



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2000 Rhif 3387 (Cy. 224)**

**2000 No. 3387 (W. 224)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Deunydd Risg  
Penodedig (Diwygio) (Cymru)  
(Rhif 2) 2000**

**The Specified Risk Material  
(Amendment) (Wales) (No. 2)  
Regulations 2000**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note does not form part of the Regulations)*

Mae Rheoliadau Deunydd Risg Penodedig 1997 (OS 1997/2965) ("Rheoliadau 1997") a Gorchymyn Deunydd Risg Penodedig 1997 (OS 1997/2964 fel y'i diwygiwyd gan OS 2000/2811) ("Gorchymyn 1997") yn diffinio deunydd penodol o anifeiliaid buchol, defaid a geifr yn Ddeunydd Risg Penodedig ac yn cyfyngu ar ddefnyddio deunydd o'r fath i bobl ei fwyta. Mae Rheoliadau 1997 a Gorchymyn 1997 yn gymwys i'r Deyrnas Unedig gyfan.

The Specified Risk Material Regulations 1997 (SI 1997/2965) ("the 1997 Regulations") and the Specified Risk Material Order 1997 (SI 1997/2964 as amended by SI 2000/2811) ("the 1997 Order") define certain material from bovine animals, sheep and goats as Specified Risk Material and place restrictions on the use of such material for human consumption. The 1997 Regulations and the 1997 Order apply to the United Kingdom as a whole.

Mae'r Rheoliadau hyn yn gweithredu Erthygl 1 o Benderfyniad gan y Comisiwn Ewropeaidd a fabwysiadwyd ar 6 Rhagfyr ("y Penderfyniad") mewn perthynas â Chymru. Mae Erthygl 1 o'r Penderfyniad yn diwygio Penderfyniad y Comisiwn 2000/418/EC yn rheoli defnyddio deunydd sy'n peri risgiau o ran enseffalopathïau sbyngffurff trosglwyddadwy (OJ Rhif L158, 30.6.2000, t.76) drwy ymestyn y diffiniad o Ddeunydd Risg Penodedig i gynnwys y cyfan o goluddyn anifeiliaid buchol.

These Regulations implement in relation to Wales Article 1 of a European Commission Decision adopted on 6th December ("the Decision"). Article 1 of the Decision amends Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies (OJ No. L158, 30.6.2000, p.76), by extending the definition of Specified Risk Material to include the entire intestine of bovine animals.

Mae Rheoliad 2(2) o'r Rheoliadau hyn yn diwygio rheoliad 4(1) o Rheoliadau 1997, sy'n ymdrin â deunydd buchol penodedig. Yn rhinwedd y diwygiad, bydd paragraff (1) newydd yn disodli paragraff 1 presennol rheoliad 4. Bydd y paragraff (1) newydd yn darparu fel a ganlyn -

Regulation 2(2) of these Regulations amends regulation 4(1) of the 1997 Regulations, which deals with specified bovine material. By virtue of the amendment, a new paragraph (1) will replace the existing paragraph (1) of regulation 4. The new paragraph (1) will provide as follows -

Diffinnir y coluddyn o'r dwodenwm i'r rectwm bellach yn ddeunydd buchol penodedig, mewn perthynas ag anifeiliaid buchol sydd wedi'u cigydda neu sydd wedi marw mewn manau heblaw Awstralia neu Seland Newydd (paragraff 1(a));

The intestine from the duodenum to the rectum is now defined as specified bovine material, in respect of bovine animals which have been slaughtered or have died elsewhere than in Australia or New Zealand (paragraph 1(a));

Diffinnir y pen, y thymws, y dduwg a'r madruddyn cefn sy'n deillio o anifail buchol sydd wedi'i gigyddu neu sydd wedi marw yn y Deyrnas Unedig neu Bortiwgal yn fwy na chwe mis oed yn ddeunydd risg buchol (paragraff (1)(b));

Diffinnir yr asgwrn cefn, gan gynnwys ganglia'r nerf ddorsal, sy'n deillio o anifail buchol sydd wedi'i gigyddu neu sydd wedi marw yn y Deyrnas Unedig neu Bortiwgal yn fwy na 30 mis oed, yn ddeunydd risg buchol. Ceir eithriad yn achos anifeiliaid buchol sydd wedi'u hardystio o dan y Cynllun Sicrwydd Eidion (paragraff (1)(c));

Diffinnir y benglog, y tonsilau a'r madruddyn cefn sy'n deillio o anifail buchol sydd wedi'i gigyddu neu sydd wedi marw y tu allan i'r Deyrnas Unedig neu Bortiwgal (heblaw Awstralia neu Seland Newydd) dros 12 mis oed, yn ddeunydd risg buchol (paragraff 1(d)).

Mae Rheoliad 3 o'r Rheoliadau hyn yn diwygio paragraff (1) o Erthygl 4 o Orchymyn 1997 yn yr un modd.

Mae ymgynghori yn unol ag adran 48(4) a (4B) o Ddeddf Diogelwch Bwyd 1990 wedi digwydd. Yn unol ag adran 65(2) o Ddeddf Llywodraeth Cymru 1998 a Rheol Sefydlog 22.3 o Reolau Sefydlog Cynulliad Cenedlaethol Cymru, penderfynodd Gweinidog y Cynulliad dros Iechyd a Gwasanaethau Cymdeithasol na ddylid cynnal unrhyw arfarniad rheoleiddiol am nad oedd yn rhesymol ymarferol gwneud hynny o fewn yr amser a oedd ar gael, oherwydd y gofyniad i'r Penderfyniad gael ei weithredu erbyn 1 Ionawr 2001.

The head, thymus, spleen and spinal cord derived from a bovine animal which has been slaughtered or has died in the United Kingdom or Portugal aged more than 6 months are defined as bovine risk material (paragraph (1)(b));

The vertebral column, including dorsal root ganglia, derived from a bovine animal which has been slaughtered or which has died in the United Kingdom or Portugal aged more than 30 months, is defined as bovine risk material. There is an exception for bovine animals certified under the Beef Assurance Scheme (paragraph (1)(c));

The skull, tonsils and spinal cord derived from a bovine animal which has been slaughtered or which has died outside the United Kingdom or Portugal (other than in Australia or New Zealand) aged over 12 months, are defined as bovine risk material (paragraph 1(d)).

Regulation 3 of these Regulations amends paragraph (1) of Article 4 of the 1997 Order in the same way.

Consultation in accordance with section 48(4) and (4B) of the Food Safety Act 1990 has taken place. The Assembly Minister for Health and Social Services decided pursuant to section 65(2) of the Government of Wales Act 1998 and Standing Order 22.3 of the Standing Orders of the National Assembly for Wales, that no regulatory appraisal should be carried out because, due to the requirement that the Decision be implemented by 1st January 2001, it was not reasonably practicable to do so in the time available.

**2000 Rhif 3387 (Cy. 224)****2000 No. 3387 (W. 224)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2000****The Specified Risk Material (Amendment) (Wales) (No. 2) Regulations 2000***Wedi'u gwneud* 29 Rhagfyr 2000*Made* 29th December 2000*Yn dod i rym* 1 Ionawr 2001*Coming into force* 1st January 2001

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â'r polisi amaethyddol cyffredin, drwy arfer y pwerau a roddwyd iddo gan adran 2(2) a chan adrannau 16(1)(a), (b), (c), (d) ac (f), (2)(a) a (3), 17(1), 19(1)(a), 26 a 48(1) o Ddeddf Diogelwch Bwyd 1990(c) a pharagraffau 2(1), 3(1), 5 a 6(1)(a) o Atodlen 1 iddi ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(ch), ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the common agricultural policy, in exercise of the powers conferred on it by section 2(2) and by sections 16(1)(a), (b), (c), (d) and (f), (2)(a) and (3), 17(1), 19(1)(a), 26 and 48(1) of and paragraphs 2(1), 3(1), 5 and 6(1)(a) of Schedule 1 to the Food Safety Act 1990 (c) and now vested in the National Assembly for Wales (d), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

**Teitl, cychwyn a chymhwys**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) (Rhif 2) 2000.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 1 Ionawr 2001.

**Diwygiadau i Reoliadau Deunydd Risg Penodedig 1997**

2.-(1) Mewn perthynas â Chymru, mae Rheoliadau Deunydd Risg Penodedig 1997(d) yn cael eu diwygio unol â pharagraff (2) o'r rheoliad hwn.

**Title, commencement and application**

1.-(1) These Regulations may be cited as the Specified Risk Material (Amendment) (Wales) (No. 2) Regulations 2000.

(2) These Regulations apply to Wales only and come into force on 1st January 2001.

**Amendments to the Specified Risk Material Regulations 1997**

2.-(1) In relation to Wales, the Specified Risk Material Regulations 1997 (e) are amended in accordance with paragraph (2) of this regulation.

(a) OS 1999/2788.

(b) 1972 p.68.

(c) 1990 p.16.

(ch) Mae swyddogaethau "the Ministers" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, yn arferadwy bellach gan Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672).

(d) OS 1997/2965, a ddiwygiwyd gan OS 1997/3062, OS 1998/2045 (a ddiwygiwyd ei hun gan OS 1998/2431), OS 1999/539, OS 2000/656 a OS 2000/2659 (Cy.172).

(a) SI 1999/2788.

(b) 1972c.68.

(c) 1990 c.16.

(d) The functions of "the Ministers" under the Food Safety Act 1990, so far as exercisable in relation to Wales, are now exercisable by the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).

(e) SI 1997/2965, amended by SI 1997/3062, SI 1998/2045 (itself amended by SI 1998/2431), SI 1999/539, SI 2000/656 and 2000/2659 (W.172).

(2) Rhoddir y paragraff canlynol yn lle paragraff (1) o reoliad 4 (deunydd buchol penodedig) -

“ (1)In these Regulations, “specified bovine material” means -

- (a) the intestines from the duodenum to the rectum of any bovine animal which was slaughtered or has died elsewhere than in Australia or New Zealand;
- (b) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months -
  - (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils);
  - (ii) the thymus;
  - (iii) the spleen; and
  - (iv) the spinal cord;
- (c) in relation to a bovine animal which was slaughtered or has died at an age greater than 30 months, other than one which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996(a), the vertebral column, including dorsal root ganglia; and
- (d) the following material derived from a bovine animal which was slaughtered or has died at an age greater than 12 months elsewhere than in the United Kingdom, Portugal, Australia or New Zealand-
  - (i) the skull (including the brains and eyes);
  - (ii) the tonsils; and
  - (iii) the spinal cord.”.

### **Diwygiad i Orchymyn Risg Penodedig 1997**

3.-(1) Mewn perthynas â Chymru, diwygir Gorchymyn Deunydd Risg Penodedig 1997 (b) yn unol â pharagraff 2 o'r Rheoliad hwn.

(2) Rhoddir y paragraff canlynol yn lle paragraff (1) o erthygl 4 (deunydd buchol penodedig) -

“(1) In this Order, “specified bovine material” means -

- (a) the intestines from the duodenum to the rectum of any bovine animal which was slaughtered or has died elsewhere than in Australia or New Zealand;
- (b) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months -

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(a) OS 1996/2097, a ddiwygiwyd gan OS 1996/2522 ac OS 2000/656.

(b) OS 1997/2964, fel y'i diwygiwyd gan OS 2000/2811.

(2) The following paragraph is substituted for paragraph (1) of regulation 4 (specified bovine material) -

“ (1)In these Regulations, “specified bovine material” means -

- (a) the intestines from the duodenum to the rectum of any bovine animal which was slaughtered or has died elsewhere than in Australia or New Zealand;
- (b) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months -
  - (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils);
  - (ii) the thymus;
  - (iii) the spleen; and
  - (iv) the spinal cord;
- (c) in relation to a bovine animal which was slaughtered or has died at an age greater than 30 months, other than one which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996(a), the vertebral column, including dorsal root ganglia; and
- (d) the following material derived from a bovine animal which was slaughtered or has died at an age greater than 12 months elsewhere than in the United Kingdom, Portugal, Australia or New Zealand-
  - (i) the skull (including the brains and eyes);
  - (ii) the tonsils; and
  - (iii) the spinal cord.”.

### **Amendment of the Specified Risk Material Order 1997**

3.-(1) In relation to Wales, the Specified Risk Material Order 1997 (b) shall be amended in accordance with paragraph 2 of this Regulation.

(2) The following paragraph shall be substituted for paragraph (1) of article 4 (specified bovine material) -

“(1) In this Order, “specified bovine material” means -

- (a) the intestines from the duodenum to the rectum of any bovine animal which was slaughtered or has died elsewhere than in Australia or New Zealand;
- (b) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months -

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(a) SI 1996/2097, amended by SI 1996/2522 and SI 2000/656.

(b) SI 1997/2964, as amended by SI 2000/2811.

- (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils);
  - (ii) the thymus;
  - (iii) the spleen; and
  - (iv) the spinal cord;
- (c) in relation to a bovine animal which was slaughtered or has died at an age greater than 30 months, other than one which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996, the vertebral column, including dorsal root ganglia; and
- (d) the following material derived from a bovine animal which was slaughtered or has died at an age greater than 12 months elsewhere than in the United Kingdom, Portugal, Australia or New Zealand -
- (i) the skull (including the brains and eyes);
  - (ii) the tonsils; and
  - (iii) the spinal cord.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

29 Rhagfyr 2000

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol

- (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils);
  - (ii) the thymus;
  - (iii) the spleen; and
  - (iv) the spinal cord;
- (c) in relation to a bovine animal which was slaughtered or has died at an age greater than 30 months, other than one which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996, the vertebral column, including dorsal root ganglia; and
- (d) the following material derived from a bovine animal which was slaughtered or has died at an age greater than 12 months elsewhere than in the United Kingdom, Portugal, Australia or New Zealand -
- (i) the skull (including the brains and eyes);
  - (ii) the tonsils; and
  - (iii) the spinal cord.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

29th December 2000

Minister for Health and Social Services.

*Jane Hutt*

CYNULLIAD CENEDLAETHOL CYMRU

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