
WELSH STATUTORY INSTRUMENTS

2002 No. 1416

The TSE (Wales) Regulations 2002

Part IV

Specified Risk Material

Introductory provisions

Interpretation of expressions used in this Part

30.—(1) For the purposes of this Part of these Regulations material shall be treated as a cosmetic, pharmaceutical or medical product whether it is used or intended for use as such by itself or as an ingredient or additive in something which is so used or intended for such use.

(2) In this Part of these Regulations the expression “mechanical means” does not include the use of hand held powered knives which do not use powered pressure or suction.

(3) In this Part of these Regulations, the word “whole” in each of the phrases “intended for export whole” and “exporting it whole” means without having been longitudinally split through the middle of its vertebral column.

(4) The provisions of this Part of these Regulations shall apply to specified risk material from scheme animals, save that the provisions appearing in column 1 of the table in Schedule 5 to these Regulations shall apply only to the extent, and subject to the modifications, specified in column 2 of that table.

Extended meaning of sale etc.

31.—(1) For the purposes of this Part of these Regulations the supply in the course of a business, otherwise than on sale, of—

- (a) food;
- (b) feeding stuffs;
- (c) cosmetic, pharmaceutical or medical products; or
- (d) specified risk material,

shall be deemed to be a sale of the food, feeding stuff, product or material, and references to purchasers and purchasing shall be construed accordingly.

(2) This Part of these Regulations shall apply—

- (a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment, including any social gathering, amusement, exhibition, performance, game, sport or trial of skill, to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;

- (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
- (c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in sub-paragraph (a) or (b) above, as if the food were, or had been, exposed for sale by the occupier of the premises.

Presumption that food is intended for human consumption

32.—(1) For the purposes of this Part of these Regulations any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption.

(2) The following, namely—

- (a) any food commonly used for human consumption which is found on premises used for the preparation, storage or sale of that food; and
- (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,

shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption; and

(3) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Carcases and specified risk material

Removal of specified risk material from carcases in slaughterhouses

33.—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that all specified risk material is removed from the rest of the carcass as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below.

(2) When a sheep or goat is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that—

- (a) subject to regulation 37 below, all specified risk material is removed from the rest of the carcass at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below; or
- (b) in the case of a sheep or goat in which there was at least one permanent incisor tooth erupted, the head, spleen and tonsils are removed at the slaughterhouse as soon as is reasonably practicable after the animal is slaughtered and before the carcass is presented for inspection pursuant to regulation 35 below, and the rest of the carcass is consigned to a licensed slaughterhouse or licensed cutting premises.

(3) Subject to the following provisions of this regulation and to regulation 36 below, the occupier of the slaughterhouse shall ensure that the specified risk material which has been removed is stained blue immediately after removal from the carcass.

(4) Without prejudice to the storage requirements of regulation 52 below, the occupier of the slaughterhouse shall ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of a TSE which is required to be disposed of as if it were specified risk material) while in the slaughterhouse and that it is disposed of in accordance with this Part of these Regulations.

(5) An occupier of a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he or she disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(6) Material which is not specified risk material may be separated from intestines which have been removed from the carcase before the intestines are stained.

(7) In the case of specified risk material which is intended to be examined by or on behalf of an inspector or a veterinary surgeon, the specified risk material shall not be stained until after the completion of the examination.

(8) In the case of scheme animals, the occupier of the slaughterhouse must ensure that, once the specified risk material has been removed, the remainder of the carcase (excluding the hide), is immediately stained yellow.

(9) Nothing in paragraph (2) above shall require the removal of a spinal cord, being specified risk material, from the carcase of a sheep which has been slaughtered in a slaughterhouse if—

- (a) the carcase is intended for export whole direct to listed premises;
- (b) the occupier of the slaughterhouse concerned provides a written declaration to an OVS—
 - (i) indicating that he or she believes that the carcase is intended for export whole direct to listed premises; and
 - (ii) specifying the date on which and the place and time at which the carcase was loaded into the particular sealed vehicle by which it is intended that it be moved for the purpose of exporting it whole direct to listed premises; and
- (c) the carcase has been marked in accordance with regulation 16A of the Specified Risk Material Regulations 1997(1).

(10) Nothing in paragraph (1) above shall require the removal of the vertebral column from the carcase of a bovine animal which was accompanied at the time of slaughter by a slaughter certificate under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996(2) if the carcase is consigned to a licensed cutting premises.

Removal of specified risk material from carcasses elsewhere

34.—(1) Subject to the following provisions of this regulation, when specified risk material is removed from the carcase of a ruminant animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified risk material is removed must ensure that it is removed as soon as is reasonably practicable after the death of the animal and that it is stained blue immediately.

(2) The occupier of those premises must ensure that the specified risk material does not come into contact with any other animal material (except material derived from animals tested for the presence of TSE which is required to be disposed of as if it were specified risk material) while on the premises and that it is disposed of in accordance with this Part of these Regulations.

(3) In the case of specified risk material which is intended to be examined by or on behalf of an inspector, the specified risk material shall not be stained until after the completion of the examination.

(1) S.I.1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405, S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224).

(2) S.I. 1996/2097.

(4) An occupier of premises other than a slaughterhouse in possession of any material derived from a carcase of an animal in relation to which there is carried out (whether by an inspector or on behalf of the occupier or any other person) any test for the presence of a TSE shall, if he or she disposes of the material before a negative result in respect of the test is received, ensure that the material is stained, stored and consigned for disposal as if it were specified risk material.

(5) The provisions of this regulation do not apply in the case of a post-mortem examination carried out by a veterinary surgeon at a farm, provided that he or she makes arrangements for the disposal of the whole of the carcase by burial there.

Inspection and marking of carcasses in a slaughterhouse

35.—(1) The occupier of any slaughterhouse must permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect the carcase of any ruminant animal slaughtered there, so that he or she can check whether the requirements of this Part of these Regulations have been complied with; and
- (b) mark each carcase which has been so checked and found to comply with the requirements of this Part of these Regulations.

(2) The occupier of any slaughterhouse must give to any inspector, or a person acting under the responsibility of an inspector, all reasonable assistance that he or she may require.

(3) The occupier of a slaughterhouse or cutting premises must permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any sheep or goat consigned there so that he or she can check whether the specified risk material has been removed from the carcase in accordance with this Part of these Regulations; and the occupier must give to that person all reasonable assistance that he or she may require.

Removal of vertebral column of bovine animals in cutting premises

36.—(1) When a carcase of a bovine animal containing vertebral column which is specified risk material—

- (a) is consigned as referred to in regulation 33(10) above to licensed cutting premises; or
- (b) is imported and transported in accordance with the Community TSE Regulation or the Community Transitional Measures to licensed cutting premises,

the occupier of those cutting premises must ensure that the vertebral column is removed from the rest of the carcase at the premises as soon as is practicable after the arrival of the carcase there.

(2) The occupier of licensed cutting premises must permit an inspector, or a person acting under the responsibility of an inspector, to inspect the carcase of any bovine animal consigned there so that it can be checked whether the specified risk material has been removed from the carcase in accordance with these Regulations; and the occupier shall give to that person all reasonable assistance that he or she may require.

(3) The occupier of licensed cutting premises at which vertebral column is removed in accordance with this regulation must ensure that it is—

- (a) stained in accordance with regulation 33(3) above; and
- (b) disposed of as specified risk material in accordance with these Regulations.

(4) If the vertebral column which is specified risk material is removed at any premises other than a slaughterhouse or cutting premises, for the purposes of veterinary or scientific examination, after that examination both the spinal cord and the vertebral column shall be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

(5) In this regulation, “carcase” means any whole carcase, half carcase or quarter carcase.

Removal of SRM spinal cord of bovine animals, sheep and goats

37.—(1) Where a carcass of a bovine animal, sheep or goat, or bone-in carcass meat from a bovine animal, sheep or goat, is consigned to a licensed slaughterhouse or a licensed cutting premises the occupier of that slaughterhouse or cutting premises must ensure that the spinal cord which is specified risk material is removed from the rest of the carcass or meat.

(2) If the spinal cord which is specified risk material is removed in a licensed slaughterhouse or at a licensed cutting premises, the occupier must ensure that it is stained in accordance with regulation 33(3) above, and disposed of as specified risk material in accordance with this Part of these Regulations.

(3) If the spinal cord which is specified risk material is removed at any premises, other than a licensed slaughterhouse or a licensed cutting premises, for the purposes of veterinary or scientific examination, after that examination the spinal cord must be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations.

The young lamb stamp

38.—(1) Where a sheep or goat is slaughtered in a slaughterhouse, and at the time of slaughter there was no permanent incisor tooth erupted or it was aged not more than 12 months, the carcass of the animal must be marked with the young lamb stamp.

(2) The young lamb stamp shall consist of a circular mark 5 centimetres in diameter containing in legible form in letters 1 cm high the words “MHS” and “YL”, and shall be applied by an OVS, or inspector or a meat technician acting under the responsibility of an OVS, and no other person shall apply the young lamb stamp or possess the equipment for applying the stamp.

(3) No person may use any stamp so resembling the young lamb stamp, or in such a way, as to be likely to suggest that any carcass other than a carcass of a sheep or goat in which there was no permanent incisor tooth erupted, is such a carcass.

(4) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as is necessary to assist the OVS and inspectors in carrying out their functions under paragraph (2) above.

Staining of specified risk material

39.—(1) In this Part of these Regulations “stained blue” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(3)) in such a way that the colouring is clearly visible—

- (a) in the case of specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and majority of the head,

except that, if the tongue is to be removed, this must be done immediately after slaughter and the head must be stained immediately after the removal of the tongue.

(2) In this Part of these Regulations “stained yellow” in relation to any material means being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Tartrazine (E102, Colour Index No. 19140) in such a way that the colouring is clearly visible over the whole surface of the material.

(3) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(3) The requirement in regulations 33 and 34 above to stain specified risk material shall not apply—

- (a) if the specified risk material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or
- (b) to specified risk material which is intended to be used at premises licensed under regulation 57 below.

(4) Where specified risk material has been stained in accordance with regulations 33 or 34 above, the occupier of any premises at which the material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, must take appropriate measures to ensure that colouring remains visible—

- (a) in the case of stained specified risk material other than the head of a sheep or goat, over the whole surface of the material; and
- (b) in the case of the head of a sheep or goat, over the whole of the cut surface and the majority of the head,

until the stained specified risk material is incinerated or rendered.

(5) Where specified risk material is required to be stained in accordance with regulation 33 or 34 above but has not been so stained, the occupier of any premises at which that material is stored or handled and, in the case of a place licensed under this Part of these Regulations, the operator of that place, must, as soon as practicable after he or she becomes aware that the specified risk material was required to be stained in accordance with regulation 33 or 34 above, inform the National Assembly and detain the specified risk material until it has been inspected or collected on behalf of the National Assembly or the National Assembly has informed him or her that it may be disposed of in accordance with the requirements of this Part of these Regulations.

Consignment of specified risk material after removal from carcasses

40.—(1) Once specified risk material has been removed from the carcase and treated in accordance with this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery must, without unreasonable delay, send it directly to—

- (a) a licensed collection centre;
- (b) a licensed rendering plant;
- (c) a licensed incinerator;
- (d) premises licensed under regulation 57 below; or
- (e) a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes.

Presence of an OVS

41.—(1) An OVS, or inspector or meat technician acting under the responsibility of an OVS, must be present at any slaughterhouse where any carcase of a sheep or goat that is not marked with a young lamb stamp is being loaded for delivery to licensed cutting premises, and must supervise the loading.

(2) An OVS, or inspector or meat technician acting under the responsibility of an OVS, must be present at any cutting premises where any carcase of a sheep or goat that is not marked with a young lamb stamp is being unloaded, and must supervise the unloading.

(3) Immediately after the loading referred to in paragraph (1) above the delivery vehicle must be sealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may seal that vehicle.

(4) On arrival at licensed cutting premises a sealed vehicle must be unsealed by an OVS, or an inspector or meat technician acting under the responsibility of an OVS, and no other person may unseal that vehicle.

(5) The Agency may, in relation to any slaughterhouse or licensed cutting premises, appoint as meat technicians such number of persons as are necessary to assist the OVS and inspectors in carrying out their functions under this regulation.

Prohibitions: slaughter and carcasses

Pithing

42.—(1) No person shall pith, prior to slaughter, any animal referred to in point 4 of Part A of Annex XI to the Community TSE Regulation.

(2) No person may use any meat which is derived from a bovine, ovine or caprine animal that has been pithed in the preparation of any food for sale for human consumption or any feeding stuff.

Prohibition on sale of non-compliant carcasses for human consumption

43. No person may sell the carcase of any bovine animal, sheep or goat for human consumption unless it has been inspected as required by this Part of these Regulations and on such inspection found to comply with these requirements.

Prohibition on the removal of brain and eyes

44.—(1) Subject to paragraph (2) below, no person may remove the brain or eyes—

- (a) from the carcase of a bovine animal which was slaughtered or has died at an age greater than six months, or
- (b) from a carcase of a sheep or goat in which there was at least one permanent incisor tooth erupted through the gum or which was aged more than 12 months at the time it was slaughtered.

(2) The prohibitions in paragraph (1) above shall not apply to brain or eyes removed from carcasses in premises for the purposes of veterinary or scientific examination or research, providing that the part of the premises in which the examination or research is carried out is kept free from food, feeding stuffs, any cosmetic, pharmaceutical or medical product and their starting materials or intermediate products.

Prohibition on the removal of spinal cord

45.—(1) No person may remove the spinal cord or any part of it from the vertebral column of a sheep or goat in which there was at least one permanent incisor tooth erupted or which was aged more than 12 months at the date of slaughter, except—

- (a) in an licensed slaughterhouse or at licensed cutting premises by—
 - (i) longitudinally splitting the whole vertebral column; or
 - (ii) removing a longitudinal section of the whole vertebral column containing the spinal cord; or
- (b) in premises for the purposes of veterinary or scientific examination.

(2) No person may remove the spinal cord or any part of it from the vertebral column of a bovine animal aged six months or more, or longitudinally split the vertebral column of such an animal, except—

- (a) in a slaughterhouse; or
- (b) in premises for the purposes of veterinary or scientific examination.

Transport of unmarked carcasses of sheep and goats

46.—(1) No person may transport from a slaughterhouse a carcass of a sheep or goat suitable for human consumption that is not marked with a young lamb stamp, except—

- (a) to cutting premises that are co-located with the slaughterhouse;
- (b) a carcass which has been inspected and health marked in accordance with the Fresh Meat (Hygiene and Inspection) Regulations 1995 and which is moved in a sealed vehicle;
- (c) when all specified risk material has been removed from the carcass; or
- (d) in the case of a sheep carcass, one which—
 - (i) contains its spinal cord (that cord being specified risk material);
 - (ii) is intended for export whole direct to listed premises; and
 - (iii) is moved in a sealed vehicle.

(2) No person may transport a carcass in accordance with paragraph (1) above unless the carcass is accompanied by a document indicating—

- (a) the name, address and licence number of the slaughterhouse from which the carcass is being transported;
- (b) where the carcass is being transported to cutting premises, the name, address and licence number of those premises; and
- (c) in the case of a sheep carcass transported under sub-paragraph (d) of paragraph (1) above, the name and address of the listed premises to which it is intended that the carcass will be exported.

Possession of unmarked carcasses of sheep and goats

47.—(1) No person may have in his or her possession elsewhere than in a licensed slaughterhouse, in a sealed vehicle or at licensed cutting premises a carcass of a sheep or goat intended for sale for human consumption containing spinal cord, unless it is stamped with a young lamb stamp.

(2) No person may transport a sheep carcass—

- (a) intended for export whole direct to listed premises; and
- (b) containing its spinal cord, that cord being specified risk material,

unless, he or she has in his or her possession, in addition to the document required by regulation 46(2) above, a copy of the declaration required by regulation 33(9)(b) above and the carcass has been marked with the export mark required by regulation 16A of the Specified Risk Materials Regulations 1997.

(3) Where an inspector certifies that any sheep carcass has been possessed in contravention of paragraph (1) above or transported in contravention of paragraph (2) above that carcass must be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

Prohibitions on sale and use of specified risk material

Prohibition on sale of specified risk material for human consumption

48.—(1) No person may sell or supply any specified risk material, or any food containing specified risk material, for human consumption.

(2) No person may use any specified risk material in the preparation of food for sale for human consumption.

(3) No person may sell or supply any specified risk material for use in the preparation of any food for sale for human consumption.

(4) For the purposes of this regulation “specified risk material” includes anything derived from it.

Prohibition on feeding specified risk material to animals

49.—(1) Subject to paragraph (2) below, no person may—

- (a) sell or supply any specified risk material for use in the preparation of any feeding stuff; or
- (b) use any specified risk material in the preparation of any feeding stuff.

(2) Paragraph (1) above shall not apply to—

- (a) the sale or supply of any specified risk material for use in; or
- (b) the use of any specified risk material in,

the preparation of any feeding stuff for feeding to any animal for research purposes in a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(3) Subject to paragraph (4) below, no person may sell or supply any specified risk material, or any feeding stuff which he or she knows or has reason to suspect contains any specified risk material, for feeding to any animal.

(4) Paragraph (3) above shall not apply to the sale or supply of any feeding stuff to a research establishment licensed under these Regulations in accordance with any conditions subject to which the licence is issued.

(5) Subject to paragraph (6) below, no person may feed to any animal—

- (a) any specified risk material;
- (b) any feeding stuff which he or she knows or has reason to suspect contains any specified risk material; or
- (c) a whole carcass or any part of a sheep, goat or bovine animal from which specified risk material has not been removed in accordance with these Regulations.

(6) Paragraph (5)(a) and (b) above shall not apply to the feeding to any animal of any specified risk material or feeding stuff for research purposes in a research establishment licensed under these Regulations and in accordance with any conditions subject to which the licence is issued; or

(7) For the purposes of this regulation—

- (a) “specified risk material” includes anything derived from it; and
- (b) “animal” does not include a human being.

(8) It shall be a defence for any person charged with an offence under this regulation to prove that they did not know or have any reason to believe that the material or the feeding stuff in relation to which they have been charged comprised or contained, specified risk material.

Specified risk material for use in cosmetic, pharmaceutical and medical products

50.—(1) No person may sell any UK specified risk material for use in the preparation or manufacture of any cosmetic, pharmaceutical or medical product.

(2) No person may use any UK specified risk material in the preparation or manufacture of any ingredient to be sold for use in the preparation or manufacture of a cosmetic, pharmaceutical or medical product.

(3) The prohibitions in paragraphs (1) and (2) above apply to anything derived from UK specified risk material as if it were UK specified risk material.

(4) It shall be a defence for any person charged with an offence under paragraph (1) or (2) above to prove that they did not know or have any reason to believe that the material was, or was derived from, UK specified risk material.

Mechanically recovered meat

51.—(1) Any person who contravenes or fails to comply with point 3 of Part A of Annex XI to the Community TSE Regulation in the production of mechanically recovered meat shall be guilty of an offence.

(2) No person may use any mechanically recovered meat which is derived from any bone of a bovine, ovine or caprine animal in the preparation of any food for sale for human consumption or any feeding stuff.

*Prohibitions on collection, transport, rendering,
incineration etc. and storage of specified risk material*

Use of premises for collection, rendering, incineration etc. of specified risk material

52. No person may use any premises for any purpose in connection with—

- (a) the collection of specified risk material;
- (b) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material,

unless the premises are licensed for the purpose under this Part of these Regulations by the Licensing Authority.

Storage of specified risk material

53.—(1) Subject to paragraph (2) below, no person may store specified risk material in the same room on any premises as any food, feeding stuff or any cosmetic, pharmaceutical or medical product.

(2) The requirement in paragraph (1) above shall not apply where an inspector has approved the storage of specified risk material in the same room as any food, feeding stuff or any cosmetic, pharmaceutical or medical product, on being satisfied that the arrangements for storage will ensure the adequate separation of the specified risk material from the food, feeding stuff or product.

(3) No person may store specified risk material otherwise than in an impervious container which—

- (a) contains nothing but specified risk material;
- (b) is labelled as containing specified risk material;
- (c) is not left uncovered when containing specified risk material; and
- (d) after use for storage is thoroughly washed and disinfected before being used for any other purpose.

Transport of specified risk material

- 54.**—(1) No person may transport specified risk material unless—
- (a) the specified risk material is in a container marked with the words “specified risk material”, the place of destination and the name of the person to whom it is being sent; and
 - (b) they provide a written statement to the person to whom it is sent of the premises from which the specified risk material was collected for delivery.
- (2) No person may transport specified risk material unless—
- (a) it is transported in a container which—
 - (i) is not being used at the same time to transport any material other than specified risk material;
 - (ii) is impervious; and
 - (b) it is kept covered at all times while in the container except when necessary for loading or unloading into the container or examination by an inspector.
- (3) Any person transporting specified risk material must ensure that the container in which the specified risk material is transported is thoroughly washed and disinfected before being used for any other purpose.

Procedure for bringing in specified risk material from England, Scotland or Northern Ireland

- 55.**—(1) No person shall bring specified risk material into Wales from England, Scotland or Northern Ireland unless—
- (a) it is stained in accordance with legislation having effect in England, Scotland or Northern Ireland and corresponding to the provisions of this Part of these Regulations relating to staining;
 - (b) it is exempt from the requirement to stain under that legislation by virtue of provisions corresponding to regulation 39(3) above; or
 - (c) it is transported in a sealed vehicle in accordance with the provisions of legislation having effect in, as the case may be, England, Scotland or Northern Ireland corresponding to the provisions of regulation 46 above.
- (2) Any person bringing specific risk material into Wales from England, Scotland or Northern Ireland shall immediately transport it to one of the destinations specified in regulation 40 above.

Licensing

Licensing

- 56.**—(1) The Licensing Authority may—
- (a) licence any occupier of premises to use the premises for any use in connection with—
 - (i) the collection or transport of specified risk material,
 - (ii) the rendering or incineration of specified risk material, or any other manner of disposal or destruction of specified risk material; and
 - (b) licence any occupier of a slaughterhouse or cutting premises to use the slaughterhouse or cutting premises in connection with—
 - (i) the removal referred to in regulation 36(1) above of vertebral column or 37 above of spinal cord; or

(ii) the removal referred to in regulation 45(1)(a) above of the spinal cord, or any part of the spinal cord, from the vertebral column of a sheep or goat,

subject to such conditions as it believes necessary to ensure the occupier of the slaughterhouse or cutting premises is able to comply with the requirements of Part A of Annex XI to the Community TSE Regulation and these Regulations which apply to the use concerned.

(2) Subject to paragraph (3) on an application made by an occupier of any premises to the Licensing Authority for a licence under this regulation the Licensing Authority must grant the occupier a licence if it is satisfied that—

- (a) the occupier has in place facilities, procedures and methods of operation sufficient for the occupier to be able to comply with those requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the use of the premises to which the application relates;
- (b) in respect of an application for a licence to use premises in connection with rendering of specific risk material, the premises have the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable the occupier of the premises to render the specified risk material at the premises by one of the methods specified in Part II of that Schedule; and
- (c) there is no significant risk that inspection on behalf of the Licensing Authority of the use of the premises will be hampered or denied.

(3) In considering applications for a licence for the purposes of this regulation the Licensing Authority may (in addition to any other relevant matters) have regard to the need for the efficient enforcement of this Part of these Regulations.

(4) In this Part of these Regulations—

- (a) in relation to—
 - (i) premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(4);
 - (ii) premises which are licensed under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(5);
 - (iii) premises which are licensed under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(6);
 - (iv) combined premises as defined in the Meat Products (Hygiene) Regulations 1994(7); and
 - (v) combined premises as defined in the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(8),

“the Licensing Authority” is the Agency; and
- (b) in relation to any other premises, “the Licensing Authority” is the National Assembly.
- (c) “licensed collection centre” means premises used for any use in connection with the collection or transport of specified risk material which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations;

(4) S.I. 1995/539 as amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2418, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729 and S.I. 1997/2074.

(5) S.I. 1995/540 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.

(6) S.I. 1995/2148 as amended by S.I. 1995/3205.

(7) S.I. 1994/3082 as amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1996/1499.

(8) S.I. 1995/3205 as amended by S.I. 1996/3124.

- (d) “licensed incinerator” and “licensed rendering plant” means an incinerator or, as the case may be, a rendering plant, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations; and
- (e) “licensed slaughterhouse” and “licensed cutting premises” means a slaughterhouse or, as the case may be, cutting premises, which its occupier is licensed by the Licensing Authority under this Part of these Regulations to use for a purpose which would otherwise be subject to a prohibition by this Part of these Regulations.

Licensing for the use of specified risk material in production or research

57.—(1) The Secretary of State may licence the occupier of any premises to use the premises for—

- (a) the use of specified risk material in relation to the production referred to in Article 2 of the Community TSE Regulation; or
- (b) the use of specified risk material or other source of TSE infectivity in relation to keeping live animals used in or intended for research,

subject to any conditions he or she believes necessary to ensure the occupier of the premises is able to comply with the separation requirements of that Article which apply to the production or the keeping concerned.

(2) On an application made to the Secretary of State under this regulation for a licence the Secretary of State shall grant the licence if he or she is satisfied that—

- (a) the occupier of the premises has in place facilities and procedures for tracing through the production or keeping to which the application relates all specified risk material delivered to the premises sufficient to be able to show that—
 - (i) all specified risk material delivered to the premises is used for the purpose for which it was delivered or is disposed of in accordance with the conditions that may be specified in the licence; or
 - (ii) no product produced at the premises is used as, or in connection with or in the production of, any food or feeding stuff or any cosmetic, pharmaceutical or medical product; and
- (b) the use of the specified risk material in the production or keeping concerned does not give rise to risk
 - (i) to human health; or
 - (ii) with the exception of the health of the animals for whose keeping the licence is required, to animal health.

(3) The occupier of premises licensed under this regulation must—

- (a) ensure that the use of the premises for the licensed purpose is in accordance with—
 - (i) the conditions of the licence; and
 - (ii) the provisions of this Part of these Regulations and Schedule 6 to these Regulations relating to that use; and
- (b) ensure that any person employed by him or her, and any person invited to the premises, complies with these conditions.

(4) The occupier of any premises licensed under this regulation must permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which member States

are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and

- (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there,

and must give to an inspector, or any person acting under the responsibility of the inspector, all reasonable assistance that he or she may require.

(5) No person may carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with any conditions specified in the licence and with the provisions of this Part of these Regulations and Schedule 6 relating to that operation.

Applications for licences

58.—(1) An application for a licence under this Part of these Regulations must be made in writing to the Licensing Authority by or on behalf of the occupier of the premises to which the application relates.

(2) The Licensing Authority must notify the applicant in writing of its decision on an application made to it in accordance with this regulation.

(3) A licence under this Part of these Regulations must specify—

- (a) the name and address of the person to whom the licence is granted and the address of the licensed premises;
- (b) the use of the premises for which the licence is granted; and
- (c) the conditions subject to which the licence is granted.

(4) If the Licensing Authority refuse to grant a licence or grants a licence subject to any condition it must give to the applicant a statement of—

- (a) the reasons for the refusal or the condition; and
- (b) the applicant's right under this Part of these Regulations to appeal against the refusal or the condition and the period within which and the person or tribunal to whom an appeal may be made.

Requirements of use of licensed premises

59.—(1) An occupier licensed to use premises under this Part of these Regulations must—

- (a) ensure that the use of the premises for the licensed use is in accordance with the requirements of these Regulations and the conditions of the licence;
- (b) ensure that any person employed by him or her, and any person invited to the premises, complies with these requirements and conditions.

(2) An occupier licensed to use premises under this Part of these Regulations must permit an inspector, or a person acting under the responsibility of an inspector, to—

- (a) inspect any carcase, part carcase, blood or specified risk material on the premises to enable the inspector to check whether the requirements the observance of which member States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the premises are complied with there; and
- (b) inspect any part of the premises, any facility or any operation at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material to enable the inspector to check whether the requirements the observance of which member

States are required to ensure under Part A of Annex XI to the Community TSE Regulation which apply to the operation are complied with there, and must give to an inspector, or any person acting under the responsibility of the inspector, such reasonable assistance as he or she may require.

(3) No person may carry out any operation in relation to specified risk material at premises licensed under this regulation except in accordance with the requirements of these Regulations and any conditions specified in the licence.

Suspension of licences

60.—(1) The Licensing Authority may suspend a licence under this Part of these Regulations if it considers that—

- (a) the premises are being used otherwise than in accordance with
 - (i) the licence; or
 - (ii) this Part of these Regulations or Schedule 6 to these Regulations,
- (b) any condition specified in the licence has not been complied with;
- (c) inspection of the premises for the purposes of these Regulations is being hampered or denied;
- (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Licensing Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required.

(2) Before suspending a licence the Licensing Authority must—

- (a) give notice of the intended suspension to the occupier of the premises; and
- (b) have regard to any representations made to it by that person in relation to the intended suspension.

(3) If the Licensing Authority decides to suspend a licence it must issue to the occupier of the premises a notice of suspension which includes the following information—

- (a) a summary of the decision of the Licensing Authority to suspend the licence and a description of the use of the premises for which the licence is suspended;
- (b) the reason for the suspension;
- (c) the date on which the suspension takes effect (which may be the same date as the date on which the notice is issued);
- (d) the matters which must be remedied for the suspension to be lifted; and
- (e) a statement of the right of the person to whom the notice of suspension is given to appeal under this Part of these Regulations against the suspension and the period within which and the person or tribunal to whom an appeal may be made.

(4) Where a suspension of a licence of premises under this regulation has taken effect the premises must be treated as if they were not licensed for the use for which the licence is suspended.

(5) The Licensing Authority must lift a suspension of a licence where—

- (a) it is satisfied that—
 - (i) the reason for the suspension no longer applies; and
 - (ii) the person who would use the premises for the use for which they are licensed will use the premises in accordance with the licence and the conditions of the licence, and this Part of these Regulations and Schedule 6 to these Regulations; or

- (b) the determination of an appeal under this Part of these Regulations against the suspension is that the licence should not have been suspended.
- (6) If the Licensing Authority lifts a suspension it must give notice of this to the person to whom it gave notice of the suspension.

Revocation of licences

61.—(1) The Licensing Authority may revoke a licence under this Part of these Regulations if it considers that—

- (a) the premises are being used otherwise than in accordance with
 - (i) the licence; or
 - (ii) this Part of these Regulations or Schedule 6 to these Regulations,
- (b) any condition specified in the licence has not been complied with;
- (c) inspection of the premises for the purposes of these Regulations is being hampered or denied;
- (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Licensing Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;
- (e) the person using the premises for the use for which they are licensed no longer wishes to carry on that use of the premises; or
- (f) the premises are not being used for the use for which they are licensed.

(2) Before revoking a licence the Licensing Authority must—

- (a) give notice of the intended revocation to the occupier of the premises (or, in the case of a revocation under paragraph (1)(f) above, to the person known to the Licensing Authority as the last person to use the premises for the use for which they are licensed and to any other person who appears to the Licensing Authority to be in current occupation of the premises); and
- (b) have regard to any representations made to it by that person in relation to the intended revocation.

(3) If the Licensing Authority decides to revoke a licence it must issue to that person a notice of revocation which includes the following information—

- (a) a summary of the decision of the Licensing Authority to revoke the licence and a description of the use of the premises for which the licence is revoked;
- (b) the reason for the revocation;
- (c) the date on which the revocation takes effect, which may not be before the period of 21 days after the date on which the notice is given;
- (d) a statement of the right of the person to whom the notice of revocation is given to appeal against the revocation and the period within which and the person or tribunal to whom an appeal may be made; and
- (e) a statement—
 - (i) that, for the protection of public or animal health pending an appeal, continued use of the premises for the use for which the licence is revoked is prohibited; or
 - (ii) of any conditions for the protection of public or animal health to which the continued use of the premises for a licensed use is subject pending an appeal.

(4) Subject to paragraph (7) below, where a statement under paragraph 3(e)(ii) above is included in a notice of revocation of a licence, premises may continue to be used by the occupier for a use

for which a licence is revoked during the period of 21 days after the notification to the occupier of the revocation.

(5) After the expiry of this period the premises may not be used for the use for which the licence is revoked unless before the period expired an appeal was made in accordance with regulation 62 below and the appeal has not been finally disposed of or abandoned.

(6) Where the Licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph 3(e)(i) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked.

(7) Where the Licensing Authority has given notice of a decision to revoke the licence of premises and the notice of revocation included a statement under paragraph 3(e)(ii) above, the occupier of the premises must not use the premises for the use for which the licence is revoked except in accordance with the conditions specified in the statement.

Appeals against suspension, refusal and revocation of licences

62.—(1) Where in respect of any premises the Licensing Authority has given notice of a decision under this Part of these Regulations—

- (a) to refuse to license any premises; or
- (b) to grant a licence of any premises subject to conditions;
- (c) to suspend the licence of any premises; or
- (d) to revoke the licence of any premises,

the person to whom the notice is given may, within 21 days of being notified of the decision, appeal against the decision to the person or tribunal specified in the notice.

(2) An appeal under this regulation must be made by written statement given to the person or tribunal specified in the notice accompanied by a brief explanation of the ground of the appeal and such other information and documents as may be so specified in the notice.

(3) If on an appeal under this regulation the person or tribunal hearing the appeal determines that—

- (a) the grant of a licence should not have been refused; or
- (b) unreasonable conditions have been attached to the grant of a licence; or
- (c) a licence should not have been suspended or revoked,

the Licensing Authority shall give effect to that determination.

Collection centres and incinerators

Collection centres

63.—(1) Any person delivering specified risk material to a licensed collection centre must state in writing to the operator of the collection centre concerned the place from which that specified risk material was collected for delivery to that collection centre.

(2) No person may take delivery of specified risk material at a collection centre, or operate a collection centre for specified risk material, unless it has been licensed and has sufficient facilities for storing and handling specified risk material in a manner which keeps it separate from other animal material.

(3) The operator of a licensed collection centre must ensure that—

- (a) without prejudice to the storage requirements of regulation 52 above, all specified risk material in the collection centre is kept separate from all other animal material; and

- (b) all equipment used in relation to the collection or storage of specified risk material that comes into contact with such material is thoroughly washed and disinfected before he or she uses the equipment or allows it to be used in relation to the collection or storage of any other material.

(4) No person may consign specified risk material from a licensed collection centre except to a licensed incinerator or a licensed rendering plant.

Incinerators

64.—(1) Any person delivering specified risk material to an incinerator licensed under regulation 56 must state in writing to the operator of the incinerator concerned the place from which that specified risk material was collected for delivery to that incinerator.

(2) No person may operate an incinerator incinerating specified risk material unless—

- (a) the incinerator has been licensed as having suitable facilities to incinerate specified risk material in accordance with paragraphs (3) and (4) below;
- (b) they dispose of the ash by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990⁽⁹⁾ or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000⁽¹⁰⁾ or the Pollution Prevention and Control (Scotland) Regulations 2000⁽¹¹⁾; and
- (c) the incinerator is equipped with a refractory lining.

(3) The occupier of a licensed incinerator must incinerate all specified risk material delivered to him or her to a standard specified in the licence and in such a way that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the licence.

(4) No person may remove specified risk material from a licensed incinerator unless it has been completely incinerated.

Rendering plants

Delivery of specified risk material to rendering plants

65.—(1) Any person delivering specified risk material to a licensed rendering plant must state in writing to the operator of the rendering plant concerned the place from which that specified risk material was collected for delivery to that rendering plant.

(2) No person may take delivery of specified risk material at a rendering plant, or operate a rendering plant for specified risk material, unless at the time of the delivery the plant is licensed under this Part of these Regulations as having the facilities specified in Part I of Schedule 6 to these Regulations sufficient to enable it to render the specified risk material by one of the methods specified in Part II of that Schedule.

(3) The occupier of a licensed rendering plant must ensure that all containers, receptacles and vehicles which have been used for the transport of specified risk material are cleaned, washed and disinfected before they leave the premises.

⁽⁹⁾ 1990 c. 43.

⁽¹⁰⁾ S.I. 2000/1973.

⁽¹¹⁾ SSI 2000/323.

Storage etc. of specified risk material at rendering plants

66.—(1) Subject to paragraph (2) below, and without prejudice to the storage requirements of regulation 52 above, the operator of a licensed rendering plant must ensure that all specified risk material in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(2) The operator of a licensed rendering plant may keep, handle, store or render specified risk material at the plant together with other material at the plant provided—

- (a) all of that material is kept, handled, stored and rendered at the plant in accordance with the requirements of these Regulations applying to specified risk material; and
- (b) the operator keeps a record for two years of the exact quantity of the specified risk material and the exact quantity of the other material together with which the specified risk material is kept, handled, stored and rendered.

(3) For the purposes of this Part of these Regulations, references to specified risk material shall include references to any—

- (a) specified risk material kept, handled, stored or rendered together with other material; and
- (b) any other material together with which the specified risk material is kept, handled, stored or rendered.

Rendering of specified risk material

67.—(1) The operator of a licensed rendering plant must ensure that specified risk material is processed without undue delay and in any event within seven days of delivery using one of the methods described in Part II of Schedule 6 to these Regulations.

(2) No person may move from the unclean section of a licensed rendering plant, as so specified by the occupier in accordance with paragraph 3 of Part I of Schedule 6 to these Regulations, into the clean section as so specified without first changing his working clothes and footwear and disinfecting the latter.

(3) The operator of an approved rendering plant must ensure (except as provided by paragraph (4) below) that any equipment used for processing specified risk material is used only for that purpose.

(4) Subject to paragraph (5) below, the National Assembly may, on application by the operator of a licensed rendering plant, consent to the use for other purposes of equipment previously used for processing specified risk material.

(5) No consent given under paragraph (4) above shall be effective until the National Assembly has indicated in writing that it is satisfied that the equipment concerned has been cleaned in accordance with any conditions specified in that consent.

(6) No person may take equipment or utensils from the unclean section of a licensed rendering plant into the clean section of a licensed rendering plant unless the equipment or utensils are first washed and disinfected.

(7) The occupier of a licensed rendering plant must ensure that systematic measures are taken to control birds, rodents, insects and other vermin on the premises.

(8) The occupier of a licensed rendering plant must ensure that the premises and equipment on the premises are kept in a good state of repair and that measuring equipment is regularly calibrated.

Rendered material

68.—(1) After any specified risk material has been rendered at a licensed rendering plant the operator of the plant must ensure that the rendered material is placed in a container labelled “specified risk material” and disposed of—

- (a) by burial at a landfill site for which there exists a current waste management licence granted under section 35 of the Environmental Protection Act 1990 or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000; or
 - (b) as specified in the licence for the rendering plant; or
 - (c) by sending to a licensed incinerator.
- (2) An operator of an approved rendering plant must ensure that no rendered material produced from any specified risk material—
- (a) is consigned from the plant for disposal by burial; or
 - (b) is disposed of by burial,

unless the specified risk material has been processed at the plant in accordance with method 4 prescribed in Part II of Schedule 6 to these Regulations.

(3) Material rendered from animal material, other than specified risk material from scheme animals, must be disposed of by burning in a manner which has been authorised under the Environmental Protection Act 1990, the Pollution Prevention and Control (England and Wales) Regulations 2000 or the Pollution Prevention and Control (Scotland) Regulations 2000.

Administration and enforcement

Records

69.—(1) Any person who consigns any specified risk material for transport from any premises must make on consignment a record of each consignment showing—

- (a) the date on which the specified risk material was consigned from the premises;
- (b) the quantity, weight and description of the material;
- (c) the destination to which it was consigned; and
- (d) the name of the haulier transporting it.

(2) Any person who transfers any specified risk material from any part of any premises licensed for the removal, collection, disposal or destruction of any specified risk material to another part of the premises must make on transfer a record of each transfer showing the date on which the specified risk material was transferred and the quantity and description of the material transferred.

(3) A person who collects any specified risk material from any premises for the purpose of transporting it must make on collection a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material was collected;
- (c) the quantity, weight and description of the material; and
- (d) the destination to which it is to be taken,

and must ensure this record accompanies the specified risk material during transport.

(4) A person who receives any specified risk material collected from any premises must make on receipt a record showing—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material is received;
- (c) the quantity, weight and description of the material; and
- (d) name and address of the person who transported it.

(5) In addition to any records he or she is required to make under paragraph (1) and (4) above, an occupier of rendering premises must make a record of any specified risk material he or she renders at the premises showing—

- (a) the quantity and weight rendered and the date of rendering;
- (b) the temperature of the material achieved during rendering;
- (c) in a batch system, the time for which the material was rendered;
- (d) the particle size to which the material was reduced before rendering;
- (e) if appropriate, the pressure to which the by-products is subjected during rendering;
- (f) if appropriate, the feed rate of the material;
- (g) if appropriate, the fat re-cycling rate;
- (h) the quantity, weight and description of rendered material produced;
- (i) in the case of all rendered material—
 - (i) the method of disposal;
 - (ii) the quantity, and weight disposed of;
 - (iii) the date of disposal;
 - (iv) the name of the person transporting it for disposal; and
 - (v) the address of the disposal premises.

(6) Any record required to be made under this regulation must be kept by or on behalf of the person who is required to make it for a period of two years from the date on which the record is made.

Cleansing and disinfection

70.—(1) If an inspector suspects that any vehicle, container or premises constitute a disease risk he or she may serve a notice on the person in charge of the vehicle or container, or on the occupier of the premises, requiring that person to cleanse and disinfect, at his or her own expense, all or any part of the vehicle, container or premises, or any equipment or any other thing used in connection with any such vehicle, container or premises.

(2) The notice may—

- (a) specify the manner in which and the period within which the vehicle, container, premises or equipment must be cleansed and disinfected;
- (b) specify the method of disposal of any specified risk material remaining in the vehicle, container or premises; and
- (c) prohibit the movement of specified risk material into the vehicle or container or on to the premises until the required cleansing and disinfection has been satisfactorily completed.

(3) If any person on whom a notice is served under paragraph (1) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of that default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by the inspector in doing so shall be recoverable from the person in default by the authority on whose behalf the inspector served the notice.

Powers of inspectors

71.—(1) An inspector may make such enquiries and carry out such investigations as he or she considers necessary for any purpose connected with the administration or enforcement of this Part of these Regulations.

(2) An inspector on producing, if required to do so, some duly authenticated document showing his or her authority, may enter at all reasonable times any premises (excluding premises used only as a dwelling) to—

- (a) ascertain whether any—
 - (a) TSE susceptible animal; or
 - (b) any specified risk material,
 is being or has been kept on the premises;
- (b) ascertain whether—
 - (i) any TSE exists or has existed on the premises or any other premises; or
 - (ii) any animal which is being kept on the premises or has been kept on the premises is, or was at the time it was kept there, affected with any TSE;
- (c) collect, pen, inspect and examine any TSE susceptible animal and for this purpose may require the keeper of any TSE susceptible animal to arrange for the collection and penning of the animal;
- (d) inspect and examine—
 - (a) specified risk material; or
 - (b) the carcase of any TSE susceptible animal;
- (e) take such samples from, and make such tests in relation to, any—
 - (i) TSE susceptible animal;
 - (ii) carcase of a TSE susceptible animal;
 - (iii) specified risk material or any other material appearing to him or her to be derived from an animal;
 - (iv) food or feeding stuff;
 - (v) cosmetic, pharmaceutical or medical product,
 as he or she considers necessary;
- (f) mark for identification purposes any specified risk material or TSE susceptible animal, or the carcase of a TSE susceptible animal;
- (g) serve on the person in charge of a TSE susceptible animal, or the person in possession of the carcase of any TSE susceptible animal, or in possession of any specified risk material, a notice—
 - (i) to restrict or prohibit the movement of the TSE susceptible animal, the carcase of any TSE susceptible animal or specified risk material; or
 - (ii) in respect of the carcase of any TSE susceptible animal or specified risk material, to require the person to dispose of the carcase or specified risk material in the manner and period specified in the notice.
- (h) issue a licence in connection with the movement of any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal;
- (i) seize any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal;
- (j) serve a notice requiring any cleansing and disinfection or carry out or cause to be carried out any cleansing and disinfection;
- (k) serve any notice—
 - (i) in connection with the seizure of any specified risk material, TSE susceptible animal or the carcase of a TSE susceptible animal; or

- (ii) under regulation 72(1) or (2) below;
 - (l) inspect—
 - (i) any part of the premises; or
 - (ii) any equipment at the premises;
 - (m) inspect any facility, operation or procedure at the premises including—
 - (i) any means of preparing, manufacturing, treating (including subjecting to heat or cold) food or specified risk material; or
 - (ii) any facility, operation or procedure at the premises in connection with the removal, collection, transport, disposal or destruction of specified risk material;
 - (n) issue any licence, suspension of a licence, withdrawal of a licence or revocation of a licence under this Part of these Regulations;
 - (o) give any direction under regulation 73 below;
 - (p) examine any record, in whatever form the record may be held, and take copies of the record;
 - (q) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any record; and for this purpose may require any person who has charge of or who is otherwise concerned with the operation of the computer, apparatus or material to afford to the inspector such assistance as he or she may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; or
 - (r) ascertain whether there is or has been any contravention of, or failure to comply with, this Part of these Regulations or Schedule 6 to these Regulations or any evidence of any contravention or failure.
- (3) No person except an inspector shall remove or otherwise interfere with any mark applied under paragraph (2)(f) above.
- (4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for an inspector to enter any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (2) above and either—
- (a) admission to the premises has been refused, or a refusal is expected, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is absent,
- the justice of the peace may by warrant signed by him or her authorise an inspector to enter the premises, if need be by reasonable force.
- (5) The occupier of premises entered by an inspector under this regulation or by virtue of a warrant issued under it, and his or her employees and any person on the premises who is or has been in possession or charge of any specified risk material or any animal or carcase, which is or has been on the premises, must—
- (a) provide reasonable facilities and assistance to the inspector and comply with all reasonable requirements of the inspector as considered by the inspector to be necessary for any purpose connected with the administration or enforcement of this Part of these Regulations; and
 - (b) if required by an inspector, give any information he or she possesses as to—
 - (i) any specified risk material or any animal or carcase which is or has been on the premises;

- (ii) any animal or carcase with which any specified risk material or any animal or carcase, which is or has been on the premises may have come into contact; and
 - (iii) the location, transport and movement of any specified risk material or any animal or carcase, which is or has been in his or her possession or charge.
- (6) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it may take with him or her—
- (a) any other persons he or she considers necessary to give such assistance as he or she considers necessary; and
 - (b) a representative of the European Commission acting for the purpose of the Community TSE Regulation or the Community Transitional Measures or any Community legislation referred to in that Regulation or those Measures; and
- (7) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

Recall, seizure and destruction of feeding stuffs

72.—(1) An inspector may serve on any person in whose possession is found any feeding stuff containing specified risk material, except a feeding stuff prepared for use at premises licensed for that use under regulation 56 above, a notice requiring that person to dispose of the feeding stuff and any other feeding stuff or material with which it has come into contact. A notice served under this paragraph may specify the manner in which and the period within which the material is to be disposed of.

(2) An inspector may serve on any person who has sold or supplied any feeding stuff containing specified risk material a notice requiring that person to collect at his or her own expense that feeding stuff from the person to whom it was supplied or sold, or from any other person to whom it may subsequently have been supplied or sold. A notice served under this paragraph may also specify the place to which and the time within which the product is to be transported.

(3) If any person on whom a notice is served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an inspector may, without prejudice to any proceedings arising out of the default, carry out or cause to be carried out the requirements of the notice.

(4) The amount of any expenses reasonably incurred by or on behalf of an inspector acting pursuant to paragraph (3) above shall be recoverable as a debt from the person in default by the authority on whose behalf the inspector served the notice.

Directions

73.—(1) If the National Assembly or the Agency is satisfied that specified risk material cannot be disposed of under the provisions of these Regulations, whether for reasons of mechanical breakdown of equipment or otherwise, it may give written directions to the owner or person in control of the specified risk material for its disposal in a safe manner.

(2) In the event of any person not complying with directions given by the National Assembly, the National Assembly may make arrangements for the disposal of the specified risk material.

(3) In the event of any person not complying with directions given by the Agency, the Agency may make arrangements for the disposal of the specified risk material.

(4) The expenses of the National Assembly or the Agency under paragraph (2) or (3) above shall be recoverable as a debt from the person who has failed to comply with the direction.

Compliance with notices

74.—(1) Any notice served under this Part of these Regulations must be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under this Part of these Regulations is not complied with, an inspector may arrange for it to be complied with and any costs reasonably incurred by an inspector in respect of any arrangement shall be recoverable as a debt from the person who has failed to comply with the notice.

Slaughterhouse staff training

75. The occupier of any slaughterhouse where specified risk material is removed from carcasses pursuant to this Part of these Regulations must arrange or establish in consultation with an OVS a staff training programme to train staff to comply with those requirements of this Part of these Regulations which they perform at the slaughterhouse.

Occupier's duty and offences

76.—(1) An occupier of any premises used for the purposes of a business in the course of which any commercial operation with respect to food or food sources is carried out must take all practicable steps to secure compliance by his or her employees with the provisions of these Regulations which apply to those operations in relation to those premises.

(2) If any person contravenes or fails to comply with—

- (a) paragraph (1) above;
- (b) a direction of the National Assembly or the Agency under regulation 73 above;
- (c) a notice under regulation 74 above; or
- (d) any other prohibition or requirement imposed by or under this Part of these Regulations,

that person shall be guilty of an offence.

(3) A person guilty of an offence under this regulation shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) No prosecution for an offence under any of the provisions referred to in paragraph (2) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

(5) In this regulation “commercial operation” and “food source” have the same meanings as in the Food Safety Act 1990.

Inspection and seizure of suspected food

77.—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of this Part of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act is to be construed as a reference to this Part of these Regulations—

- (a) section 9 (inspection and seizure of suspected food), subject to the modification that it applies to an inspector as it applies to an authorised officer of a food authority;

- (b) section 30(8) (evidence of certificate of analysis or examination); and
 - (c) section 44 (protection of officers acting in good faith), subject to the modifications that it applies to a person—
 - (i) appointed as an inspector for the purpose of these Regulations by a local authority or the Agency; or
 - (ii) designated as an inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995, andas it applies to an authorised officer of a food authority.
- (2) On an inspection for the purposes of this Part of these Regulations of any food intended for human consumption an inspector may certify that the food fails to comply with a provision of this Part.
- (3) Where any food is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.