
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, revoke and remake with amendments the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008 (S.I. 2008/3154 (W. 282)). These Regulations continue to enforce Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L 147, 31.5.2001, p. 1) (“the EU TSE Regulation”).

Part 1 of the Regulations provides that the Welsh Ministers are the competent authority for the purposes of the EU TSE Regulation, except in Schedule 7 where the competent authority is the Food Standards Agency (regulation 3). Animals kept for the purposes of research (and to which the EU TSE Regulation do not apply) must be disposed of in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption (OJ No L 300, 14.11.2009, p. 1) (regulation 4).

The provisions in Part 2 identify the TSE controls that are subject to enforcement under these Regulations and introduce Schedules 2 to 8.

Part 3 deals with administration and enforcement.

Regulations 7 to 11 deal with approvals, authorisations, licences and registrations, occupiers' duties, suspension, amendment and revocations of approvals etc., and an appeals procedure.

Regulation 12 deals with valuations.

Regulations 13 to 15 give powers to the Welsh Ministers, the local authority and the Food Standards Agency to appoint inspectors, and deal with powers of entry and powers of inspectors.

Regulation 16 provides for a notice procedure, regulation 17 provides for service of notices and

regulation 18 provides for licences permitting movement during a movement restriction.

Regulations 19 to 21 deal with, penalties and offences.

Regulation 22 details who is responsible for enforcing these Regulations.

Regulation 23 contains some consequential amendments.

Regulation 24 deals with revocations.

Regulation 25 contains transitional provisions.

Schedule 1 sets out the TSE requirements.

Schedule 2 sets out the requirements for monitoring for TSE and the approval of laboratories and provides for compensation.

Schedule 3 deals with control and eradication of TSEs in bovine animals and for those purposes makes provision for the payment of compensation by Welsh Ministers for bovine animals.

Schedule 4 deals with control and eradication of TSEs in sheep and goats and for those purposes makes provision for the payment of compensation by Welsh Ministers for sheep and goats.

Schedule 5 deals with control and eradication of TSEs in animals that are not bovine, ovine or caprine and for those purposes makes provision for the payment of compensation by Welsh Ministers.

Schedule 6 deals with feedingstuffs. Part 1 covers restrictions on feeding protein to animals and provides for the payment of compensation by Welsh Ministers for the slaughter of animals which have had access to unlawful feedingstuffs. Part 2 deals with controls on the production of protein and feedingstuffs.

Schedule 7 covers specified risk material, mechanically separated meat and slaughtering techniques. The Food Standards Agency is appointed as the competent authority for the purposes of this Schedule.

Status: Point in time view as at 01/10/2018.

Changes to legislation: There are currently no known outstanding effects for the The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018. (See end of Document for details)

Schedule 8 deals with the export of live bovine animals and products derived from them to other Member States and to third countries.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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