SCOTTISH STATUTORY INSTRUMENTS

2003 No. 53

FOOD

The Animal By-Products (Identification) Amendment (Scotland) Regulations 2003

Made - - - -	*29th January 2003*
Laid before the Scottish Parliament - - - -	*31st January 2003*
Coming into force - -	*1st April 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(c), (d) and (f) and (3), 26(3) and 48(1) of, and paragraph 3 of Schedule 1 to, the Food Safety Act 1990(**1**) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(**2**) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(**3**) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal By-Products (Identification) Amendment (Scotland) Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to Scotland only.

Amendments to the Animal By-Products (Identification) Regulations 1995

2.—(1) The Animal By-Products (Identification) Regulations 1995(**4**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)–

(a) after the definition of "animal by products premises" there shall be inserted–

(**1**) 1990 c. 16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c. 28) ("the 1999 Act"), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 to the 1999 Act shall be taken as pre commencement enactments for the purposes of the Scotland Act 1998 (c. 46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(**3**) Section 48(4B) was inserted by the Food Standards Act 1999, Schedule 2, paragraph 21.

(**4**) S.I. 1995/614, amended by S.I. 1995/1955, 1996/3124, 1997/2073 and S.S.I. 2000/62 and 2002/283.

""approved premises" means premises which are approved under article 7 of the 1999 Order;"; and

(b) the definition of "sterilised" shall be omitted.

(3) In regulation 3(1) (meaning of "animal by-product") the word "direct" shall be omitted.

(4) In regulation 4(a) (scope) the words "sterilisation or" shall be omitted.

(5) In regulation 5(2) (exemptions) the words "and sterilisation" shall be omitted.

(6) In regulation 6 (sterilisation and staining of animal by products in cold stores, cutting premises, slaughterhouses or farmed game processing facilities)–

(a) in paragraph (1) the words "sterilised or" shall be omitted;

(b) paragraph (2)(a) shall be omitted;

(c) in paragraph (2)(b)–

(i) the word "or", where it appears at the end of paragraph (i), shall be omitted, and

(ii) after paragraph (ii) there shall be inserted–

"(iii) is immediately moved, in the manner specified in paragraph (4), either to approved premises for rendering there or to premises which are separate from the cold store, cutting premises, slaughterhouse or farmed game processing facility concerned for incineration there in accordance with article 10 of the 1999 Order;";

(d) paragraph (2)(c) shall be omitted;

(e) in paragraph (3)–

(i) for "paragraph (2)(a) or (b) above", there shall be substituted "paragraph (2)(b) above"; and

(ii) "sterilised or, as the case may be," shall be omitted; and

(f) for paragraph (4) there shall be substituted–

"(4) The manner is that the animal by product is moved through a sealed and leak proof pipe which connects the cold store, cutting premises, slaughterhouse or farmed game processing facility concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by product is to be incinerated.".

(7) In regulation 7 (sterilisation and staining of animal by products in animal by products premises)–

(a) in paragraph (1)–

(i) for "paragraph (2)", there shall be substituted "paragraphs (2) and (3)";

(ii) the words "sterilised or" shall be omitted; and

(b) for paragraphs (2) and (3) there shall be substituted–

"(2) The duty imposed by paragraph (1) shall not apply in relation to any animal by product which is immediately moved, in the manner specified in paragraph (3), either to approved premises for rendering there or to premises which are separate from the animal by products premises concerned for incineration there in accordance with article 10 of the 1999 Order.

(3) The manner is that the animal by product is moved through a sealed and leak proof pipe which connects the animal by products premises concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by product is to be incinerated.".