

2001 No. 447

**FOOD, ENGLAND
ANIMALS, ENGLAND
ANIMAL HEALTH**

The Restriction on Pithing (England) Regulations 2001

Made - - - - - 15th February 2001

Laid before Parliament 20th February 2001

Coming into force

*(a) in the case of all provisions
other than regulation 3 1st April 2001*

(b) in the case of regulation 3 1st July 2001

The Minister of Agriculture, Fisheries and Food and the Secretary of State being Ministers designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community acting jointly in exercise of the powers conferred on them by that section now make the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Restriction on Pithing (England) Regulations 2001; they extend to England only and come into force—
- (a) in the case of all provisions other than regulation 3, on 1st April 2001; and
 - (b) in the case of regulation 3, on 1st July 2001.

Restriction on pithing

- 2.—(1) No person shall pith any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption.
- (2) For the purposes of this regulation—
- (a) to “pith” an animal is to lacerate, after stunning, its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity; and
 - (b) “sale” includes supply, otherwise than on sale, in the course of a business, whether carried on for profit or not.
- (3) Any person who contravenes paragraph (1) shall be guilty of an offence.

(a) S.I. 1972/1811.
(b) 1972 c. 68.

Disposal of illegally pithed animals

3. Where any bovine, ovine or caprine animal has been pithed in contravention of regulation 2(1), all parts of its carcase (except the hide) shall be deemed to be—

- (a) “specified risk material” as defined in article 2(1) of the Specified Risk Material Order 1997(a); and
- (b) “specified risk material” as defined in regulation 2(1) of the Specified Risk Material Regulations 1997(b).

Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995

4. In so far as they extend to England, the Welfare of Animals (Slaughter or Killing) Regulations 1995(c) are amended by the insertion of the following regulation immediately after regulation 3 (application and exemptions)—

“Immobilisation after stunning

3A.—(1) Nothing in these Regulations shall be taken as permitting the immobilisation, on or after 1st April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption.

(2) In paragraph (1) above—

- (a) the “immobilisation” of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity; and
- (b) “sale” includes supply, otherwise than on sale, in the course of a business, whether carried on for profit or not.”.

Powers of inspectors

5.—(1) An inspector shall on producing if so required some duly authenticated document showing his authority have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purpose of ascertaining if there is or has been a breach of regulation 2(1).

(2) In paragraph (1), “inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Food Standards Agency or as the case may be the Minister of Agriculture, Fisheries and Food or a local authority.

(3) In paragraphs (2) and (5) and in regulation 8, “local authority” means—

- (a) as respects each local government area in respect of which there is a unitary authority established by an order under the Local Government Act 1992(d), that authority, except in relation to any part of the local government area concerned which falls within the London Port Health District;
- (b) as respects each London borough, metropolitan district or non-metropolitan county, the council of that borough, district or county, except in relation to any part of the borough, district or county concerned which falls within the London Port Health District;
- (c) as respects the London Port Health District and the City of London, the Common Council of that City; and
- (d) as respects the Isles of Scilly, the Council of the Isles of Scilly.

(4) In paragraph (3), the phrase “the London Port Health District” has the same meaning as in section 7(1) of the Public Health (Control of Disease) Act 1984(e).

(5) Any person appointed to be an inspector for the purposes of the Animal Health Act 1981(f) by—

- (a) a local authority; or

(a) S.I. 1997/2964, amended by S.I.2000/2726, S.I. 2000/3234 (itself revoked by S.I. 2000/3377) and S.I. 2000/3377.

(b) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1998/2431), S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672 and S.I. 2000/3381.

(c) S.I. 1995/731, amended by S.I. 1999/400, S.I. 1999/1820 and S.I. 2000/656.

(d) 1992 c. 19.

(e) 1984 c. 22.

(f) 1981 c. 22.

(b) the Minister of Agriculture, Fisheries and Food, shall be deemed to have been appointed to be an inspector for the purposes of these Regulations by that authority or as the case may be that Minister.

Obstruction

6.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading;

and any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any information if to do so might incriminate him.

Penalties

7.—(1) A person guilty of an offence consisting of a contravention of regulation 6(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of an offence consisting of a contravention of regulation 2(1) or regulation 6(1)(c) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Enforcement

8. These Regulations shall be enforced by the Food Standards Agency in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(a) and by the Minister of Agriculture, Fisheries and Food or the local authority in relation to any other premises.

12th February 2001

Hayman
Minister of State,
Ministry of Agriculture, Fisheries and Food

Signed by order of the Secretary of State for Health

15th February 2001

Gisela Stuart
Parliamentary Under Secretary of State,
Department of Health

(a) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074, S.I. 2000/225, S.I. 2000/656 and S.I. 2000/2215.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, give effect there to Article 5 of Commission Decision 2000/418/EC (OJ No. L158, 30.6.2000, p. 70).

These Regulations—

- (a) prohibit the use of the technique known as “pithing” in the slaughter of bovine, ovine or caprine animals for sale (given an extended meaning by regulation 2(2)(b)) for human or animal consumption (regulation 2(1));
- (b) provide that all parts of the carcase (other than the hide) of an illegally pithed animal are to be “specified risk material” for the purposes of the Specified Risk Material Order 1997 and the Specified Risk Material Regulations 1997, in each case as amended (*regulation 3*);
- (c) make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995, as amended, insofar as they extend to England (*regulation 4*);
- (d) give a power of entry to persons appointed as inspectors by the relevant enforcement authority (*regulation 5*);
- (e) create offences and penalties (*regulations 2(3), 6 and 7*);
- (e) specify who is to enforce them (*regulation 8*).

These Regulations (except for regulation 3, which comes into force on 1st July 2001) come into force on 1st April 2001.

A regulatory impact assessment, which includes a compliance cost assessment of the effect that these Regulations are likely to have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Meat Hygiene Division of the Food Standards Agency, Ergon House, Horseferry Road, London SW1P 3WG.

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