



Statutory Document No. 50/06

FOOD ACT 1996

**THE BOVINE MEAT (SLAUGHTER OF ANIMALS OVER 30 MONTHS OF AGE) REGULATIONS 2006**

*Approved by Tynwald*                      22<sup>nd</sup> February 2006

*Coming into operation*                      1<sup>st</sup> March 2006

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 4(3), 17(1), (c), (d), (f), and (2), 21, and 41(1)(a) and 41(6) of the Food Act 1996<sup>1</sup>, and of all other enabling powers, and after consulting such organisations as appear to it to be representative of interests likely to be substantially affected thereby, the following Regulations are hereby made:-

**1. Citation and commencement**

These Regulations may be cited as the Bovine Meat (Slaughter of Animals Over 30 Months of Age) Regulations 2006 and, subject to section 41(7) of the Act, shall come into operation on 1<sup>st</sup> March 2006.

**2. Interpretation**

(1) In these Regulations —

“Agriculture Department” means the Department of Agriculture, Fisheries and Forestry;

“authorised officer”, means any person (whether or not an officer of the Department) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulations and includes, in relation to premises licensed under the Fresh Meat (Hygiene and Inspection)(No 2) Regulations 1997<sup>2</sup>, a person —

(a) designated as an official veterinary surgeon in accordance with regulation 8(1) of those Regulations; or

(b) appointed as a meat inspector in accordance with regulation 8(2) of those Regulations;

“bovine animal” includes —

(a) buffalo of the species *Bubalus bubalis*; and

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<sup>1</sup> 1996 c.8

<sup>2</sup> SD 365/97

(b) Bison bison;

“cutting premises” means premises licensed under regulation 4 of the Fresh Meat (Hygiene and Inspection) (No 2) Regulations 1997 for the purpose of cutting up fresh meat intended for sale for human consumption;

“the Department” means the Department of Local Government and the Environment;

“meat” means any part of a bovine animal that is suitable for human consumption including its blood;

“occupier”, in relation to any premises, means any person carrying on a business as a slaughterhouse;

“place on the market” means sell, supply in any other way against payment or free of charge and store with a view to supply against payment or free of charge and “placed on the market” shall be construed accordingly;

“premises” includes any land, building, structure (moveable or otherwise) tent or vehicle;

“relevant bovine animal” means a bovine animal over 30 months of age any part of which is intended for human consumption;

“Required Method of Operation”, in relation to a slaughterhouse, means the agreed method of operation that would apply there;

“slaughterhouse” means any premises which is licensed under regulation 4 of the Fresh Meat (Hygiene and Inspection)(No 2) Regulations 1997 for slaughtering animals the flesh of which it is intended to place on the market for human consumption;

### **3. Consignment of over-age animals to a slaughterhouse**

No person shall consign to a slaughterhouse —

- (a) a live or dead bovine animal born or reared in the Island prior to 1 January 1998; or
- (b) a live or dead bovine animal born or reared outside the Island prior to 1 August 1996 and imported live into the Island.

### **4. Slaughter of bovine animals over 30 months of age**

(1) No person shall use a slaughterhouse for the slaughter of a relevant bovine animal unless that person has agreed in writing with an authorised officer 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, every Required Method of Operation shall contain provisions stating how each requirement referred to in the Schedule is to apply at the slaughterhouse in question.

(3) The occupier of the slaughterhouse shall ensure that the provisions contained in the Required Method of Operation relating to that slaughterhouse are complied with in relation to each relevant bovine animal slaughtered there.

(4) Where the provisions of any Required Method of Operation have not been complied with in relation to a relevant bovine animal, an authorised officer 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 body parts of that animal including the blood and hide.

(5) Where an authorised officer gives a direction under paragraph (4), the Agriculture Department shall serve a notice on the owner of the carcase specifying whether the owner is entitled to any payment under the Older Cattle Headage Payments Scheme 2006<sup>3</sup>.

(6) Where the notice specifies that no compensation shall be payable, the notice shall —

- (a) give the reasons; and
- (b) explain the right of the person on whom the notice was served to make written representations to the Agriculture Department.

(7) Paragraph (5) is without prejudice to any proceedings which may be brought arising out of a failure to comply with the Required Method of Operation.

## **5. Offences and penalties**

(1) Any person who contravenes regulation 3, 4 (1) or (3) shall be guilty of an offence.

(2) Any person guilty of an offence under this regulation shall be liable —

- (a) on summary conviction, to a fine not exceeding £5000 or to custody for a term not exceeding three months or to both; or
- (b) on conviction on information, to a fine or to custody for a term not exceeding two years or to both.

(3) No prosecution for an offence consisting of a contravention of regulation 3, 4 (1) or (3) shall be begun after the expiry of —

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

## **6. Application of various provisions of the Food Act 1996**

The following provisions of the Food Act 1996 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof shall be construed as a reference to these Regulations —

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<sup>3</sup> GC 2/06

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 26 (powers of entry);
- (c) section 27(1) (obstruction etc. of officers);
- (d) section 27(2), with the modification that the reference to “any such requirement as is mentioned in paragraph 1(b)” shall be deemed to be a reference to any such requirement as is mentioned in that paragraph as applied by sub-paragraph (c);
- (e) section 29(1) (punishment of offences), in so far as it relates to offences under section 27(1) as applied by sub-paragraph (d);
- (f) section 29(2) and (3) in so far as it relates to offences under section 27(2) as applied by sub-paragraph (e).
- (g) section 30 (offences by bodies corporate)
- (h) section 31 (offences due to fault of another person);
- (i) section 32 (defence of due diligence)

## **7. Enforcement**

These Regulations shall be enforced by the Department.

Regulation 4

## **SCHEDULE**

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

#### **Animal identification and separation**

**1.** There must be a reliable system for identifying on arrival at the slaughterhouse —

- (a) bovine animals born in the Island before 1st January 1998 and bovine animals born outside the Island before the 1<sup>st</sup> August 1996 and imported live into the Island; and
- (b) bovine animals born on or after 1st January 1998, and bovine animals born outside the Island or after the 1<sup>st</sup> August 1996 and imported live into the Island;
- (c) bovine animals referred to in (a) or (b) which are subject to slaughter ordered by a veterinary surgeon following an accident;
- (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 must be a reliable system for ensuring that no bovine animal born or reared in the Island before 1<sup>st</sup> January 1998, or born or reared outside the Island before 1st August 1996 is slaughtered for human consumption.

3. The bovine animals which are over 30 months of age but born on or after 1st January 1998 or the 1<sup>st</sup> August 1996, as the case may be, must be clearly identified.

4. The bovine animals which are over 30 months of age but born on or after 1st January 1998 or 1st August 1996 and the bovine animals which are 30 months of age and under must be separated into batches for subsequent separate slaughter.

#### **Brain stem sampling**

5. There must be sufficient slaughterhouse staff trained and competent in the taking, labelling, packaging and despatch of brain stem samples. Appropriate measures, having regard to the general duties laid down in the Management of Health and Safety at Work Regulations<sup>4</sup>, to minimise the risk of exposure to bovine spongiform encephalopathy must be adopted and hygienic facilities must be provided. Sampling procedures must not jeopardise the hygienic production of meat intended for human consumption.

#### **Correlation of sample to carcase and all other body parts including the blood and hide**

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

#### **Retention of carcasses and all other body parts including the blood and hide**

7. Where the Department is not satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that the carcase of a bovine animal tested for bovine spongiform encephalopathy (“the tested animal”) plus the carcase 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 the Department is satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that the carcase of a bovine animal tested for bovine spongiform encephalopathy 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 must also be a reliable system (including the provision of suitable and sufficient chiller space) for ensuring that—

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<sup>4</sup> SD 877/03

- (a) all parts of the body, including the blood and hide, but excluding the carcase (“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 bovine animal,

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

10. Hides not retained at the slaughterhouse must 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 must be packaged and delivered to the approved testing laboratory in a testable condition.

#### **Receipt of rapid test results by the slaughterhouse**

12. There must 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. Where the Department is not satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be effective arrangements to ensure that the carcase and all other body parts including the blood and 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 the Department is satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be effective arrangements to ensure that the whole body of any bovine animal which tested positive for bovine spongiform encephalopathy is identified and disposed of by incineration.

15. Where the Department is not satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be effective arrangements to ensure that the whole body of any bovine animal samples of which cannot be tested or for which no test result is received for any reason (“the no test animal”) plus the whole body, other than the hide, 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 the Department is satisfied that there is a system in place at the slaughterhouse in question which prevents contamination between carcasses, then there must be effective arrangements to ensure that the whole body of any bovine animal samples of which cannot be tested or for which no test result is received for any reason is identified and disposed of by incineration

#### **Removal of bovine vertebral column in cutting premises**

17. There must be effective arrangements to ensure that the vertebral column is not removed from the carcase 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 carcase in cutting premises.

**Testing of the effectiveness of the controls put in place**

18. Before the occupier of a slaughterhouse first slaughters a bovine animal over 30 months of age any part of which is intended for human consumption, there must be a test of all the control procedures referred to in the requirements set out in paragraphs 1 to 8 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.

Made 25<sup>th</sup> January 2006

*John Rimington*  
Minister for Local Government and the Environment.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

1. These regulations make provision for the slaughter of relevant bovine animals aged over 30 months that it is intended to place on the market for human consumption.
2. Regulation 3 prohibits the consignment of certain over-age animals to a slaughterhouse.
3. Regulation 4 provides that no person shall use a slaughterhouse for the slaughter of such animals unless they have agreed in writing with an official veterinary surgeon the Required Method of Operation in respect of the slaughter of such animals at the slaughterhouse in question. The schedule to these regulations sets out the requirements to be covered by such agreements which include the testing regime for bovine spongiform encephalopathy.
4. Regulation 5 provides for offences and penalties and regulation 6 applies various provisions of the Food Act 1996.
5. Regulation 7 provides that the Department of Local Government and the Environment shall enforce these regulations.

