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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in England, revoke and remake with amendments the Transmissible Spongiform Encephalopathies Regulations 2006 (S.I.2006/68), which enforced 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 (OJNo. L 147, 31.5.2001, p. 1) as amended by and as read with the provisions in Schedule 1 (“the Community TSE Regulation”).

### **The main Regulations**

The Regulations provide that the Secretary of State is the competent authority for the purposes of the Community TSE Regulation (except in Schedule 6, where the competent authority is the Food Standards Agency) (regulation 3) and provide an exception for research (regulation 4).

The provisions in Part 2 introduce the Schedules.

Part 3 deals with administration and enforcement.

Regulations 6 to 10 deal with approvals, authorisations, licences and registrations, occupier’s duties, suspension, amendment and revocations of approvals, etc., and an appeals procedure. Regulation 11 deals with valuations.

Regulations 12 to 14 give powers to the Secretary of State and the local authority to appoint inspectors, and deal with powers of entry and powers of inspectors. Regulation 15 provides for a notice procedure, and regulation 16 provides for licences permitting movement during a movement restriction.

Regulations 17 to 19 deal with obstruction of an inspector, penalties, and offences by a body corporate. A person guilty of an offence under these Regulations is liable—

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

Regulation 20 details who is responsible for enforcing these Regulations.

Regulation 21 revokes the Transmissible Spongiform Encephalopathies Regulations 2006 and the Bovines and Bovine Products (Trade) Regulations 1999, which amongst other things prevented trade in British beef with other member States and third countries.

### **Schedule 1**

Schedule 1 lists provisions that amend Regulation (EC) No 999/2001 and with which it must be read.

### **Schedule 2**

Schedule 2 deals with monitoring for TSEs. Paragraph 1 provides for notification to the Secretary of State of fallen stock that must be tested for TSE under the Community TSE Regulation. Paragraph 2 makes it an offence to consign an over-age animal to a slaughterhouse for human consumption or to slaughter such an animal for human consumption. Paragraph 3 provides for brain stem sampling of specified bovine animals.

*Status: This is the original version (as it was originally made).*

Paragraph 4 creates a requirement for anyone slaughtering animals over 30 months old for human consumption to have a Required Method of Operation.

Paragraph 5 provides for retention of products and their disposal, and paragraph 6 deals with compensation.

Paragraphs 7 to 14 specify the minimum requirements that must appear in a Required Method of Operation.

### **Schedule 3**

Schedule 3 deals with control and eradication of TSEs in bovine animals. Paragraph 1 provides for notification of a suspect animal to the Secretary of State. Paragraphs 2 and 3 provide for the restriction and slaughter of the suspect. Paragraphs 4 and 5 deal with the offspring and cohorts of the suspect. Paragraph 6 deals with compensation for an animal that dies under restriction, and paragraph 7 deals with placing on the market.

Paragraphs 8 to 10 deal with compensation.

### **Schedule 4**

Schedule 4 deals with control and eradication of TSEs in sheep and goats. Paragraph 1 provides for notification of a suspect animal to the Secretary of State. Paragraphs 2 and 3 provide for the restriction and slaughter of the suspect. Paragraphs 4 and 5 deal with movement restrictions. Paragraphs 6 to 8 provide for action following confirmation. Paragraph 9 provides for time for appeals, and paragraph 10 provides for killing and destruction. Paragraphs 11 to 13 deal with infected animals from another holding, common grazing and multiple flocks on a holding. Paragraph 14 deals with subsequent occupiers of the land.

Paragraphs 15 to 21 set out the procedure to be followed after the killing or destruction. Paragraph 15 restricts the introduction of animals onto a holding. Paragraph 16 regulates the use of ovine germinal products, and paragraph 17 restricts the movement of animals from a holding.

Paragraph 18 specifies when the time relating to restrictions begins. Paragraph 19 provides for notification of animals that die while under restriction. Paragraph 20 deals with placing on the market of progeny, and paragraph 21 requires notification to the Secretary of State before the owner may consign sheep aged over 18 months for slaughter.

Paragraph 22 deals with derogations from the requirement for the killing and destruction of sheep and goats.

Paragraphs 23 to 25 deal with compensation.

### **Schedule 5**

Schedule 5 deals with feedingstuffs. Paragraphs 1 to 3 prohibit feeding specified feedingstuffs to ruminant and non-ruminant animals, and provide for exceptions. Paragraphs 4 and 5 provide for movement restrictions and slaughter of animals suspected of having been fed prohibited feedingstuffs, and paragraph 6 provides for compensation. Paragraph 7 prohibits the slaughter for human consumption of restricted animals.

Paragraphs 8 and 9 regulate the production and use of fishmeal for feeding to non-ruminant animals. Paragraphs 10 and 11 regulate feedingstuffs containing dicalcium phosphate or tricalcium phosphate. Paragraphs 12 and 13 regulate feedingstuffs containing blood products and blood meal.

Paragraph 14 makes provision for changes in use of equipment. Paragraphs 15 and 16 control the manufacture, storage and transport of processed animal protein and products containing it. Paragraph 17 controls exports, and paragraph 18 regulates fertilisers derived from animal protein. Paragraph 19 deals with records, and paragraph 20 deals with cross-contamination.

## **Schedule 6**

Schedule 6 deals with specified risk material, mechanically recovered meat and slaughtering techniques. Paragraph 1 appoints the Food Standards Agency as the competent authority for this Schedule. Paragraph 2 imposes certain duties on local authorities in relation to butcher shops. Paragraph 3 makes provision for training of slaughterhouse, cutting plant and butcher shop staff.

Paragraph 4 deals with mechanically recovered meat, paragraph 5 with pithing, paragraph 6 with tongue harvesting and paragraph 7 with head meat harvesting.

Paragraph 8 controls the removal of specified risk material, and paragraphs 9 and 10 deal with bovine animals and sheep and goats at a slaughterhouse.

Paragraph 11 deals with young lamb and goat stamps.

Paragraph 12 deals with the removal of spinal cord from sheep and goats.

Paragraph 13 provides for the authorisation of cutting plants, and paragraph 15 controls the removal of specified risk material at a cutting plant.

Paragraph 16 provides for removal of vertebral column that is specified risk material at cutting plants not authorised under paragraph 13.

Paragraph 14 provides for the authorisation and registration of butcher shops, and paragraph 17 controls the removal of specified risk material at such shops.

Paragraph 18 deals with meat from other member States.

Paragraphs 19 and 20 require the staining of specified risk material, and paragraph 21 provides for the security of specified risk material.

Paragraph 22 prohibits the supply of specified risk material for human consumption.

## **Schedule 7**

Schedule 7 deals with dispatch of live bovine animals and products derived from them to other member States and to third countries. Paragraph 1 prohibits the dispatch of certain live animals, meat and certain specified risk material to other member States and to third countries. Paragraph 2 prohibits the dispatch of bovine heads and meat containing specified risk material to third countries.

A regulatory impact assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the BSE and Animal By-Products Division, Department for Environment, Food and Rural Affairs, Area 301, 1a Page Street, London SW1P 4PQ.