SCHEDULE 2 Regulation 5

TSE monitoring

PART 1

Monitoring for TSE

Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has in his or her possession or under his or her charge the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation, or the body of any goat aged 18 months or over at death, must–

(a) within 24 hours from the time when the animal dies or was killed or the body comes into his or her possession or charge notify the National Assembly; and

(b) detain it until it has been collected by or on behalf of the National Assembly,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Consignment and slaughter of an over-age bovine animal

2. If a bovine animal was born or reared in the United Kingdom before 1 August 1996, it is an offence–

(a) to consign it to a slaughterhouse for human consumption (whether the animal is alive or dead); or

(b) to slaughter it for human consumption in a slaughterhouse.

Brain stem sampling of bovine animals

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III to the Community TSE Regulation is slaughtered must–

(a) take a sample of brain stem in accordance with point 1 of Chapter C of Annex X to the Community TSE Regulation; and

(b) arrange for it to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The National Assembly must, by means of a notice, notify the occupier of a slaughterhouse if an animal comes into the categories specified in point 2(1) of Part I of Chapter A to Annex III to the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III to the Community TSE Regulation, the National Assembly may serve a notice on the occupier of a slaughterhouse requiring him or her to sample and send for testing in accordance with sub-paragraph (1) any bovine animal slaughtered there.

(4) The National Assembly must approve laboratories to test samples taken under this paragraph if it is satisfied that the laboratory–

(a) will carry out the testing in accordance with Chapter C of Annex X to the Community TSE Regulation;

(b) has adequate quality control procedures; and

(c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse.

(5) In this paragraph "approved testing laboratory" means a laboratory approved under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority to carry out the test.

Slaughter of bovine animals over 30 months of age

4.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal aged over 30 months unless the National Assembly has approved the Required Method of Operation ("RMOP") for that slaughterhouse and that occupier.

(2) The RMOP must, as a minimum–

(a) describe the procedures that will be followed to comply with Part I of this Schedule; and

(b) describe all the systems and procedures specified in Part II of this Schedule.

(3) The National Assembly must approve the RMOP if it is satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with, and the occupier must demonstrate this by means of an assessment of two days duration in which animals are slaughtered (using bovine animals under 30 months old unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No 716/96 adopting exceptional support measures for the beef market in the United Kingdom [M1]).

(4) If a bovine animal aged over 30 months is slaughtered for human consumption other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

Marginal Citations

M1 OJ No. L 139 , 30.04.2004, p.206.

Retention of products and disposal

5.—(1) In relation to any sampled bovine animal, the occupier of a slaughterhouse, hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III to the Community TSE Regulation and pending receipt of the test result, either–

(a) retain all carcases and all parts of the body (including the blood and the hide) that will have to be disposed of in the event of a positive result; or

(b) dispose of them in accordance with sub-paragraph (2).

(2) For the purposes of points 6(4) and 6(5) of that Part, if a positive result is received for a sampled animal, he or she must immediately dispose of–

(a) the carcase and all parts of the body of that animal (including the blood and the hide); and

(b) unless a derogation has been granted under point 6(6) of that Part, the carcase and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part.

(3) If no sample has been sent to an approved testing laboratory for testing in accordance with paragraph 3 of this Schedule, or if a no-test result is received, in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of–

(a) the carcase and all parts of the body (including the blood and the hide) of that animal; and

(b) unless a derogation has been granted under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part; and for the purposes of this sub-paragraph "no-test result" means a sample that an approved testing laboratory has certified cannot be tested for any reason.

(4) The National Assembly may grant in writing a derogation under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation if it is satisfied that there is a system in place that prevents contamination between carcases.

(5) In relation to any sampled sheep or goat, the occupier of a slaughterhouse, hide market or tannery must–

(a) for the purposes of point 7(3) of Part II of Chapter A of Annex III to the Community TSE Regulation, retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and

(b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with point 7(4) of that Part.

(6) In this paragraph the powers of an inspector may also be exercised by a person appointed as such in relation to a hide market or tannery by the Meat and Livestock Commission.

(7) Any person who fails to comply with sub-paragraphs (1) to (3) or (5) is guilty of an offence.

Compensation

6.—(1) If an animal slaughtered for human consumption tests positive, the National Assembly must pay compensation for the carcase and all parts of the body (including the blood and the hide) of–

(a) that animal; and,

(b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) In the case of an animal for which a no-test result (as described in paragraph 5(3)) is received the National Assembly must inform the owner in writing whether it intends to pay compensation for–

(a) the carcase and all parts of the body (including the blood and the hide) of that animal; and

(b) if they are destroyed because of that no-test result, the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding it on the slaughter line and the two animals immediately following it,

giving the reasons, and the appeals procedure in regulation 14 applies.

(3) The compensation is the market value, established either by agreement or under the procedure in regulation 15, with the fee for nominating the valuer and the valuer's fee paid by the occupier.

(4) Compensation is not payable in any other case.

PART 2

Contents of an RMOP

Animal identification and separation

7.—(1) The RMOP must describe the system that–

(a) enables bovine animals born or reared in the United Kingdom before 1 August 1996 to be identified and ensures that they are not slaughtered for human consumption;

(b) enables bovine animals over 30 months of age but born on or after 1 August 1996 to be identified and ensures that they are sampled in accordance with this Schedule; and

(c) enables bovine animals specified in point 2(1) of Part I of Chapter A of Annex III to the Community TSE Regulation to be identified and ensures that they are sampled in accordance with this Schedule.

(2) It must also describe the system that ensures that animals over 30 months of age are–

(a) batched together before slaughter separately from those aged 30 months or under; and

(b) slaughtered in batches separately from those aged 30 months or under.

Brain stem sampling

8.—(1) The RMOP must show that there are –

(a) sufficient staff trained and competent in the taking, labelling, packaging and dispatch of brain stem samples;

(b) hygienic facilities for sampling; and

(c) sampling procedures that do not jeopardise the hygienic production of meat intended for human consumption.

(2) It must describe how health and safety guidelines designed to minimise the risk of exposure of staff to BSE during brain stem sampling and packaging will be complied with.

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

9. The RMOP must describe the system linking the brain stem sample of each bovine animal over 30 months of age to the carcase of that animal and all parts of the body of that animal (including the blood and the hide).

Retention of carcases

10.—(1) The RMOP must describe the system that ensures that all carcases retained in accordance with paragraph 5(1) of this Schedule are retained in slaughter order either in a sealed or locked chiller or on a sealed or locked rail in an unsealed chiller pending the receipt of the test result.

(2) It must describe how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcases for the purposes of this Schedule.

Retention of parts of the body

11. The RMOP must describe the system that ensures that all parts of the body (including the blood and the hide) are retained in accordance with paragraph 5(1) of this Schedule.

Disposal before receipt of the result

12. The RMOP must describe the disposal route for all carcases and all parts of the body (including the blood and the hide) retained pending receipt of a test result but disposed of before the test result is received.

Other measures following sampling

13. The RMOP must describe the systems in place that ensure that–

(a) brain stem samples are packaged in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005) [M2];

(b) test results are received, either by fax or by other electronic means; and

(c) following a positive or a no-test result (as described in paragraph 5(3)), everything required to be disposed of in accordance with point 6(4) or 6(5) of Part I of Chapter A of Annex III to the Community TSE Regulation or under this Schedule is identified and disposed of accordingly.

Marginal Citations

M2 OJ No.L.204.11.8.2000, p.1, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L236, 23.9.2003, p.33).

Removal of vertebral column

14. The RMOP must describe the system that ensures that, in the case of a bovine animal for which a negative test result has been received–

(a) those parts of the vertebral column that are specified risk material are not removed in the slaughterhouse; and

(b) the meat containing that specified risk material is consigned to a cutting plant authorised under paragraph 11 of Schedule 6 to remove it.

Status:
Point in time view as at 03/05/2006.

Changes to legislation:
There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 (revoked), SCHEDULE 2.