

The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2019.

This Explanatory Memorandum has been prepared by The Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2019. I am satisfied that the benefits outweigh any costs.

Lesley Griffiths

Minister for Environment, Energy & Rural Affairs

26 February 2019

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Part 1

1. Description

- 1.1 Transmissible Spongiform Encephalopathies (TSEs) are fatal brain diseases that include Bovine Spongiform Encephalopathy (BSE) in cattle and scrapie in sheep and goats. Exposure to BSE through the consumption of infected or contaminated meat is believed to be the primary cause of variant Creutzfeldt – Jakob disease (vCJD) in humans.
- 1.2 Due to a drafting error in The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, they must be corrected with The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2019.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

- 2.1 There are no matters of special interest which the Minister for Environment, Energy and Rural Affairs wishes to bring to the attention of the Committee.

3. Legislative background

- 3.1 The relevant legal power is Section 2(2) of the European Communities Act 1972. The Welsh Ministers have been designated for the purposes of Section 2(2) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.
- 3.2 The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2019 instrument will be subject to negative procedure.

4. Purpose & intended effect of the legislation

Schedule 7: Specified Risk Material, Mechanically Separated Meat and Slaughtering Techniques

- Paragraph 9(3)(a) of Schedule 7 in The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, concerning ‘Ovine and caprine animals in a slaughterhouse’, contains a minor drafting error. The text reads;

‘remove the spinal cord at the slaughterhouse without delay following the post-mortem inspection’

The word ‘**following**’ must be substituted with ‘**before**’.

Since the introduction of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, the requirement on operators of slaughterhouses to ensure the removal of the spinal cord of sheep and goats over the age of 12 months or with one permanent incisor erupted has been implemented as intended by the European Regulations for the prevention, control and eradication of TSEs (Regulation (EC) No. 999/2001), and the correct procedure has been followed. However, an amendment to the regulations is required to ensure accuracy and clarity of the legal requirements on slaughterhouse operators and to support the Food Standards Agency (FSA) in their enforcement of these requirements.

As a result, the proposed amendment does not result in a change to either the TSE controls practiced or to their delivery.

5. Consultation

- 5.1 No public consultation is required for this amendment, which is being made due to a drafting error.