STATUTORY INSTRUMENTS.

S.I. No. 156 of 2018

EUROPEAN UNION (TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES) (AMENDMENT) REGULATIONS 2018
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Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th May, 2018.

1. These Regulations may be cited as the European Union (Transmissible Spongiform Encephalopathies) (Amendment) Regulations 2018.

2. The European Union (Transmissible Spongiform Encephalopathies) Regulations 2015 (S.I. No. 532 of 2015) are amended by—

(a) in Regulation 2, substituting for the definition of “TSE Regulation” the following—


\textsuperscript{23}OJ L 18, 24.1.17, p.42
\textsuperscript{24}OJ L 100, 27.4.2017, p. 2
\textsuperscript{25}OJ L 138, 25.5.2017, p. 92
\textsuperscript{26}OJ L 172, 30.6.2007, p. 84
\textsuperscript{27}OJ L 209, 6.8.2015, p.5
\textsuperscript{28}OJ L 182, 7.7.2016, p.47
\textsuperscript{29}OJ L 256, 29.9.2009, p. 35
\textsuperscript{30}OJ L 161, 21.6.2011, p.29
\textsuperscript{31}OJ L 35, 6.2.2013, p.6

(b) deleting paragraph (2)(d) in Regulation 3,

(c) in Regulation 7 (2) substituting for “point 3” “Part I, point 3.1”,

(d) substituting for Regulation 13 the following—

“13. (1) Subject to paragraph (2), where a TSE has been confirmed in an ovine or caprine on a holding and the TSE is—

(a) atypical scrapie, a person shall not move an ovine or caprine animal aged 18 months or more off the holding without a permit issued by the Minister in the period of 2 years following completion of the actions required under Regulation 15 and in accordance with Article 13 of the TSE Regulation, or

(b) a TSE other than atypical scrapie, a person shall not move an ovine or caprine animal on or off the holding without a permit issued by the Minister in the period of 2 years following completion of the actions required under Regulation 15 and in accordance with Article 13 of the TSE Regulation.

(2) Subject to paragraph (3), a person may move an ovine or caprine animal onto or off a holding where a TSE has been officially confirmed in an ovine or caprine animal in the preceding 2 years without a permit where—

(a) the TSE confirmed is atypical scrapie,

(b) the holding is not subject to restriction for any other reason than the confirmation of the TSE, and

(c) the ovine or caprine animal concerned is under the age of 18 months.

(3) The Minister may—

(a) extend the periods mentioned in paragraph (1), or

(b) decide not to apply paragraph (2)

where the Minister is of the opinion that it is appropriate to do so.”,

(e) in Regulation 18—

(i) in paragraph (1) inserting “for the purposes of point 4.3 (b) of Annex V to the TSE Regulation” following “may grant an authorisation”, and

(ii) inserting after paragraph (4) the following:
“(5) A person shall not—

(a) remove bovine SRM vertebral column in a butcher’s shop, or

(b) have beef or beef products containing specified risk material on a premises

other than in accordance with an authorisation issued under paragraph (1).”,”

(f) in Regulation 31(1)(d), inserting after “17,” “18,”, and

(g) in Regulation 32(1), inserting after “Minister” “, the Health Service Executive, the Food Safety Authority of Ireland or a local authority”.

Given under my Official Seal,
28 March 2018.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.
EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

This amendment to S.I. No 532 of 2015 is designed to improve official oversight in the event of the occurrence of TSEs.

It empowers the Minister to extend or reduce movement and restriction periods imposed for the control of TSEs in ovine and caprine animals.

It sets out a requirement for approval of the removal of bovine vertebral column from over-30-month animals in a butcher’s shop, and the presence of specified risk material (SRM).

The amendment also extends powers of prosecution to the Health Service Executive, the Food Safety Authority of Ireland and local authorities.