2000 No. 295

FOOD

Specified Risk Material (Amendment) Regulations (Northern Ireland) 2000

Made . . . . . 6th October 2000

Coming into operation . . 20th November 2000

The Department of Health, Social Services and Public Safety(**a**) in exercise of the powers conferred on it by Articles 15(1)(*a*), (*b*), (*c*), (*d*) and (*f*), (2)(*a*) and (3), 16(1), 18(1)(*a*), 25 and 47(2) of, and paragraphs 2(1), 3(1), 5 and 6(1)(*a*) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**b**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation in accordance with Article 47(3) and (3B) of the said Order such with organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 20th November 2000.

Amendments to the Specified Risk Material Regulations (Northern Ireland) 1997

2.—(1) The Specified Risk Material Regulations (Northern Ireland) 1997(**c**) are amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation) the definitions of "class I specified risk material", "class II specified risk material" and "intestines" are revoked

(3) In paragraph (1) of regulation 2 the following definition is substituted for the definition of "specified risk material"—

""specified risk material" means—

(*a*) specified bovine material;

(**a**) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3

(**b**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28.

(**c**) S.R. 1997 No. 552; the relevant amending Regulations are S.R. 1999 No. 157 and S.R. 2000 No. 78

(*b*) specified sheep or goat material;

(*c*) any part of the animal remaining attached to specified bovine material or specified sheep or goat material after dissection of the carcase;

(*d*) any animal material which comes into contact with specified bovine material or specified sheep or goat material after it has been removed from the carcase; and

(*e*) specified solid waste;".

(4) In paragraph (1) of regulation 3 (specified sheep and goat material) the phrase "class I" is revoked.

(5) Paragraph (2) of regulation 3 is revoked.

(6) In paragraph (3) of regulation 3—

(*a*) the phrase "class II" is revoked; and

(*b*) the words "or incinerated" are inserted between "rendered" and "whole".

(7) The following paragraph is substituted for paragraphs (1) and (2) of regulation 4 (specified bovine material)—

"(1) In these Regulations, "specified bovine material" means—

(*a*) the following material derived from a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 6 months—

(i) the head (excluding the tongue but including the brains, eyes, trigeminal ganglia and tonsils),

(ii) the thymus,

(iii) the spleen,

(iv) the intestines from the duodenum to the rectum, and

(v) the spinal cord;

(*b*) in relation to a bovine animal which was slaughtered or has died in the United Kingdom or Portugal at an age greater than 30 months (other than a bovine animal which was accompanied at the time of slaughter by a slaughter certificate issued under the Beef Assurance Scheme as described in Schedule 1 to the Fresh Meat (Beef Controls) Regulations (Northern Ireland) 1996(**a**)), the vertebral column (including dorsal root ganglia); and

(*c*) the following material derived from a bovine animal which was slaughtered or has died outside the United Kingdom or Portugal (other than in Australia or New Zealand) at an age greater than 12 months—

(i) the skull (including the brains and eyes),

(ii) the tonsils,

(iii) the spinal cord, and

(iv) the ileum.".

(**a**) S.R. 1996 No. 404, as amended by S.R. 1996 No. 506

(8) The following paragraph is substituted for paragraph (3) of regulation 4—

"(3) Whole carcases of bovine animals are specified bovine material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died.".

(9) The following paragraph is added to regulation 4—

"(4) In paragraph (1), the reference to Portugal does not include a reference to the Autonomous Region of the Azores.".

(10) Regulation 11 (rendering whole carcases) is revoked.

(11) In paragraph (1) of regulation 14 (prohibition on the removal of brain and eyes)—

(*a*) for "aged greater than" there shall be substituted "which was slaughtered or has died at an age greater than"; and

(*b*) for "(of any age at death)" there shall be substituted "which at the time it was slaughtered or died either had one or more permanent incisor teeth erupted through the gum or was aged more than twelve months".

(12) In paragraph (9)(*b*)(ii) of regulation 24 (approved rendering plants), for "class II specified risk material" there shall be substituted "the specified risk material referred to in paragraph (16)".

(13) The following paragraph is added to regulation 24—

"(16) The specified risk material is—

(*a*) the head of a bovine animal which was slaughtered or has died in the United Kingdom at an age greater than 6 months except—

(i) the skull (including the brains and eyes), and

(ii) the tongue; and

(*b*) the material referred to in paragraphs (*c*) and (*d*) of the definition of that phrase.".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6th October 2000.

(L.S.) *Don Hill*

Senior Officer of the Department of Health,
Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect in part to Article 3.1 of Commission Decision 2000/418/EC regulating the use of material presenting risks as regards transmissible spongiform encephalopathies (O.J No. L158, 30.6.2000, p. 76). That provision requires member States to ensure that certain material from cattle, sheep and goats ("specified risk material") is removed and destroyed in accordance with the Annex to the Decision. These Regulations amend the Specified Risk Material Regulations (Northern Ireland) 1997 (S.R. 1997 No. 552, as amended).

The principal amendment is to bring the definition of "specified risk material" in regulation 2(1) of S.R. 1997 No. 552 into line with the definition of that phrase in Commission Decision 2000/418/EC. As a consequence, an amendment is made to regulation 24(9)(*b*)(ii) of S.R. No. 552, which regulates the disposal of tallow derived from certain specified risk material. A consequential amendment is also made to regulation 14 (prohibition on the removal of brain and eyes).

S.R. 1997 No. 552 is further amended so that—

(*a*) whole carcases of sheep and goats are deemed to be specified risk material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died; and

(*b*) whole carcases of bovines are deemed to be specified risk material if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died.

In consequence of the amendments referred to in paragraphs (*a*) and (*b*), regulation 11 of S.R. 1997 No. 552 (rendering whole carcases) is revoked.

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