



CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 2902 (Cy.205)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

**Rheoliadau TSE (Cymru)
(Diwygio) (Rhif 2) 2005**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau TSE (Cymru) 2002 ymhellach, sef O.S. 2002/1416 ("Rheoliadau 2002"), sydd, yng Nghymru, yn darparu ar gyfer gorfodi a gweinyddu Rheoliad CE Rhif 999/2001 Senedd Ewrop a Chyngor 22 Mai 2001 a gyflwynodd reolau ar gyfer atal, rheoli a chael gwared ar achosion o eneffalopathïau sbyngffurf trosglwyddadwy. Y Rheoliadau diwygio eraill yw O.S. 2004/2735 ac O.S. 2005/1392.

Mae'r Rheoliadau hyn hefyd yn rhannol weithredu Erthygl 16a Cyfarwyddeb y Cyngor 95/53/CE 25 Hydref 1995 sy'n pennu'r egwyddorion sy'n rheoli'r gwaith o drefnu arolygiadau swyddogol ym maes maeth anifeiliaid (OJ Rhif L 265, 8.11.1995, t.17). Cynhwyswyd Erthygl 16a gan Gyfarwyddeb 2001/46 y Cyngor Ewropeaidd a'r Cyngor (OJ Rhif L 234, 1.9.2001, t. 55). Cynhwysir y ddarpariaeth berthnasol yn rheoliad newydd 25B Rheoliadau 2002, a gynhwyswyd gan reoliad 7 y Rheoliadau hyn.

Mae'r prif newidiadau fel a ganlyn.

Diwygir rhai diffiniadau a gynhwysir yn rheoliad 3 Rheoliadau 2002 (Rheoliad 3).

Mae rheoliad newydd 10A ac Atodlen newydd 1A Rheoliadau 2002 yn darparu ar gyfer y broses o ladd gwartheg dros 30 mis oed i bobl eu bwyta, a chynnal profion arnynt ac mae rheoliad newydd 10(B) yn ei gwneud yn drosedd i anfon anifal buchol a anwyd neu

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 2902 (W.205)

ANIMALS, WALES

ANIMAL HEALTH

**The TSE (Wales) (Amendment)
(No. 2) Regulations 2005**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the TSE (Wales) Regulations 2002, S.I. 2002/1416 ("the 2002 Regulations"), which give effect in Wales to the enforcement and administration of Regulation EC No. 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies. Other amending Regulations are S.I. 2004/2735 and S.I. 2005/1392.

These Regulations also give effect in part to Article 16a of Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition (OJ No. L 265, 8.11.1995, p.17). Article 16a was inserted by Directive 2001/46 of the European Parliament and of the Council (OJ No. L 234, 1.9.2001, p. 55). The relevant provision is contained in new regulation 25B of the 2002 Regulations, inserted by regulation 7 of these Regulations.

The main changes are as follows.

Amendments are made to certain definitions contained in regulation 3 of the 2002 Regulations. (Regulation 3.)

New regulation 10A of, and new Schedule 1A to, the 2002 Regulations make provision for a regime for the slaughter for human consumption, and testing, of cattle over thirty months of age and new regulation 10(B) prohibits consignment to a slaughterhouse a bovine

a fagwyd yn y DU cyn 1af Awst 1996 i ladd-dy. (Rheoliad 4 a'r Atodlen).

Diwygir Rheoliad 23 Rheoliadau 2002 er mwyn darparu ar gyfer y defnydd o safleoedd i gynhyrchu bwydydd sy'n cynnwys blawd pysgod. (Rheoliad 5.)

Mae rheoliad newydd 25A Rheoliadau 2002 yn cynnwys darpariaethau pellach ar gyfer bwydydd sy'n cynnwys blawd pysgod ac mae rheoliad newydd 25B yn gysylltiedig â rhoi samplau o fwydydd i labordai. (Rheoliad 7.)

Diwygir Rheoliad 33 Rheoliadau 2002 i ddarparu o'r newydd ar gyfer cael gwared ar ddeunydd â risg benodol o garcas anifail buchol a laddwyd i bobl ei fwyta. (Rheoliad 9.) (Diffinnir "specified risk material" yn rheoliad 3(1) Rheoliadau 2002.)

Mae rheoliad newydd sy'n gysylltiedig â chael gwared ar llynyn cefn defaid a geifr yn cymryd lle Rheoliad 37 Rheoliadau 2002. (Rheoliad 11.)

Mae rheoliad newydd sy'n gysylltiedig â stampio carcasau wyn a geifr ifanc y mae eu dueg a'u hilëwm wedi'u tynnu allan yn cymryd lle Rheoliad 38 Rheoliadau 2002. (Rheoliad 12.)

Darperir ar gyfer y cosbau am droseddau o dan Atodlen 6A Rheoliadau 2004. (Rheoliad 15.)

Mae arfarniad rheoliadol wedi'i baratoi ac mae ar gael yn llyfrgell y Cynulliad Cenedlaethol. Gellir cael copïau o Swyddfa'r Prif Swyddog Milfeddygol, Y Gangen Endemig, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

animal born or reared in the UK before 1st August 1996. (Regulation 4 and the Schedule.)

Regulation 23 of the 2002 Regulations is amended to make provision relating to the use of premises for the production of feedingstuffs containing fishmeal. (Regulation 5.)

New regulation 25A of the 2002 Regulations contains further provisions about feedingstuffs containing fishmeal and new regulation 25B relates to the submission of samples of feedingstuffs to laboratories. (Regulation 7.)

Regulation 33 of the 2002 Regulations is amended to make new provision about the removal of specified risk material from the carcase of a bovine animal slaughtered for human consumption. (Regulation 9.) ("Specified risk material" is defined in regulation 3(1) of the 2002 Regulations.)

Regulation 37 of the 2002 Regulations is replaced by a new regulation relating to the removal of spinal cord from sheep and goats. (Regulation 11.)

Regulation 38 of the 2002 Regulations is replaced by a new regulation relating to the stamping of the carcases of young lambs and goats from which have been removed the spleen and ileum. (Regulation 12.)

Provision is made for the penalties for offences under Schedule 6A of the 2004 Regulations. (Regulation 15.)

A regulatory appraisal has been prepared and placed in the library of the National Assembly. Copies can be obtained from the Office of the Chief Veterinary Officer, Endemic Branch, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

2005 Rhif 2902 (Cy.205)**2005 No. 2902 (W.205)****ANIFEILIAID, CYMRU****ANIMALS, WALES****IECHYD ANIFEILIAID****ANIMAL HEALTH****Rheoliadau TSE (Cymru)
(Diwygio) (Rhif 2) 2005****The TSE (Wales) (Amendment)
(No. 2) Regulations 2005***Wedi'u gwneud**18 Hydref 2005**Made**18 October 2005**Yn dod i rym**19 Hydref 2005**Coming into force**19 October 2005*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi⁽¹⁾ at ddibenion adran 2(2) Deddf y Cymunedau Ewropeaidd 1972⁽²⁾, mewn perthynas â mesurau yn y maes milfeddygol i ddiogelu iechyd y cyhoedd, drwy ymarfer y pwerau a roddwyd iddo gan yr adran honno, drwy hyn yn gwneud y Rheoliadau canlynol:

1. Enw'r Rheoliadau hyn yn Rheoliadau TSE (Cymru) (Diwygio) (Rhif 2) 2005 a deuant i rym ar 19 Hydref 2005.

2. Diwygir Rheoliadau TSE (Cymru) 2002⁽³⁾ yn unol â darpariaethau'r Rheoliadau hyn.

3. Yn rheoliad 3(1) (dehongliad)-

(a) ar ddiwedd y diffiniad o "the Community Transitional Measures", ychwanegir-

"(g) Regulation (EC) No. 932/2005 of the European Parliament and of the Council of 8 June 2005 amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures⁽⁴⁾";

a dilëer y gair "and" ar ddiwedd is-baragraff (e) , ac ychwaneger ef i ddiwedd is-baragraff (c) o'r diffiniad hwnnw;

The National Assembly for Wales, being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures in the veterinary fields for the protection of public health, in exercise of the powers conferred by that section, makes the following Regulations:

1. These Regulations may be cited as the TSE (Wales) (Amendment) (No.2) Regulations 2005 and comes into force on 19 October 2005.

2. The TSE (Wales) Regulations 2002⁽³⁾ are amended in accordance with the provisions of these Regulations.

3. In regulation 3(1) (interpretation)-

(a) at the end of the definition of "the Community Transitional Measures", there is added -

"(g) Regulation (EC) No. 932/2005 of the European Parliament and of the Council of 8 June 2005 amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures⁽⁴⁾";

and the word "and" is deleted from the end of sub-paragraph (e), and added to the end of the sub-paragraph (c), of that definition;

(1) O.S. 2003/1246.

(2) 1972 p.68.

(3) O.S. 2002/1416.

(4) OJ Rhif L. 163, 23.6.2005 tl.

(1) S.I. 2003/1246.

(2) 1972 c.68.

(3) S.I. 2002/1416.

(4) OJ No. L 163, 23.6.2005 p 1.

(b) ar ddiwedd y diffiniad o "inspector", ychwanegir-

"(d) a person appointed as such for the purposes of Article 6 of the Community TSE Regulation and Regulation 10A in relation to a hide market or tannery by the Meat and Livestock Commission established by section 1 of the Agricultural Act 1967(1);";

a dilêr y gair "and" ar ddiwedd is-baragraff (b), ac ychwaneger ef i ddiwedd is-baragraff (c), o'r diffiniad hwnnw;

(c) ar gyfer y diffiniad o "vertebral column", rhoddir y canlynol yn ei le-

"vertebral column" excludes the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but includes the dorsal root ganglia;";

(d) ar gyfer y diffiniad o "young lamb stamp", rhoddir y canlynol yn ei le-

"young goat stamp" means the stamp described as such in regulation 38(2); and

"young lamb stamp" means the stamp described as such in regulation 38(2)."

4. Ar ôl Rheoliad 10 (hysbysiadau), rhoddir y rheoliadau canlynol-

"Slaughter of bovine animals over 30 months of age"

10A.-(1) No person will use a slaughterhouse for the slaughter of a relevant bovine animal unless the occupier of the slaughterhouse has agreed in writing with an OVS the Required Method of Operation in respect of the slaughter of relevant bovine animals at the slaughterhouse in question.

(2) Without prejudice to other provisions which may be contained in it, a relevant agreement-

(a) will contain provisions stating how each requirement referred to in Schedule 1A is to apply in respect of the Required Method of Operation at the slaughterhouse in question; and

(b) may be suspended or revoked by the OVS by notice in writing served on the occupier if the OVS is of the opinion that it is not being complied with.

(3) If the OVS suspends or revokes the agreement-

(a) the occupier may make representation on the suspension or revocation to a person

(b) at the end of the definition of "inspector", there is added-

"(d) a person appointed as such for the purposes of Article 6 of the Community TSE Regulation and Regulation 10A in relation to a hide market or tannery by the Meat and Livestock Commission established by section 1 of the Agricultural Act 1967(1);";

and the word "and" is deleted from the end of subparagraph (b), and added to the end of the subparagraph (c), of that definition;

(c) for the definition of "vertebral column", there is substituted-

"vertebral column" excludes the vertebrae of the tail, the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but includes the dorsal root ganglia;";

(d) for the definition of "young lamb stamp" and the word "and" preceding it, there is substituted-

"young goat stamp" means the stamp described as such in regulation 38(2); and

"young lamb stamp" means the stamp described as such in regulation 38(2)."

4. After Regulation 10 (notifications), there are inserted the following regulations-

"Slaughter of bovine animals over 30 months of age"

10A.-(1) No person will use a slaughterhouse for the slaughter of a relevant bovine animal unless the occupier of the slaughterhouse has agreed in writing with an OVS the Required Method of Operation in respect of the slaughter of relevant bovine animals at the slaughterhouse in question.

(2) Without prejudice to other provisions which may be contained in it, a relevant agreement -

(a) will contain provisions stating how each requirement referred to in Schedule 1A is to apply in respect of the Required Method of Operation at the slaughterhouse in question; and

(b) may be suspended or revoked by the OVS by notice in writing served on the occupier if the OVS is of the opinion that it is not being complied with.

(3) If the OVS suspends or revokes the agreement-

(a) the occupier may make representation on the suspension or revocation to a person

(1) 1967 p.22; amnewidiwyd gan Ddeddf Amaethyddiaeth 1986 (p.49), adran 7

(1) 1967c.22; section 1 was amended by the Agriculture Act 1986 (c.49), section 7

appointed for the purpose by the National Assembly for Wales;

- (b) the appointed person will consider the representations and report in writing to the National Assembly for Wales; and
- (c) the National Assembly for Wales will give written notification of its final determination and the reasons for it.

(4) The occupier of the slaughterhouse will ensure that the provisions contained in the relevant agreement relating to that slaughterhouse are complied with in relation to each relevant bovine animal slaughtered there.

(5) Where a relevant bovine animal has been slaughtered otherwise than in accordance with a relevant agreement, an inspector may give to the occupier of the slaughterhouse in question a direction for the disposal of-

- (a) the carcase of that relevant bovine animal; and
- (b) all other parts of the body of that animal including the blood and the hide.

(6) Where an inspector gives a direction under paragraph (5), the owner of the carcase will not be entitled to any compensation under these Regulations in respect of that carcase and the other parts of the body of the animal including the blood and the hide.

(7) Paragraph (6) is without prejudice to any proceedings arising out of the failure to comply with the relevant agreement in question.

(8) If a person to whom a direction is given under paragraph (5) fails to comply with the direction, an inspector may arrange for it to be complied with-

- (a) without prejudice to any proceedings arising out of such default; and
- (b) at the expense of the person to whom the direction was given.

(9) In this regulation-

- (a) "registered bovine animal" means a bovine animal which belongs to a herd registered under the Beef Assurance Scheme pursuant to regulation 4 of the Fresh Meat (Beef Control) (No.2) Regulations 1996(1);
- (b) "relevant agreement" means an agreement referred to in paragraph (1);
- (c) "relevant bovine animal" means a bovine animal, other than a registered bovine animal, over 30 months of age any part of which is intended for human consumption; and
- (d) "Required Method of Operation", in relation to a slaughterhouse, means the

appointed for the purpose by the National Assembly for Wales;

- (b) the appointed person will consider the representations and report in writing to the National Assembly for Wales; and
- (c) the National Assembly for Wales will give written notification of its final determination and the reasons for it.

(4) The occupier of the slaughterhouse will ensure that the provisions contained in the relevant agreement relating to that slaughterhouse are complied with in relation to each relevant bovine animal slaughtered there.

(5) Where a relevant bovine animal has been slaughtered otherwise than in accordance with a relevant agreement, an inspector may give to the occupier of the slaughterhouse in question a direction for the disposal of-

- (a) the carcase of that relevant bovine animal; and
- (b) all other parts of the body of that animal including the blood and the hide.

(6) Where an inspector gives a direction under paragraph (5), the owner of the carcase will not be entitled to any compensation under these Regulations in respect of that carcase and the other parts of the body of the animal including the blood and the hide.

(7) Paragraph (6) is without prejudice to any proceedings arising out of the failure to comply with the relevant agreement in question.

(8) If a person to whom a direction is given under paragraph (5) fails to comply with the direction, an inspector may arrange for it to be complied with-

- (a) without prejudice to any proceedings arising out of such default; and
- (b) at the expense of the person to whom the direction was given.

(9) In this regulation-

- (a) "registered bovine animal" means a bovine animal which belongs to a herd registered under the Beef Assurance Scheme pursuant to regulation 4 of the Fresh Meat (Beef Control) (No.2) Regulations 1996(1);
- (b) "relevant agreement" means an agreement referred to in paragraph (1);
- (c) "relevant bovine animal" means a bovine animal, other than a registered bovine animal, over 30 months of age any part of which is intended for human consumption; and
- (d) "Required Method of Operation", in relation to a slaughterhouse, means the

(1) O.S. 1996/2097; yr offeryn diwygio perthnasol yw O.S. 2000/656.

(1) S.I. 1996/2097; the relevant amending instrument is S.I. 2000/656.

method of operation that would apply there.

Consignment of over-age animals to a slaughterhouse

10B.-(1) Subject to paragraph (2), no person will consign to a slaughterhouse a live or dead bovine animal born or reared in the United Kingdom prior to 1 August 1996.

(2) Paragraph (1) does not prohibit a person from consigning a bovine animal to a slaughterhouse under the purchase scheme introduced under Commission Regulation (EC) No. 716/96(1) adopting exceptional support measures for the beef market in the United Kingdom, as amended by Commission Regulations (EC) No. 774/96(2), No. 835/96(3), No. 1512/96(4), No. 1846/96(5), No. 1974/96(6), No. 2149/96(7), No. 2423/96(8), No. 1365/97(9), No. 1176/2000(10) and No. 667/2003(11).".

5. Yn rheoliad 23 (cynhyrchu bwydydd sy'n cynnwys blawd pysgod), rhoddir y canlynol yn lle paragraffau (1), (2) a (3)-

"(1) No person will use any premises for the production of feedingstuffs containing fishmeal for the feeding of non-ruminant farmed animals save in accordance with-

- (a) the condition contained in paragraph 2.1B(c) of Annex IV; or
- (b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph.

(2) The National Assembly for Wales will authorise establishments in relation to the production of feedingstuffs for the purposes of-

- (a) the condition contained in paragraphs 2.1B(c) of Annex IV; and
- (b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph,

if, following an inspection of the premises by a veterinary inspector, it is satisfied that the premises are capable of being operated in accordance with the relevant requirements of Annex IV.

(3) In paragraphs (1) and (2), "Annex IV" means

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- (1) OJ L 99, 20.4.1996, t. 14.
 - (2) OJ L 104, 27.4.1996, t. 21.
 - (3) OJ L 112], 7.5.1996, t. 17.
 - (4) OJ L 189, 30.7.1996, t. 93.
 - (5) OJ L 245, 26.9.1996, t. 9.
 - (6) OJ L 262, 16.10.1996, t. 2.
 - (7) OJ L 288, 9.11.1996, t. 14.
 - (8) OJ L 329, 19.12.1996, t. 43.
 - (9) OJ L 188, 17.7.1997, t. 6.
 - (10) OJ L 131, 1.6.2000, t. 37.
 - (11) OJ L 96, 12.4.2003, t. 13.

method of operation that would apply there.

Consignment of over-age animals to a slaughterhouse

10B.-(1) Subject to paragraph (2), no person will consign to a slaughterhouse a live or dead bovine animal born or reared in the United Kingdom prior to 1 August 1996.

(2) Paragraph (1) does not prohibit a person from consigning a bovine animal to a slaughterhouse under the purchase scheme introduced under Commission Regulation (EC) No. 716/96(1) adopting exceptional support measures for the beef market in the United Kingdom, as amended by Commission Regulations (EC) No. 774/96(2), No. 835/96(3), No. 1512/96(4), No. 1846/96(5), No. 1974/96(6), No. 2149/96(7), No. 2423/96(8), No. 1365/97(9), No. 1176/2000(10) and No. 667/2003(11).".

5. In regulation 23 (production of feedingstuffs containing fishmeal), for paragraphs (1), (2) and (3) there are substituted-

"(1) No person will use any premises for the production of feedingstuffs containing fishmeal for the feeding of non-ruminant farmed animals save in accordance with-

- (a) the condition contained in paragraph 2.1B(c) of Annex IV; or
- (b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph.

(2) The National Assembly for Wales will authorise establishments in relation to the production of feedingstuffs for the purposes of-

- (a) the condition contained in paragraphs 2.1B(c) of Annex IV; and
- (b) the derogations from that condition contained in sub-paragraphs (i) and (ii) of that paragraph,

if, following an inspection of the premises by a veterinary inspector, it is satisfied that the premises are capable of being operated in accordance with the relevant requirements of Annex IV.

(3) In paragraphs (1) and (2), "Annex IV" means

-
- (1) OJ L 99, 20.4.1996, t. 14.
 - (2) OJ L 104, 27.4.1996, t. 21.
 - (3) OJ L 112], 7.5.1996, t. 17.
 - (4) OJ L 189, 30.7.1996, t. 93.
 - (5) OJ L 245, 26.9.1996, t. 9.
 - (6) OJ L 262, 16.10.1996, t. 2.
 - (7) OJ L 288, 9.11.1996, t. 14.
 - (8) OJ L 329, 19.12.1996, t. 43.
 - (9) OJ L 188, 17.7.1997, t. 6.
 - (10) OJ L 131, 1.6.2000, t. 37.
 - (11) OJ L 96, 12.4.2003, t. 13.

Annex IV to the Community TSE Regulation."

6. Yn rheoliad 25 (defnyddio a storio bwydydd)-
(a) caiff is-baragraff (a) o baragraff (1) ei hepgor;

(b) ym mharagraff (2), caiff "fishmeal" ei hepgor.
7. Ar ôl rheoliad 25, rhoddir y rheoliadau canlynol-

"Use and storage of feeding stuffs containing fishmeal

25A.-(1) Subject to paragraph (2), any person who-

- (a) uses or stores any feedingstuff containing fishmeal for feeding to non-ruminant farmed animals; and
- (b) fails to comply with paragraph 2.IB(f) of Annex IV to the Community TSE Regulation,

is guilty of an offence.

(2) For the purposes of the derogation in paragraph 2.IB(f) of that Annex, no person is to use or store any feeding stuff containing fishmeal on premises where ruminants are kept unless that person is registered by the National Assembly for Wales for that purpose in accordance with paragraph (3).

(3) The National Assembly for Wales is to grant a registration under paragraph (2) where the occupier has declared to it in writing that measures are implemented on the premises in question to prevent the feedingstuffs being fed to ruminant animals on those premises.

(4) Any person who fails to comply with paragraph (2) is guilty of an offence.

(5) A person guilty of an offence under this regulation is liable-

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

Samples sent to laboratories and reporting requirements

25B.-(1) Up to and including 31 December 2005, where an operator of an establishment producing feedingstuffs sends a sample to a laboratory for testing for any purpose in connection with the requirements of Annex IV of the Community TSE Regulation, he or she will supply in writing with the sample-

- (a) the name and address of the premises at which the sample was taken;
- (b) the date on which the sample was taken;

Annex IV to the Community TSE Regulation."

6. In regulation 25 (use and storage of feedingstuffs)-
(a) sub-paragraph (a) of paragraph (1) is omitted; and

(b) in paragraph (2), "fishmeal," is omitted.
7. After regulation 25, there are inserted the following regulations-

"Use and storage of feeding stuffs containing fishmeal

25A.-(1) Subject to paragraph (2), any person who-

- (a) uses or stores any feedingstuff containing fishmeal for feeding to non-ruminant farmed animals; and
- (b) fails to comply with paragraph 2.IB(f) of Annex IV to the Community TSE Regulation,

is guilty of an offence.

(2) For the purposes of the derogation in paragraph 2.IB(f) of that Annex, no person is to use or store any feeding stuff containing fishmeal on premises where ruminants are kept unless that person is registered by the National Assembly for Wales for that purpose in accordance with paragraph (3).

(3) The National Assembly for Wales is to grant a registration under paragraph (2) where the occupier has declared to it in writing that measures are implemented on the premises in question to prevent the feedingstuffs being fed to ruminant animals on those premises.

(4) Any person who fails to comply with paragraph (2) is guilty of an offence.

(5) A person guilty of an offence under this regulation is liable-

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

Samples sent to laboratories and reporting requirements

25B.-(1) Up to and including 31 December 2005, where an operator of an establishment producing feedingstuffs sends a sample to a laboratory for testing for any purpose in connection with the requirements of Annex IV of the Community TSE Regulation, he or she will supply in writing with the sample-

- (a) the name and address of the premises at which the sample was taken;
- (b) the date on which the sample was taken;

and

- (c) the description and identity of the sample.

(2) The operator will also supply in writing with the sample-

- (a) confirmation whether or not the sample was taken from a feedingstuff or an ingredient for the feeding of farmed animals-

- (i) which has been imported from a third country, or
 - (ii) which has been, or is intended to be, placed on the market; and, if so,

- (b) details of the species of animal for which the feedingstuff or ingredient is intended.

(3) Any-

- (a) person who submits a sample to a laboratory for analysis pursuant to paragraph (1); or
- (b) occupier of the laboratory, other than the Community reference laboratory, to which that sample is sent,

will inform the National Assembly for Wales; with all practicable speed if there is any evidence arising from that sample of a breach of these Regulations or of Annex IV to the Community TSE Regulation."

8. Yn rheoliad 29B (lladd anifeiliaid), rhoddir y canlynol yn lle paragraff (4)-

"(4) Subject to paragraph (5), if any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may carry out or cause to be carried out those requirements-

- (a) without prejudice to any proceedings arising out of such default; and
- (b) at the expense of the person on whom the notice is served.

(5) An inspector may only carry out or cause to be carried out the requirements of a notice referred to in paragraph (4) if the National Assembly for Wales has confirmed the notice pursuant to paragraph (3)."

9. Yn rheoliad 33 (cael gwared ar ddeunydd â risg benodol o garcasau mewn lladd-dai)-

- (a) ar gyfer paragraff (1), rhoddir y canlynol yn ei le-

"(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse will ensure that-

- (a) all specified risk material, excluding the vertebral column, is removed from the

and

- (c) the description and identity of the sample.

(2) The operator will also supply in writing with the sample-

- (a) confirmation whether or not the sample was taken from a feedingstuff or an ingredient for the feeding of farmed animals-

- (i) which has been imported from a third country, or
 - (ii) which has been, or is intended to be, placed on the market; and, if so,

- (b) details of the species of animal for which the feedingstuff or ingredient is intended.

(3) Any-

- (a) person who submits a sample to a laboratory for analysis pursuant to paragraph (1); or
- (b) occupier of the laboratory, other than the Community reference laboratory, to which that sample is sent,

will inform the National Assembly for Wales; with all practicable speed if there is any evidence arising from that sample of a breach of these Regulations or of Annex IV to the Community TSE Regulation."

8. In regulation 29B (slaughter of animals), for paragraph (4) there is substituted-

"(4) Subject to paragraph (5), if any person on whom a notice is served under paragraph (1) fails to comply with the requirements of the notice, an inspector may carry out or cause to be carried out those requirements-

- (a) without prejudice to any proceedings arising out of such default; and
- (b) at the expense of the person on whom the notice is served.

(5) An inspector may only carry out or cause to be carried out the requirements of a notice referred to in paragraph (4) if the National Assembly for Wales has confirmed the notice pursuant to paragraph (3)."

9. In regulation 33 (removal of specified risk material from carcasses in slaughterhouses)-

- (a) for paragraph (1), there is substituted-

"(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere then brought to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse will ensure that-

- (a) all specified risk material, excluding the vertebral column, is removed from the

carcase as soon as is reasonably practicable after the animal has been slaughtered and before the carcase is presented for inspection pursuant to regulation 35; and

- (b) the carcase is consigned to cutting premises licensed under regulation 56(1) as soon as reasonably practicable for the removal of the vertebral column at those premises in accordance with regulation 36(1).";
- (b) ym mharagraff (2)(b), ar gyfer y geiriau "the head, spleen, ileum and tonsils are" rhoddir "all specified risk material, excluding the spinal cord, is" yn ei le;
- (c) caiff paragraff (10) ei hepgor.

10. Yn rheoliad 36 (cael gwared ar asgwrn cefn anifeiliaid buchol mewn safleoedd torri cig)-

- (a) ym mharagraff (1)(a), ar gyfer y geiriau "regulation 33(10)", rhoddir "regulation 33(1)" yn eu lle;
- (b) ar gyfer paragraff (5) rhoddir y canlynol yn ei le-

"(5) In this regulation, "carcase" means-

- (a) a carcase;
- (b) a half carcase;
- (c) a half carcase cut into no more than three wholesale cuts; and
- (d) quarters,

containing no specified risk material other than the vertebral column."

11. Ar gyfer rheoliad 37 (cael gwared ar llyn cefn DRB o anifeiliaid buchol, defaid a geifr) rhoddir y canlynol yn ei le-

"Removal of spinal cord of sheep and goats which is specified risk material"

37.-(1) Where the carcase of a sheep or a goat is consigned to a slaughterhouse or cutting premises licensed for the purpose of this Part of these Regulations, the occupier of that slaughterhouse or cutting premises will ensure that the spinal cord which is specified risk material is removed from the rest of the carcase.

(2) If the spinal cord which is specified risk material is removed in a slaughterhouse or at cutting premises licensed for the purpose of this Part of these Regulations, the occupier will ensure that it is stained in accordance with regulation 33(3) 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 licensed cutting premises, for the purposes of veterinary or scientific examination, after that examination the

carcase as soon as is reasonably practicable after the animal has been slaughtered and before the carcase is presented for inspection pursuant to regulation 35; and

- (b) the carcase is consigned to cutting premises licensed under regulation 56(1) as soon as reasonably practicable for the removal of the vertebral column at those premises in accordance with regulation 36(1).";
- (b) in paragraph (2)(b), for the words "the head, spleen, ileum and tonsils are" there are substituted "all specified risk material, excluding the spinal cord, is"; and
- (c) paragraph (10) is omitted.

10. In regulation 36 (removal of vertebral column of bovine animals in cutting premises)-

- (a) in paragraph (1)(a), for the words "regulation 33(10)", there are substituted "regulation 33(1)"; and
- (b) for paragraph (5) there is substituted-

"(5) In this regulation, "carcase" means-

- (a) a carcase;
- (b) a half carcase;
- (c) a half carcase cut into no more than three wholesale cuts; and
- (d) quarters,

containing no specified risk material other than the vertebral column."

11. For regulation 37 (removal of SRM spinal cord of bovine animals, sheep and goats) there is substituted-

"Removal of spinal cord of sheep and goats which is specified risk material"

37.-(1) Where the carcase of a sheep or a goat is consigned to a slaughterhouse or cutting premises licensed for the purpose of this Part of these Regulations, the occupier of that slaughterhouse or cutting premises will ensure that the spinal cord which is specified risk material is removed from the rest of the carcase.

(2) If the spinal cord which is specified risk material is removed in a slaughterhouse or at cutting premises licensed for the purpose of this Part of these Regulations, the occupier will ensure that it is stained in accordance with regulation 33(3) 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 licensed cutting premises, for the purposes of veterinary or scientific examination, after that examination the

spinal cord will be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations."

12. Ar gyfer rheoliad 38 (stamp oen ifanc), rhoddir y canlynol yn ei le-

"Young lamb stamp and young goat stamp

38.-(1) Where a sheep or a goat is slaughtered in a slaughterhouse and at the time of slaughter-

- (a) it is not more than 12 months of age; or
- (b) there is no permanent incisor erupted through the gum,

and the spleen and the ileum have been removed, the carcase of the animal may be marked with a young lamb stamp or a young goat stamp as appropriate.

(2) A young lamb stamp and a young goat stamp will consist of a circular mark 5 centimetres in diameter containing in legible form in capital letters 1 centimetre high-

- (a) "MHS"; and
- (b) in the case of a sheep, "YL"; and
- (c) in the case of a goat, "YG".

(3) No person other than-

- (a) an OVS;
- (b) an inspector; or
- (c) a meat technician acting under the responsibility of an OVS,

may apply a young lamb stamp or a young goat stamp or possess the equipment for applying such a stamp.

(4) No person will use a stamp resembling a young lamb stamp or a young goat stamp in such a way as to suggest that the carcase of any animal other than an animal referred to in paragraph (1) is such a carcase.

(5) In relation to any slaughterhouse or cutting premises, the Agency may appoint as meat technicians such persons as are necessary to assist the OVS and inspectors in carrying out the functions referred to in paragraph (3)."

13.-(1) Yn rheoliad 41(1) a (2), ar ôl y geiriau "young lamb stamp", rhoddir ", or young goat stamp, as the case may be,".

(2) Yn rheoliadau 46(1) a 47(1), ar ôl y geiriau "young lamb stamp", rhoddir ", or young goat stamp, as the case may be".

14. Ar ôl Atodlen 1 (iawndal), rhoddir Atodlen 1A a nodir yn yr Atodlen.

15. Yn Atodlen 6A (gorfodi Atodiad VII y Rheoliad TSE Cymunedol), ar ôl rhan IV (iawndal), rhoddir-

spinal cord will be stained blue and disposed of as specified risk material in accordance with this Part of these Regulations."

12. For regulation 38 (young lamb stamp), there is substituted-

"Young lamb stamp and young goat stamp

38.-(1) Where a sheep or a goat is slaughtered in a slaughterhouse and at the time of slaughter-

- (a) it is not more than 12 months of age; or
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- (a) "MHS"; and
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may apply a young lamb stamp or a young goat stamp or possess the equipment for applying such a stamp.

(4) No person will use a stamp resembling a young lamb stamp or a young goat stamp in such a way as to suggest that the carcase of any animal other than an animal referred to in paragraph (1) is such a carcase.

(5) In relation to any slaughterhouse or cutting premises, the Agency may appoint as meat technicians such persons as are necessary to assist the OVS and inspectors in carrying out the functions referred to in paragraph (3)."

13.-(1) In regulation 41(1) and (2), after the words "young lamb stamp", there are inserted ", or young goat stamp, as the case may be,".

(2) In regulations 46(1) and 47(1), after the words "young lamb stamp", there are inserted ", or young goat stamp, as the case may be".

14. After Schedule 1(compensation), there is inserted Schedule 1A set out in the Schedule.

15. In Schedule 6A (enforcement of Annex VII to the Community TSE Regulation), after part IV (compensation), there is inserted-

"PART V

OFFENCES

18. A person guilty of an offence under paragraph 8, 10, 11 or 12 is 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."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1).

18 Hydref 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

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- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1).

18 October 2005

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

"SCHEDULE 1A

"SCHEDULE 1A

Regulation 10A

Regulation 10A

REQUIREMENTS TO BE COVERED BY
AGREEMENTS RELATING TO THE
SLAUGHTER OF BOVINE ANIMALS
OVER 30 MONTHS OF AGE

REQUIREMENTS TO BE COVERED BY
AGREEMENTS RELATING TO THE
SLAUGHTER OF BOVINE ANIMALS
OVER 30 MONTHS OF AGE

Animal identification and separation

1. There has to be a reliable system for identifying on arrival at the slaughterhouse-

- (a) bovine animals born before 1 August 1996;
- (b) bovine animals born on or after 1 August 1996;
- (c) bovine animals referred to in (a) or (b) which are subject to slaughter ordered by a veterinary surgeon following an accident or serious physiological or functional problems;
- (d) bovine animals referred to in (a) or (b) which are, or are suspected of, suffering from-
 - (i) a disease which is communicable to humans or animals; or
 - (ii) a disease or disorder of their general condition which is likely to make their meat unfit for human consumption;
- (e) bovine animals referred to in (a) or (b) which have, or are suspected of having-
 - (i) had administered to them substances with pharmacological effects, or
 - (ii) consumed substances,

which may make their meat unfit for human consumption.

2. There has to be a reliable system for ensuring that no bovine animal born or reared in the United Kingdom before 1 August 1996 is slaughtered for human consumption.

3. Bovine animals which are over 30 months of age but born on or after 1 August 1996 have to be clearly identified.

4. Bovine animals which are over 30 months of age but born on or after 1 August 1996 and bovine animals which are 30 months of age and under have to be separated into batches for subsequent separate slaughter.

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Brain stem sampling

5. There has to be sufficient slaughterhouse staff trained and competent in the taking, labelling, packaging and despatch of brain stem samples. Health and Safety guidelines to minimise the risk of exposure to bovine spongiform encephalopathy have to be followed and hygienic facilities have to be provided. Sampling procedures are to be such that they do not jeopardise the hygienic production of meat intended for human consumption.

Correlation of sample to carcass and all other body parts.

6. There has to be a reliable system for linking the brain stem sample of each bovine animal over 30 months of age to the carcass of that animal and all other parts of the body of that animal including the blood and the hide.

Retention of carcasses and all other body parts

7. Unless there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, there has to be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that the carcass of a bovine animal tested for bovine spongiform encephalopathy ("the tested animal") plus the carcass of-

- (a) the bovine animal immediately preceding the tested animal, and
- (b) each of the two bovine animals immediately following the tested animal,

on the slaughter line are retained in slaughter order either in a sealed chiller or on a sealed rail in an unsealed chiller, pending the receipt of the results of the rapid test.

8. Where there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there has to be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that the carcass of a bovine animal tested for bovine spongiform encephalopathy ("the tested animal") is retained either in a sealed chiller or on a sealed rail in an unsealed chiller, pending the receipt of the results of the rapid test.

9. There has also to be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that-

- (a) all parts of the body, including the blood and the hide, but excluding the carcass ("the body parts") of a tested animal plus the body parts of-
 - (i) the bovine animal immediately preceding the tested animal, and

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- (b) each of the two bovine animals immediately following the tested animal,

on the slaughter line are retained in slaughter order either in a sealed chiller or on a sealed rail in an unsealed chiller, pending the receipt of the results of the rapid test.

8. Where there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there has to be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that the carcass of a bovine animal tested for bovine spongiform encephalopathy ("the tested animal") is retained either in a sealed chiller or on a sealed rail in an unsealed chiller, pending the receipt of the results of the rapid test.

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- (a) all parts of the body, including the blood and the hide, but excluding the carcass ("the body parts") of a tested animal plus the body parts of-
 - (i) the bovine animal immediately preceding the tested animal, and

- (ii) the two bovine animals immediately following the tested animal,

on the slaughter line, and

- (b) mixed batches of the body parts of both a tested animal and any other bovine animal,

are disposed of by incineration or, with the exception of the hides, retained at the slaughterhouse until rapid test results are available.

10. Hides not retained at the slaughterhouse have to be retained at premises under official control until rapid test results are available.

Delivery of sample to testing laboratory

11. Brain stem samples for testing for bovine spongiform encephalopathy have to be packaged and delivered in a testable condition to a laboratory approved by the National Assembly for Wales for the purposes of point 2 of Chapter C of Annex X to the Community TSE Regulations. The samples have to be packaged and labelled in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1 January 2005)(1).

Receipt of rapid test results by the slaughterhouse

12. There has to be a system for the receipt of the correct test results from the laboratory, either by fax or by other electronic means.

Action following a positive or 'no test' result.

13. Unless there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there have to be effective arrangements to ensure that the carcase and all other parts of the body, including the blood and the hide ("the whole body") of any bovine animal which tested positive for bovine spongiform encephalopathy ("the BSE positive animal"), plus the whole body of the bovine animal immediately preceding the BSE positive animal and of each of the two bovine animals immediately following the BSE positive animal on the slaughter line (including any batched materials), are identified and disposed of by incineration.

14. Where there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, there have to be effective arrangements to ensure that the whole body of any BSE positive animal is identified and disposed of by incineration.

- (ii) the two bovine animals immediately following the tested animal,

on the slaughter line, and

- (b) mixed batches of the body parts of both a tested animal and any other bovine animal,

are disposed of by incineration or, with the exception of the hides, retained at the slaughterhouse until rapid test results are available.

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14. Where there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, there have to be effective arrangements to ensure that the whole body of any BSE positive animal is identified and disposed of by incineration.

(1) Rhifyn presennol (2005); ISBN 92-1-139097-4.

(1) Current edition (2005); ISBN 92-1-139097-4.

15. Unless there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, there have to be effective arrangements to ensure that the whole body of any bovine animal samples of which cannot be tested for any reason ("the no test animal") plus the whole body (but not the hide if it is separately identified) of the bovine animal immediately preceding the no test animal and of each of the two bovine animals immediately following the no test animal on the slaughter line (including any batched materials), are identified and disposed of by incineration.

16. Where there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, there have to be effective arrangements to ensure that the whole body of any bovine animal, samples of which cannot be tested for any reason, is identified and disposed of by incineration.

Removal of vertebral column in cutting premises licensed under regulation 56(1)

17. There have to be effective arrangements to ensure that the vertebral column is not removed from the carcass of a bovine animal over 30 months of age which has tested negative for bovine spongiform encephalopathy in the slaughterhouse but that it is removed from the carcass in cutting premises licensed under regulation 56(1).

Testing of the effectiveness of the controls put in place

18. Before the first occasion on which the occupier of a slaughterhouse slaughters a bovine animal over 30 months of age any part of which is intended for human consumption, there has to be a test of all the control procedures referred to in the requirements set out in paragraphs 1 to 9 of this Schedule by means of a trial using bovine animals under 30 months old, which demonstrates that all of the control procedures are effective."

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2005 Rhif 2902 (Cy.205)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau TSE (Cymru)
(Diwygio) (Rhif 2) 2005

2005 No. 2902 (W.205)

ANIMALS, WALES

ANIMAL HEALTH

The TSE (Wales) (Amendment)
(No. 2) Regulations 2005

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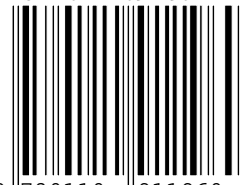
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