

SCHEDULE 2

Regulation 5

TSE monitoring

PART 1

Monitoring for TSE

[^{F1}Notification of the body of a goat for the purpose of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession, or under their control, the body of a goat aged 18 months or over at death, must—

- (a) within 24 hours from the time when the animal died or was killed or the body came into their possession or under their control notify the Secretary of State; and
- (b) where the Secretary of State directs, detain it until it has been collected by or on behalf of the Secretary of State,

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.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2 para. 1 (12.1.2009) by [The Transmissible Spongiform Encephalopathies \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/3295\)](#), regs. 1, **6(a)**

[^{F1}Delivery of the body of a bovine animal for the purpose of monitoring under Article 6 of the Community TSE Regulation

1A.—(1) For the purpose of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their control 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 must, unless directed otherwise by the Secretary of State, within 24 hours either—

- (a) make arrangements with another person for that person to collect it and to deliver it to an approved sampling site within 72 hours; or
- (b) identify an approved sampling site that will carry out the sampling and deliver the animal to that site so as to arrive at the site within 72 hours,

and failure to do so is an offence.

(2) The periods of 24 and 72 hours referred to in sub-paragraph (1) run from the time when the animal died or was killed or came into the possession or under the control of the person to whom the requirements of that sub-paragraph apply.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2 para. 1 (12.1.2009) by [The Transmissible Spongiform Encephalopathies \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/3295\)](#), regs. 1, **6(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (England) Regulations 2008 (revoked), SCHEDULE 2. (See end of Document for details)

[^{F1}Persons collecting and delivering

1B. A person with whom arrangements are made under paragraph 1A for the delivery of a body to an approved sampling site must, unless directed otherwise by the Secretary of State, within 48 hours of the time when the body comes into their possession or under their control—

- (a) identify an approved sampling site that will carry out the sampling; and
- (b) ensure it is delivered to that site,

and failure to do so is an offence.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2para. 1 (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, **6(a)**

[^{F1}Destruction without sampling

1C. Any person who destroys the body of a bovine animal to which paragraph 1A applies before it has undergone sampling at an approved sampling site, except in accordance with a direction of the Secretary of State, commits an offence.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2para. 1 (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, **6(a)**

[^{F1}Retention of bodies of bovine animals pending test results

1D. An approved sampling site to which the body of a bovine animal has been sent for sampling in accordance with this Part must retain it in accordance with point 6(3) of Chapter A of Annex III to the Community TSE Regulation, and failure to do so is an offence.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2para. 1 (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, **6(a)**

[^{F1}Isle of Wight

1E. The requirements of paragraphs 1 and 1A do not apply in the Isle of Wight.]

Textual Amendments

- F1** Sch. 2 paras. 1-1E substituted for Sch. 2para. 1 (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, **6(a)**

Consignment and slaughter of an over-age bovine animal

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 must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X to the Community TSE Regulation;
- (b) ensure that the animal from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Secretary of State must, by means of a notice, notify the occupier of a slaughterhouse if an animal comes into any of 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 Secretary of State may serve a notice on the occupier of a slaughterhouse requiring them to take a sample from any bovine animal slaughtered there and send it for testing in accordance with sub-paragraph (1).

Approval of laboratories

4.—(1) The Secretary of State must approve laboratories to test samples taken under paragraph 3 if the Secretary of State is satisfied that the laboratory—

- (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 and to the Secretary of State.

[^{F2}(2) The Secretary of State may charge the fees set out in the following table for the initial approval and ongoing quality assessment of a laboratory—

Fees for laboratory approvals and quality assessment

	<i>Fee (£)</i>
Initial approval	29,770
Annual proficiency testing and follow-up inspection for the first year after approval	8,834
Annual proficiency testing from the second year after approval	4,135
Single proficiency test (in the event of a failure in the annual proficiency testing)	1,385
Hourly rate of an inspector (for any additional inspections that are necessary to check for	87.24]

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Fee (£)

compliance with the matters set out at sub-paragraphs (1)(a) to (c))

(3) An “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 to carry out the test.

Textual Amendments

F2 Sch. 2 para. 4(2) substituted (22.9.2008) by [The Transmissible Spongiform Encephalopathies \(Fees\) \(England\) Regulations 2008 \(S.I. 2008/2269\)](#), regs. 1, **2(2)**

[^{F3}Approved sampling sites

4A.—(1) The Secretary of State must on application approve a sampling site to sample animals to which paragraph 1A applies if satisfied that the sampling site has adequate control procedures to carry out the sampling.

(2) An “approved sampling site” in this Part means a sampling site approved under this paragraph or a sampling site in another part of the United Kingdom approved by the competent authority to carry out sampling for the same purpose.]

Textual Amendments

F3 Sch. 2 para. 4A inserted (12.1.2009) by [The Transmissible Spongiform Encephalopathies \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/3295\)](#), regs. 1, **6(b)**

Slaughter of bovine animals over 30 months of age

5.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal aged over 30 months unless the Secretary of State has approved the Required Method of Operation (“RMOP”) for that slaughterhouse and that occupier.

(2) The RMOP must, 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 Secretary of State must approve the RMOP if the Secretary of State is satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with, and the occupier must demonstrate this by means of an assessment of two days' duration in which 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 ^{M1}).

(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

M1 OJ No L 99, 20.4.96, p 14, as last amended by Commission Regulation (EC) No. 2109/2005 (OJ No L 337, 22.12.2005, p 25).

Retention of products and disposal

6.—(1) In relation to any sampled bovine animal, the occupier of a slaughterhouse, hide market or tannery must, 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 animal, the occupier must 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 sub-paragraph (5), 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 an insufficient test result is received, in respect of an animal required to be tested under this Schedule, the occupier must 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 sub-paragraph (5), 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 an “insufficient test result” means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result.

(4) If a no-test result is received, in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of the carcass and all parts of the body (including the blood and the hide) of that animal in accordance with point 6(4) of that Part; and for the purposes of this sub-paragraph a “no-test result” means a negative result from a sample following multiple rapid testing where such testing was certified as necessary by an approved testing laboratory.

(5) The Secretary of State 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 the Secretary of State is satisfied that the slaughterhouse operates a system that prevents contamination between carcasses.

(6) In relation to any sheep or goat selected for sampling, the occupier of a slaughterhouse, hide market or tannery must—

- (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.

(7) In this paragraph the powers of an inspector may also be exercised by a person appointed as such in relation to a hide market or tannery by the Agriculture and Horticulture Development Board.

(8) Any person who fails to comply with sub-paragraphs (1) to (4) or (6) is guilty of an offence.

Compensation

7.—(1) If an animal slaughtered for human consumption tests positive, the Secretary of State must pay compensation for the carcass and all parts of the body (including the blood and the hide) of—

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- (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) 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.
- (3) Compensation is not payable in any other case.

PART 2

Contents of an RMOP

Animal identification and separation

- 8.—(1) The RMOP (as defined in paragraph 5(1)) must 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 must also describe the system that ensures that 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

- 9.—(1) The RMOP must show 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 must describe how health and safety guidelines designed to minimise the risk of exposure of staff to TSE during brain stem sampling and packaging will be complied with.

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

10. The RMOP must 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

11. The RMOP must describe—
- (a) the system that ensures that all carcasses retained in accordance with [F4 paragraph 6(1)] of this Schedule are retained 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;

- (b) the system that ensures that the chronological order in which the animals were slaughtered can be determined; and
- (c) how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcasses for the purposes of this Schedule.

Textual Amendments

- F4** Words in Sch. 2 para. 11(a) substituted (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, 6(c)

Retention of parts of the body

12. The RMOP must describe the system that ensures that all parts of the body (including the blood and the hide) are retained in accordance with [F5 paragraph 6(1)] of this Schedule.

Textual Amendments

- F5** Words in Sch. 2 para. 12 substituted (12.1.2009) by The Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2008 (S.I. 2008/3295), regs. 1, 6(c)

Disposal before receipt of the result

13. The RMOP must describe the disposal route 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

14. The RMOP must 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) M2;
 - (b) test results are received, either by fax or by other electronic means; and
 - (c) 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 paragraph 6(2), 6(3) or 6(4) of this Schedule is identified and disposed of accordingly.

Marginal Citations

- M2** ISBN 92-1-139097-4.

Removal of vertebral column

15. The RMOP must 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 12(1)(a) of Schedule 7 to remove it.

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