EXPLANATORY MEMORANDUM TO THE

TSE (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No.556

1. This explanatory memorandum has been prepared by the Food Standards Agency (FSA) and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The TSE (England) (Amendment) Regulations 2005 amend the TSE (England) Regulations 2002, which is the domestic legislation for the enforcement and administration of Regulation EC No. 999/2001. There have been additional requirements relating to "specified risk material" (SRM) in the directly applicable EC Regulation that need to be incorporated into domestic legislation before they can be enforced.

.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Regulation EC No. 999/2001 (Community TSE Regulation) lays down the rules for the prevention, control and eradication of certain Transmissible Spongiform Encephalopathies (TSEs) on an EU wide basis. It is directly applicable and provision for its enforcement and administration in England is contained in the TSE (England) Regulations 2002 (domestic TSE legislation). There have been a number of SRM (specified risk material)-related changes to the Community TSE Regulation since the domestic TSE regulations came into force and this SI seeks to bring those changes within the scope of domestic TSE legislation for enforcement purposes. Paragraph 7.1 below, contains more information about TSEs and SRM.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 Regulation EC No. 999/2001 (as amended) is aimed at preventing, controlling and eradicating certain transmissible spongiform encephalopathies (TSEs). These are a group of diseases that have been found to occur separately in humans and animals. These neurological diseases are progressive and invariably fatal. Some examples of TSEs include scrapie in sheep and goats; Bovine Spongiform Encephalopathy (BSE), commonly known as "mad cow disease", in cattle and Creutzfeldt-Jakob Disease (CJD) in humans.

7.2 The Community TSE Regulation directly concerns public health and lays down a number of measures to minimise potential consumer exposure to TSEs. One of these is the removal of SRM from all cattle, sheep and goats destined for the food chain. SRM are those tissues that have been shown to be most likely to contain TSE infectivity in animals that have been infected with the disease. Removing these tissues is estimated to prevent 99% of potential infectivity in bovine animals from entering the food chain. The definition of SRM is revised as necessary in the light of emerging scientific evidence.

7.3 The TSE (England) (Amendment) Regulations 2005 is a public health protection instrument. It is designed to bring changes that have been made to the EC definition of SRM in the Community TSE Regulation, as a result of emerging scientific evidence, within the scope of domestic TSE legislation. This is necessary in order to be able to fully enforce the controls on SRM in England and consequently be better able to protect public health.

7.4 The level of public interest in this amending legislation has been minimal. Consultation packages were sent out to 1,540 stakeholders but just 33 provided any response. Only seven stakeholders made substantive comments and these were generally in support of the proposed changes. None of the respondents envisaged that the changes would result in any difficulties and no significant cost implications were identified for the industry in general.

7.5 The TSE (England) (Amendment) Regulations 2005 is politically and legally important because it tightens controls on SRM, which are the key measures for preventing the entry of TSE infectivity into the human food and animal feed chains.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 The impact on the public sector is a possible increase in the cost of enforcement of the TSE (England) Regulations. This will affect the Agency, as it bears the cost of

enforcement of the Regulations by the Meat Hygiene Service (MHS), an Executive Agency of the Food Standards Agency, in licensed slaughterhouses and cutting premises; and local authorities, as they enforce the Regulations elsewhere.

9. Contact

Chris Walding at the Food Standards Agency, Tel: 020 7276 8334 or e-mail: Chris.Walding@foodstandards.gsi.gov.uk can answer any queries regarding the instrument.