

2009 No. 1297

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Products of Animal Origin (Disease Control) (England)
(Amendment) Regulations 2009**

<i>Made</i> - - - -	<i>18th May 2009</i>
<i>Laid before Parliament</i>	<i>27th May 2009</i>
<i>Coming into force</i> - -	<i>30th June 2009</i>

The Secretary of State is 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.

In exercise of the powers conferred by section 2(2) of the European Communities Act 1972, the Secretary of State makes the following Regulations.

Title and commencement

1. These Regulations may be cited as the Products of Animal Origin (Disease Control) (England) (Amendment) Regulations 2009 and come into force on 30th June 2009.

Amendments

2. The Products of Animal Origin (Disease Control) (England) Regulations 2008(c) are amended as set out in these Regulations.

3. In regulation 2 (Interpretation: general)—

(a) insert, after the definition of “disease legislation”—

““domestic market” is the market for the sale of poultry meat in England, Scotland, Wales and Northern Ireland;”;

(b) omit the definition of “relevant date”;

(c) before the definition of “slaughter” insert —

““seropositive pig” means a pig that is not a restricted animal but is required by the Secretary of State to be slaughtered in a slaughterhouse due to antibodies against swine vesicular disease virus being identified in that pig;

(a) S.I. 1972/1811.
(b) 1972 c. 68.
(c) S.I. 2008/465

“seropositive pig meat” is meat derived from a seropositive pig which—

- (a) is not restricted meat, and
- (b) has not been treated in accordance with Schedule 2 at a designated treatment centre;”.

4. In regulation 3 (Restricted animal, restricted poultry and restricted meat: definitions)—

- (a) for paragraph (8) substitute—

“(8) Subject to paragraph (9) “restricted meat” is meat—

- (a) produced on or after the date that the protected zone or surveillance zone was declared, or an earlier date where the Secretary of State specifies such a date for the purpose of disease control;
- (b) from a restricted animal or restricted poultry from an infected area, a protection zone or a surveillance zone; and
- (c) includes meat that has come into contact with such meat.”;

- (b) after paragraph (8) insert—

“(9) Where restricted meat has been treated in accordance with Schedule 2 at a treatment centre it ceases to be regarded as restricted meat.”.

5. In regulation 7 (Meat from suspect or infected premises) insert after paragraph (3)—

“(4) In this regulation “relevant date” means the date the suspect premises or infected premises became subject to disease restrictions, or any earlier date where the Secretary of State specifies such a date for disease control purposes.”.

6. In regulation 9 (Prohibition on supply and export of meat)—

- (a) in paragraph (1)—

- (i) omit the word “or” immediately preceding sub-paragraph (b);
- (ii) at the end of sub-paragraph (b), omit the full stop and add—
“; or
- (c) export seropositive pig meat.”;

- (b) for paragraph (2) substitute—

“(2) The prohibition in paragraph 1(a) does not apply to restricted meat from restricted poultry intended for supply on the domestic market.”

- (c) omit paragraph (3).

7. In regulation 10 (Slaughterhouses)—

- (a) in paragraph (1) after the word “animals” insert “, seropositive pigs”;

- (b) in paragraph (2) after sub-paragraph (d) omit the full stop and insert—

“;

- (e) seropositive pigs are kept separately from other pigs; and
- (f) seropositive pigs are slaughtered separately from other pigs.”;

- (c) after paragraph (5) insert—

“(6) Where the occupier of a slaughterhouse has not complied with the requirements of paragraph (2)(e) or (2)(f) on being given notice by a veterinary inspector, those other pigs must be dealt with by the occupier as seropositive pigs.

(7) The occupier of a slaughterhouse may only receive restricted meat if it is a designated slaughterhouse”.

8. In regulation 12 (Receipt and possession of restricted meat)—

- (a) in paragraph (1) omit the two references to the words “or establishment” on both occasions that they occur;

(b) after paragraph (2) insert—

“(3) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.”.

9. In regulation 13 (Marking of meat) in paragraphs (1), (2) and (3) after the word “meat” in each of those paragraphs insert “or seropositive pig meat”.

10. For regulation 14 (Movement of restricted meat) substitute—

“**14.**—(1) No person may transport or arrange for the transport of restricted meat to premises or an establishment unless those premises or that establishment is designated.

(2) Paragraph (1) does not apply when the restricted meat is from restricted poultry intended only for supply on the domestic market.”.

11. In regulation 15 (Record keeping)—

(a) in paragraph (1) after the word “animal” insert “, seropositive pig”;

(b) for paragraph (1)(a) substitute—

“(a) the number and type of restricted animals, seropositive pigs or restricted poultry slaughtered;”;

(c) in paragraph (2) after “restricted meat” insert “or seropositive pig meat”;

(d) in sub-paragraphs (a) and (c) of paragraph (2) for the word “restricted” substitute “such”;

(e) for sub-paragraph (e) of paragraph (2) substitute—

“(e) the quantity of such meat that is no longer intended for human consumption.”;

(f) after paragraph (2) insert—

“(2A) Paragraph (2) does not apply to any wholesale distributor, retail distributor, retailer or consumer when—

(a) the restricted meat is from restricted poultry intended only for supply on the domestic market; or

(b) the meat is seropositive pig meat.”.

12. In Schedule 3 (Special identification mark) insert after paragraph 3—

“**3A.** Seropositive pig meat must contain an identification mark such that the numbering and lettering are set within a circle which is legible, indelible with characters that are decipherable and include the capital letters “UK” followed by the approval number of the establishment.”.

18th May 2009

Jane Kennedy
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products of Animal Origin (Disease Control) (England) Regulations 2008 (S.I. 2008 No. 465) ('the 2008 Regulations') to implement requirements in section 4(d) of Annex II of Council Directive 92/119/EEC in respect of any meat from pigs with antibodies against swine vesicular disease (referred to as "seropositive pigs" and defined in regulation 3(c)) in which disease has not been confirmed but which the Secretary of State has required to be slaughtered.

Such seropositive pigs may only be slaughtered in a designated slaughterhouse and they must, whilst there, be kept separate from other pigs (regulation 7(b)). The meat from the seropositive pigs cannot be exported (regulation 6(a)). This is ensured by marking and record keeping requirements in respect of the seropositive pig meat (regulations 9 and 11 (a) to (e) respectively). These Regulations provide for a new circular mark for placing on seropositive pig meat in an amendment to Schedule 3 (regulation 12).

There are amendments made to regulations 9, 12, 14 and 15 of the 2008 Regulations to remove requirements in respect of restricted meat from restricted poultry intended for supply only on the domestic market (as defined in regulation 3(a)) to—

- (a) remove the requirement on a supplier of such poultry meat to know how others in the supply chain have handled the meat without committing an offence (regulation 6(b));
- (b) remove offences of receiving such poultry meat at an undesignated place (regulation 8(b));
- (c) remove offences of transporting restricted poultry meat to an undesignated place (regulation 10); and
- (d) exclude wholesale and retail distributors, retailers and consumers from record keeping requirements (regulation 11(f)).

The definition of "relevant date" has been removed from regulation 2 of the 2008 Regulations as this definition now only applies in regulation 7 of the 2008 Regulations. Therefore, regulation 5 introduces a revised definition of "relevant date" at regulation 7(4) that addresses an earlier ambiguity caused by the use of the term. The definition of "restricted meat" in regulation 3(8) of the 2008 Regulations has been substituted by a revised definition introduced by regulation 4 of these Regulations.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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