

---

## STATUTORY INSTRUMENTS

---

# 2010 No. 801

## The Transmissible Spongiform Encephalopathies (England) Regulations 2010 (revoked)

### PART 1

#### General Provisions

#### **Title, application and commencement**

**1.** These Regulations—

- (a) may be cited as the Transmissible Spongiform Encephalopathies (England) Regulations 2010;
- (b) apply in England; and
- (c) come into force on 6th April 2010.

#### **Interpretation**

**2.—(1)** In these Regulations—

“approved sampling site” has the meaning given to it in paragraph 11(2) of Schedule 2;

“approved testing laboratory” has the meaning given to it in paragraph 10(3) of Schedule 2;

“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 2007<sup>(1)</sup>;

“Commission Decision 2007/411/EC” means Commission Decision 2007/411/EC<sup>(2)</sup> prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598;

“cutting plant” (except in Schedule 7, paragraph 9(3)(b)(iii)) has the meaning given to it in paragraph 1(17) of Annex I to Regulation (EC) No 853/2004<sup>(3)</sup>, and is an establishment that is approved or conditionally approved as such by the Food Standards Agency<sup>(4)</sup> under

---

(1) [S.I. 2007/529](#).

(2) OJ No L 155, 15.6.2007, p 74.

(3) OJ No L 139, 30.04.2004, 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), which should be read with a further Corrigendum (OJ No L 204, 4.8.2007, p 26), as last amended by Commission Regulation (EC) No 1020/2008 amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin and Regulation (EC) No 2076/2005 as regards identification marking, raw milk and dairy products, eggs and egg products and certain fishery products (OJ No L 277, 18.10.2008, p 8).

(4) Established by the Food Standards Act 1999 c. 28.

**Status:** Point in time view as at 12/12/2013.

**Changes to legislation:** There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (England) Regulations 2010 (revoked), PART 1. (See end of Document for details)

Article 31(2) of Regulation (EC) No 882/2004(5), or operating as such under Article 4(5) of Regulation (EC) No 853/2004, pending such approval;

“EU TSE Regulation” means Regulation (EC) No 999/2001(6) of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as read with—

- (a) Commission Decision 2007/411/EC; and
- (b) Commission Decision 2007/453/EC(7) establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk;
- (c) Commission Decision 2009/719/EC(8) authorising certain Member States to revise their annual BSE monitoring programme;

“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(9), 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;

“offal” has the meaning given to it in point 1.11 of Annex I to Regulation (EC) No. 853/2004;

“premises” includes—

- (a) domestic premises if they are being used for any purpose in connection with the EU TSE Regulation or these Regulations;
- (b) land and outbuildings;
- (c) a slaughterhouse;
- (d) a place that is, for the purposes of point 4(1)(a) of Annex V to the EU TSE Regulation, another place of slaughter; and
- (e) any vehicle, container or structure (moveable or otherwise);

F1  
...

“Regulation (EC) No 853/2004” means the Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin, as read with—

- (a) Directive 2004/41/EC(10) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human

---

(5) 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), which should be read with a further Corrigendum (OJ No L 204, 4.8.2007, p 29). Regulation (EC) No 882/2004 was last amended by Commission Regulation (EC) No 1029/2008 amending Regulation (EC) No 882/2004 of the European Parliament and of the Council to update a reference to certain European standards (OJ No. L 278, 21.10.2008, p 6).

(6) OJ No L 147, 31.5.2001, p 1, as last amended by Commission Regulation (EC) No 571/2008 (OJ No L 161, 20.6.2008, p 4).

(7) OJ No L 172, 30.6.2007, p 84 as last amended by Commission Decision 2009/830/EC (OJ No L 295, 12.11.2009, p 11).

(8) OJ No L 256, 29.9.2009, p 35, as last amended by Commission Decision 2010/66/EU (OJ NoL 35, 6.2.2010, p 21).

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

(10) OJ No L 157, 30.4.2004, p 33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No L 195, 2.6.2004, p 12).

consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#);

- (b) [Commission Regulation \(EC\) No 1688/2005](#)(**11**) implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;
- (c) [Commission Regulation \(EC\) No 2074/2005](#)(**12**) laying down implementation measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council derogating from Regulation (EC) No 852/2004(**13**) of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004; and
- (d) [Commission Regulation \(EC\) No 2076/2005](#)(**14**) laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004;

“Regulation (EC) No 882/2004” means the Regulation 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, as read with—

- (a) [Commission Regulation \(EC\) No 2074/2005](#); and
- (b) [Commission Regulation \(EC\) No 2076/2005](#);

[<sup>F2</sup>“Regulation (EC) No 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);]

“slaughterhouse” has the meaning given to it in paragraph 1(16) of Annex I to Regulation (EC) No 853/2004, and is an establishment that is approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No 882/2004;

“TSE” means transmissible spongiform encephalopathy.

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

(3) References in these Regulations to the EU instruments identified in Schedule 1 are references to those instruments as amended from time to time.

### Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by virtue of [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 10\(2\)\(a\)](#) (which amending S.I. simultaneously revokes the [Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), see [reg. 28](#))

(11) OJ No L 271, 15.10.2005, p 17.

(12) OJ No L 338, 22.12.2005, p 27, as last amended by [Commission Regulation \(EC\) No 1022/2008](#) amending Regulation (EC) No 2074/2005 as regards the total volatile basic nitrogen (TVB-N) limits (OJ No L 277, 18.10.2008, p 18).

(13) OJ No L139 30.4.2004 p 1).

(14) OJ No L 338, 22.12.2005, p 83, as last amended by [Commission Regulation \(EC\) No 1023/2008](#) amending Regulation (EC) No 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil for human consumption (OJ No L 277, 18.10.2008, p 21).

**Status:** Point in time view as at 12/12/2013.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transmissible Spongiform Encephalopathies (England) Regulations 2010 (revoked), PART 1.* (See end of Document for details)

- F2** Words in [reg. 2\(1\)](#) inserted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\), reg. 1\(2\), Sch. 2 para. 10\(2\)\(b\)](#) (which amending S.I. simultaneously revokes the [Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), see [reg. 28](#))

### Appointment of competent authority

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

### Exception for research

**4.—(1)** The provisions of Schedules 2 to 8 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 [<sup>F3</sup>[Regulation \(EC\) No 1069/2009](#)], and failure to do so is an offence.

### Textual Amendments

- F3** Words in [reg. 4\(2\)](#) substituted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\), reg. 1\(2\), Sch. 2 para. 10\(3\)](#) (which amending S.I. simultaneously revokes the [Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), see [reg. 28](#))

**Status:**

Point in time view as at 12/12/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (England) Regulations 2010 (revoked), PART 1.