose for which it is granted.

(3) It may be made subject to such conditions as are necessary to—

- (a) ensure that the provisions of the Community TSE Regulation and these Regulations will be complied with; and
- (b) protect public or animal health.

(4) If the Scottish Ministers refuse to register a home compounder or transporter or grant registration subject to conditions—

- (a) they shall—
 - (i) give their reasons in writing; and
 - (ii) explain the right of the applicant to make written representations to a person appointed by the Scottish Ministers; and
- (b) the appeals procedure in regulation 10 applies.

Duties of home compounders and transporters

22. Any home compounder or transporter registered under this Schedule who fails to ensure that—

- (a) any condition of the registration; and
- (b) the requirements of the Community TSE Regulation and these Regulations,

are complied with is guilty of an offence.

Suspension and amendment of registration of home compounders and transporters

23.—(1) The Scottish Ministers may suspend or amend any registration granted under this Schedule if—

- (a) any of the conditions under which it was granted is not fulfilled; or
- (b) they are satisfied that the provisions of the Community TSE Regulation or these Regulations are not being complied with.

(2) A suspension or amendment—

- (a) shall have immediate effect if the Scottish Ministers consider it necessary for the protection of public or animal health; and
- (b) otherwise, shall not have effect for at least 21 days from notification of the suspension or amendment.

(3) Notification of the suspension or amendment shall—

- (a) be in writing;
- (b) state when it comes into effect;
- (c) give the reasons; and

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

- (d) explain the right of the person who has been notified to make written representations to a person appointed by the Scottish Ministers.
- (4) The appeals procedure in regulation 10 applies.
- (5) If the suspension or amendment does not have immediate effect and representations are made under regulation 10, the suspension or amendment shall not have effect until the final determination of the appeal by the Scottish Ministers unless they consider that it is necessary for the protection of public or animal health for the suspension or amendment to have effect before then.

Revocation of registration of home compounders and transporters

24.—(1) The Scottish Ministers may revoke any registration of a home compounder or transporter granted under this Schedule if they are not satisfied that the Community TSE Regulation or these Regulations will be complied and if—

- (a) the registration is currently suspended and the period for appeal under regulation 10 has expired or they have upheld the suspension following such appeal;
- (b) they have previously suspended it and there is further non compliance with the Community TSE Regulation or these Regulations; or
- (c) they are satisfied that the transporter or home compounder no longer requires to be registered for the purpose for which registration was granted.

(2) If the Scottish Ministers make a revocation under paragraph (1)(b) or (c) the appeals procedure in regulation 10 applies but the revocation remains in force during that appeals procedure.

Savings

25. Any registration of premises for the production of feedingstuffs containing dicalcium phosphate for feeding to farmed animals other than ruminants granted under regulation 24(3) of the TSE (Scotland) Regulations 2002 ^{M37} and in force immediately before the coming into force of these Regulations shall have effect as if it was an authorisation to use an establishment for the production of feedingstuffs containing dicalcium phosphate granted under paragraph 10(1)(a) or (c) of this Schedule.

Marginal Citations

M37 [S.S.I. 2002/255](#), relevant amending instrument is [S.S.I. 2005/469](#).

[^{F1}SCHEDULE 6

Regulation 5

Specified risk material, mechanically separated meat and slaughtering techniques

Textual Amendments

F1 [Sch. 6](#) substituted (26.4.2008) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Amendment Regulations 2008 \(S.S.I. 2008/166\)](#), reg. 1, [sch.](#)

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Functions of the Food Standards Agency

1.—(1) The Food Standards Agency shall carry out the duties of the member State set out in point 11.1 and point 11.2 of Annex V to the amended Community TSE Regulation in relation to this Schedule and shall grant authorisations for the purposes of point 4.3(a) of that Annex.

(2) The Food Standards Agency may appoint as inspectors such persons (whether or not officers of the Agency) as they consider necessary for the purpose of enforcing Annex V to the amended Community TSE Regulations and this Schedule within a slaughterhouse or cutting plant.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) An inspector appointed in accordance with sub-paragraph (2) shall have the powers set out in regulations 13, 14, 15 and 16, and regulations 13(2) and (3), 14(2) and (3), 15(4) to (7) and 16(2) shall apply accordingly, with references to “the Scottish Ministers” or “the local authority” being construed as references to the Food Standards Agency.

Training

2.—(1) The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with the duties contained in this Schedule; and

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(b) keep records of each person's training for as long as that person works there.

(2) Any person who fails to comply with this paragraph is guilty of an offence.

Mechanically separated meat

3.—(1) Any person who fails to comply with point 5 of Annex V to the amended Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph “mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

Pithing

4. Any person who fails to comply with point 6 of Annex V to the amended Community TSE Regulation (measures concerning laceration of tissues) is guilty of an offence.

Tongue harvesting

5. Any person who fails to comply with point 7 of Annex V to the amended Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

Head meat harvesting

6. Any person who fails to comply with point 8.1 of Annex V to the amended Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

Removal of specified risk material

7.—(1) Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4.1 or point 4.3(a) of Annex V to the amended Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or
- (b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

Bovine animals in a slaughterhouse

8.—(1) When a bovine animal is slaughtered in a slaughterhouse, or the carcass of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) The occupier of the slaughterhouse must consign any carcass containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);

- (b) a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country; or
- (c) another member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.

(3) The occupier of the slaughterhouse must identify a carcase containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation and provide information in accordance with point 11.3(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97, except in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation.

(5) Any person who fails to comply with this paragraph is guilty of an offence.

Sheep and goats in a slaughterhouse

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of a slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier of the slaughterhouse must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the carcase—
 - (i) to a cutting plant authorised under paragraph 12(1)(b);
 - (ii) to a cutting plant located in another country of the United Kingdom and authorised under the corresponding provision applicable in that country; or
 - (iii) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, to a cutting plant in another member State provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State, and the dispatch is in accordance with that agreement.

(3) In sub-paragraph (2)(b)(iii), “cutting plant” means premises—

- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
- (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.

(4) Any person who fails to comply with this paragraph is guilty of an offence.

Young lamb and goat stamps

10.—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation, if any, relating to the animal does not indicate that it is aged over 12 months at slaughter.

(2) The stamp must mark the carcase with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “MHS”; and
- (b) in the case of a sheep, “YL”; or

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Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

(c) in the case of a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess equipment for applying it.

Removal of spinal cord from sheep and goats

11. It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

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

Authorisation of cutting plants by the Food Standards Agency

12.—(1) The Food Standards Agency may authorise a cutting plant to remove—

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the amended Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, with references to the Scottish Ministers being construed as references to the Food Standards Agency.

Removal of specified risk material at a cutting plant authorised under paragraph 12(1)

13.—(1) The occupier of a cutting plant authorised under paragraph 12(1) shall ensure that as soon as reasonably practicable after a carcass arrives at a plant, and in any event before meat derived from that carcass leaves the plant, all specified risk material of the kind to which the authorisation relates is removed from the carcass.

(2) Any person who fails to comply with this paragraph is guilty of an offence.

(3) In sub paragraph (1), “carcass” means—

- (a) a carcass;
- (b) a half carcass;
- (c) a half carcass cut into no more than three wholesale cuts; and
- (d) quarters,

containing no specified risk material other than vertebral column.

Meat from another member State

14.—(1) For the purposes of point 10.1 and point 10.2 of Annex V to the amended Community TSE Regulation, where a carcass containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Scotland from another member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a).

(2) Any person who fails to comply with this paragraph is guilty of an offence.

Staining and disposal of specified risk material

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the amended Community TSE Regulation (marking and disposal) is guilty of an offence.

(2) For the purposes of that point—

(a) staining involves treating the material (whether by immersion, spraying or other application) with—

(i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051), or

(ii) such other colouring agent as may be approved in writing by the Scottish Ministers or the Food Standards Agency; and

(b) the stain must be applied in such a way that the colouring is and remains clearly visible—

(i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and

(ii) in the case of all other specified risk material, over the whole surface of the material.

(3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the amended Community TSE Regulation.

Scheme animals

16.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom, the remainder (excluding the hide) must immediately be stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Any person who fails to comply with this paragraph is guilty of an offence.

Security of specified risk material

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

(a) containing specified risk material; or

(b) Category 1 animal by-products and including the words “For disposal only”.

(2) The occupier of the premises must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Any person who fails to comply with this paragraph is guilty of an offence.

Prohibition on the dispatch of heads and un-split carcasses to other member States

18. Subject to point 10.2 of Annex V to the amended Community TSE Regulation, any person who, in the absence of an agreement of the kind specified in point 10.1 of that Regulation, dispatches any head or un-split carcass containing specified risk material to another member State is guilty of an offence.

Prohibition on the supply of specified risk material for human consumption

19. It is an offence to sell or supply—

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

Transitional provisions

20.—(1) Until 24th May 2008, nothing in this Schedule precludes consignment to a butcher shop that was, on 25th April 2008, authorised and registered under paragraph 14 of this Schedule as it was on that date, of a carcass which—

- (a) has not been brought into Scotland from another member State;
- (b) is derived from a bovine animal that was—
 - (i) slaughtered no later than 25th April 2008, and
 - (ii) aged 30 months or less at slaughter; and
- (c) contains those parts of the vertebral column that are specified risk material.

(2) The occupier of a butcher shop of the kind referred to in sub paragraph (1) commits an offence unless before the appropriate time they remove from a carcass consigned to the occupier in accordance with that sub-paragraph those parts of the vertebral column that are specified risk material.

(3) Local authorities shall carry out the duties on the member State in point 11.1 and 11.2 of Annex V to the amended Community TSE Regulation in relation to the removal of vertebral column in accordance with sub-paragraph (2).

(4) Until 24th May 2008, nothing in this Schedule precludes consignment to a cutting plant (whether or not authorised under paragraph 12(1)(a)) of a carcass which—

- (a) has not been brought into Scotland from another member State;
- (b) is derived from a bovine animal that was—
 - (i) slaughtered no later than 25th April 2008, and
 - (ii) aged 30 months or less at slaughter; and
- (c) contains those parts of the vertebral column that are specified risk material.

(5) The occupier of a cutting plant of the kind referred to in sub paragraph (4) commits an offence unless before the appropriate time they remove from a carcass consigned to the occupier in accordance with that sub-paragraph those parts of the vertebral column that are specified risk material.

(6) In paragraph (2) and (5), “the appropriate time” is the earlier of—

- (a) the time at which the carcass in question leaves the premises; and
- (b) 00.01 hours on 1st June 2008.

(7) For the purposes of this paragraph and paragraphs 15, 17 and 19 in so far as they apply in relation to specified risk material removed in accordance with sub-paragraph (2) or (5), “specified risk material” has the meaning given to it in Article 3.1(g) of the Community TSE Regulation as amended by Commission Regulation [\(EC\) No. 722/2007](#).

Definitions of Community legislation

21. In this Schedule—

“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human

consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#);

“Regulation 853/2004” means Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means Commission Regulation (EC) No. [1688/2005](#) implementing Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;

“Regulation 2074/2005” means Commission Regulation (EC) No. [2074/2005](#) laying down implementing measures for certain products under Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council and Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council, derogating from Regulation (EC) No. [852/2004](#) of the European Parliament and of the Council and amending Regulations (EC) No. [853/2004](#) and (EC) No. [854/2004](#);

“Regulation 2075/2005” means Commission Regulation (EC) No. [2075/2005](#) laying down specific rules on official controls for *Trichinella* in meat;

“Regulation 2076/2005” means Commission Regulation (EC) No. [2076/2005](#) laying down transitional arrangements for the implementation of Regulations (EC) No. [853/2004](#), (EC) No. [854/2004](#) and (EC) No. [882/2004](#) of the European Parliament and of the Council and amending Regulations (EC) No. [853/2004](#) and (EC) No. [854/2004](#);

“Regulation 1664/2006” means Commission Regulation (EC) No. [1664/2006](#) amending Regulation (EC) No. [2074/2005](#) as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures;

“Regulation 1665/2006” means Commission Regulation (EC) No. [1665/2006](#) amending Regulation (EC) No. [2075/2005](#) laying down specific rules on official controls for *Trichinella* in meat;

“Regulation 1791/2006” means Council Regulation (EC) No. [1791/2006](#) adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania;

“Regulation 1243/2007” means Commission Regulation (EC) No. [1243/2007](#) amending Annex III to Regulation (EC) No. [853/2004](#) of the European Parliament and the Council laying down specific hygiene rules for food of animal origin;

“Regulation 1244/2007” means Commission Regulation (EC) No. [1244/2007](#) amending Regulation (EC) No. [2074/2005](#) as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat;

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

“Regulation 1245/2007” means Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005 as regards the use of liquid pepsin for the detection of *Trichinella* in meat; and

“Regulation 1246/2007” means Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption.]

SCHEDULE 7

Regulation 5

Restrictions on dispatch to other member States and to third countries

Restrictions on dispatch to other member States and to third countries

1. It is an offence for any person to dispatch, or offer to dispatch, to other member States or to third countries—

- (a) bovine animals born or reared in the United Kingdom before 1st August 1996;
- (b) meat or products derived from bovine animals born or reared in the United Kingdom after 31st July 1996 and slaughtered before 15th June 2005; or
- (c) vertebral column from bovine animals born or reared in the United Kingdom after 31st July 1996 and slaughtered before 2nd May 2006 and products derived from such vertebral column.

Exports to third countries

[^{F2}2. Any person who fails to comply with point 10.3 of Annex V to the amended Community TSE Regulation is guilty of an offence.]

Textual Amendments

- F2** Sch. 7 para. 2 substituted (26.4.2008) by [The Transmissible Spongiform Encephalopathies \(Scotland\) Amendment Regulations 2008 \(S.S.I. 2008/166\)](#), regs. 1, **2(5)**

SCHEDULE 8

Regulation 21

Miscellaneous Amendments

The Animal By-Products (Scotland) Regulations 2003

1. In the definition of “inspector” in regulation 2 of the Animal By-Products (Scotland) Regulations 2003 ^{M38}, for “and” substitute “or”.

Marginal Citations

- M38** [S.S.I. 2003/411](#), amended by [S.S.I. 2006/3](#).

The Feeding Stuffs (Scotland) Regulations 2005

- 2.—(1) The Feedingstuffs (Scotland) Regulations 2005 ^{M39} are amended as follows.
- (2) In regulation 2, for the definition of “mammalian meat and bone meal” substitute—
- ““mammalian meat and bone meal” means—
- (a) any mammalian protein (including greaves) derived from the whole or part or any part of any dead mammal by—
- (i) the process of rendering; or
- (ii) in the case of a product originating outside of Scotland, by an equivalent process; or
- (b) any material derived from mammalian protein,
- and for this purpose “protein” means any proteinaceous material which is derived from a carcase but does not include milk or any milk product;”.
- (3) In regulation 2, for the definition of “processed animal protein” substitute—
- ““processed animal protein” means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatine and any other similar products, and includes mixtures, feedingstuffs, feed additives and premixtures, containing these products; but does not include mammalian meat and bone meal;”.

Marginal Citations

M39 [S.S.I. 2005/605](#), amended by [S.S.I. 2006/16](#).

The Official Feed and Food Controls (Scotland) Regulations 2005

3. The Official Feed and Food Controls (Scotland) Regulations 2005 ^{M40} are amended as follows.

Marginal Citations

M40 [S.S.I. 2005/616](#), amended by [S.S.I. 2006/3](#).

4. In regulation 2(1), in the paragraph defining Community legislation, after “Directive 2004/41,”;insert “ ;Regulation 999/2001 ”;
5. In Schedule 1, after the definition of “Directive 2004/41” insert—
- ““Regulation 999/2001” means Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ^{M41} as amended by, and as read with, the instruments set out in Schedule 1 to the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006.”.

Marginal Citations

M41 O.J. No. L 147, 31.5.01, p.1.

6. In paragraph (a) of Schedule 3—
- (a) after sub paragraph (vi) omit “and”; and
- (b) at the end of paragraph (vii) insert—

Status: Point in time view as at 26/04/2008.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006. (See end of Document for details)

“(viii) Schedule 2 to the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 in so far as that Schedule applies in relation to animals slaughtered for human consumption, together with point 2 of Part II of Chapter A of Annex III to Regulation 999/2001 in so far as that point applies in relation to animals slaughtered for human consumption.”.

SCHEDULE 9

Regulation 22

Consequential Amendments

The Animal By-Products (Identification) Regulations 1995

1. For regulation 3(3)(b) of the Animal By Products (Identification) Regulations 1995 ^{M42}, substitute

“(b) any bovine carcase or body part which must be disposed of in accordance with paragraph 5(2) of Schedule 2 to the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006;”.

Marginal Citations

M42 [S.S.I. 1995/614](#).

The Rendering (Fluid Treatment) (Scotland) Order 2001

2. In article 2 of the Rendering (Fluid Treatment) (Scotland) Order 2001 ^{M43} for “the TSE (Scotland) Regulations 2002” substitute, “ The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006; ”

Marginal Citations

M43 [S.S.I. 2001/189](#).

The Meat Products (Scotland) Regulations 2004

3. The Meat Products (Scotland) Regulations 2004 ^{M44} are amended as follows.

Marginal Citations

M44 [S.S.I. 2004/6](#).

4. In regulation 2 (interpretation), for “regulation 49 of the TSE (Scotland) Regulations 2002” substitute “ paragraph 4 of Schedule 6 to the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 ”

5. In regulation 6 (parts of the carcase in uncooked meat products), for “the TSE (Scotland) Regulations 2002” substitute “ the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006 ”

SCHEDULE 10

Regulation 23

REVOCATIONS

<i>Column 1 – enactment</i>	<i>Column 2 – references</i>	<i>Column 3 – extent</i>
The Specified Risk Material Order 1997	S.I. 1997/2964	Articles 1 to 4, 6 and 15–18 and Schedules 1 and 2
The Specified Risk Material Regulations 1997	S.I. 1997/2965	The whole Regulations
The Specified Risk Material (Amendment) Regulations 1997	S.I. 1997/3062	The whole Regulations
The Specified Risk Material (Amendment) Regulations 1998	S.I. 1998/2405	The whole Regulations
The Specified Risk Material (Coming into Force Date) (Amendment) Regulations 1998	S.I. 1998/2431	The whole Regulations
The Specified Risk Material (Inspection Charges) Regulations 1999	S.I. 1999/539	The whole Regulations
The Specified Risk Material Order Amendment (Scotland) Regulations 2000	S.S.I. 2000/344	The whole Regulations
The Specified Risk Material Amendment (Scotland) Regulations 2000	S.S.I. 2000/345	The whole Regulations
The Specified Risk Material Amendment (Scotland) Regulations 2001	S.S.I. 2001/3	The whole Regulations
The Specified Risk Material Order Amendment (Scotland) Regulations 2001	S.S.I. 2001/4	The whole Regulations
The Restriction on Pithing (Scotland) Regulations 2001	S.S.I. 2001/73	The whole Regulations
The Specified Risk Material Amendment (No. 2) (Scotland) Regulations 2001	S.S.I. 2001/86	The whole Regulations
The Processed Animal Protein (Scotland) Regulations 2001	S.S.I. 2001/276	The whole Regulations
The Specified Risk Material Amendment (Scotland) Order 2001	S.S.I. 2001/287	The whole Order

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The Specified Risk Material Amendment (No. 3) (Scotland) Regulations 2001	S.S.I. 2001/288	The whole Regulations
The Processed Animal Protein Amendment (Scotland) Regulations 2001	S.S.I. 2001/383	The whole Regulations
The TSE (Scotland) Regulations 2002	S.S.I. 2002/255	The whole Regulations
The TSE (Scotland) Amendment Regulations 2003	S.S.I. 2003/198	The whole Regulations
The Animal By-Products (Scotland) Regulations 2003	S.S.I. 2003/411	Regulation 5(1) and Part 1 of Schedule 5
The TSE (Scotland) Amendment Regulations 2004	S.S.I. 2004/277	The whole Regulations
The TSE (Scotland) Amendment Regulations 2005	S.S.I. 2005/173	The whole Regulations
The TSE (Scotland) Amendment (No 2) Regulations 2005	S.S.I. 2005/469	The whole Regulations
The Food Hygiene (Scotland) Regulations 2006	S.S.I. 2006/3	Paragraphs 35 to 42 of Schedule 7
The TSE (Scotland) Amendment Regulations 2006	S.S.I. 2006/46	The whole Regulations
The TSE (Scotland) Amendment (No 2) Regulations 2006	S.S.I. 2006/231	The whole Regulations
The TSE (Scotland) Amendment (No. 3) Regulations 2006	S.S.I. 2006/430	The whole Regulations

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Changes to legislation:

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