
STATUTORY INSTRUMENTS

2006 No. 1228

**The Transmissible Spongiform
Encephalopathies (No. 2) Regulations 2006**

PART 1

General provisions

Title, application and commencement

1. These Regulations—

- (a) may be cited as the Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006;
- (b) apply in England only; and
- (c) come into force on 3rd May 2006.

Interpretation

2.—(1) In these Regulations—

“bovine animal” includes bison and buffalo (including water buffalo);

“BSE” means bovine spongiform encephalopathy;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998(1);

“Community TSE Regulation” 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(2), as amended by, and as read with the instruments set out in Schedule 1;

“inspector” means an inspector appointed under regulation 12, and “veterinary inspector” means a veterinary surgeon appointed by the Secretary of State as an inspector;

“local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(3), a unitary authority, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county or the council of a district within the county area;
 - (iii) in each London borough, the council of that borough; or
- (c) in the City of London, the Common Council;

(1) S.I.1998/871, as amended by S.I. 1998/2969 and S.I. 1999/1339.

(2) OJ No. L 147, 31.5.2001, p. 1.

(3) S.I. 1994/867 to which there are amendments not relevant to these Regulations.

“slaughterhouse” and (except in Schedule 6, paragraph 10(2)(c)) “cutting plant” mean premises—

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of 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⁽⁴⁾; or
- (b) operating as such under Article 4(5) of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁵⁾ pending such approval; and

“TSE” means transmissible spongiform encephalopathy.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

Appointment of competent authority

3. The Secretary of State is the competent authority for the purposes of the Community TSE Regulation except as otherwise specified in these Regulations.

Exception for research

4.—(1) The provisions of Schedules 2 to 6 do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under this regulation by the Secretary of State.

(2) If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product 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⁽⁶⁾, and failure to do so is an offence.

(4) (OJ No. L 165 , 30.4.2004 , p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L 191, 28.5.2004, p. 1).

(5) (OJ No. L 139 , 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L 226, 25.6.2004, p. 22).

(6) OJ No. L 273, 10.2.2002, p. 1 as last amended by Commission Regulation (EC) No. 93/2005, OJ No. L19, 21.1.2005, p. 34.