

2011 No. 2681

ANIMALS, ENGLAND

ANIMAL HEALTH

PUBLIC HEALTH, ENGLAND

**The Animal By-Products (Enforcement) and Transmissible
Spongiform Encephalopathies (England) (Amendment)
Regulations 2011**

<i>Made</i>	- - - -	<i>8th November 2011</i>
<i>Laid before Parliament</i>		<i>9th November 2011</i>
<i>Coming into force</i>	- -	<i>30th November 2011</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(b).

Citation, commencement and application

1. These Regulations—

- (a) may be cited as the Animal By-Products (Enforcement) and Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2011;
- (b) come into force on 30th November 2011; and
- (c) apply in England.

Amendments of the Animal By-Products (Enforcement) (England) Regulations 2011

2. The Animal By-Products (Enforcement) (England) Regulations 2011(c) are amended as follows—

- (a) in regulation 4 (access) for “regulations 5 and 6” substitute “regulation 5”;
- (b) in regulation 9 (remote areas) omit paragraph (c);
- (c) after regulation 29 insert—

(a) 1972 c.68.
(b) S.I. 1999/2027.
(c) S.I. 2011/881.

“Review of these Regulations

30.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the EU Control Regulation and the EU Implementing Regulation are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 30th November 2011.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”; and

- (d) in Schedule 1 (animal by-product requirements), after item 3 insert a new item 3A with the following contents—
 - (i) in column 1 insert “**3A.** Restrictions on access to carcasses”,
 - (ii) in column 2 insert “Articles 12, 13 and 21(1) of the EU Control Regulation”, and
 - (iii) in column 3 insert “Regulation 6 of these Regulations”.

Amendments of the Transmissible Spongiform Encephalopathies (England) Regulations 2010

3. The Transmissible Spongiform Encephalopathies (England) Regulations 2010(**a**) are amended as follows—

- (a) after regulation 23 insert—

“Review of these Regulations

24.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the EU TSE Regulation is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 30th November 2011.

(a) S.I. 2010/801 as amended by S.I. 2011/881.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”; and

(b) in Schedule 2 (TSE monitoring), in Part 1, in sub-paragraphs (1) and (2) of paragraph 6 (remote areas), omit “, the Isle of Wight”.

James Paice
Minister of State

8th November 2011

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal By-Products (Enforcement) (England) Regulations 2011 (S.I. 2011/881) and the Transmissible Spongiform Encephalopathies (England) Regulations 2010 (S.I. 2010/801).

Amendments are made to provisions concerning remote areas for the purposes of Regulation (EC) No. 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption (OJ No L 300, 14.11.2009, p1) and Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L 147, 31.5.2001, p1), consequential on the revocation of the designation of the Isle of Wight as a remote area.

A review provision is inserted into the Animal By-Products (Enforcement) (England) Regulations 2011 and the Transmissible Spongiform Encephalopathies (England) Regulations 2010 that require the Secretary of State to review the operation of the respective Regulations and publish a report within five years after these Regulations come into effect and within every five years after that.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website (www.defra.gov.uk) and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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£4.00

E1756 11/2011 111756T 19585

ISBN 978-0-11-151671-3



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