SCOTTISH STATUTORY INSTRUMENTS

2002 No. 283

FOOD

The Animal By-Products (Identification) Amendment (Scotland) Regulations 2002

Made - - - -	*7th June 2002*
Laid before the Scottish Parliament - - - -	*10th June 2002*
Coming into force - -	*1st July 2002*

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 2002 and shall come into force on 1st July 2002.

(2) These Regulations shall 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) for the definition of "the 1992 Order", there shall be substituted–

""the 1999 Order" means the Animal By-Products Order 1999(**5**);";

(**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 of 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 5, paragraph 21.

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

(**5**) S.I. 1999/646, amended by S.S.I. 2001/171.

(b) in the definition of "animal by-products premises", "cold store, cutting premises," shall be inserted before "slaughterhouse";

(c) the following definitions shall be inserted after the definition of "carcase":–

> ""cold store" means any premises licensed as such under the Hygiene Regulations;
>
> "cutting premises" means any premises licensed as such under the Hygiene Regulations;";

(d) in the definition of "game processing facility", "cold store, cutting premises or" shall be inserted before "slaughterhouse"; and

(e) in the definition of "occupier", "cold store, cutting premises," shall be inserted before "slaughterhouse";

(f) the following definition shall be inserted after the definition of "scientific purposes":–

> ""slaughterhouse" means any premises licensed as such under the Hygiene Regulations;";

(g) the definition of "specified bovine offal" shall be omitted; and

(h) for the definition of "stained", there shall be substituted–

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(**6**), which solution is of such a strength that the colouring on the animal by-product is clearly visible; and in this definition, "treated" means–

(a) that the solution has been applied to the whole surface of the animal by-product, whether by immersing the animal by product in the solution, spraying the animal by-product with the solution or applying the solution to the animal by-product by any other equally effective means;

(b) in the case of an animal by-product not falling within paragraph (c) below and weighing not less than 25 kg, that the solution has been so applied after the surface of the animal by product has been opened by multiple and deep incisions; and

(c) in the case of an animal by-product comprising an entire poultry carcase, whether or not it has been eviscerated or de feathered, that the solution has been so applied after the surface of the carcase has been opened by multiple and deep incisions.".

(3) For regulation 4 (scope) there shall be substituted–

"**Scope**

4. Nothing in these Regulations shall–

(a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire carcase, except an entire poultry carcase which is dead on arrival at a slaughterhouse or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughterhouse in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**7**);

(b) affect the operation of any order made, or having effect, under the Animal Health Act 1981(**8**).".

(**6**) The Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.
(**7**) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205, 1997/1729 and S.S.I. 2000/62, 171 and 288 and 2002/87 and 234.
(**8**) 1981 c. 22.

(4) In regulation 5 (exemptions)–

(a) for paragraph (1)(f) there shall be substituted–

"(f) specified risk material controlled by the TSE (Scotland) Regulations 2002(**9**).";

(b) for paragraph (2)(a) there shall be substituted–

"(a) poultry heads and feet which–

(i) have been subjected to a post-mortem veterinary inspection; and

(ii) during the course of that inspection did not show gross pathological lesions indicating disease communicable to man or animals;";

(c) in paragraph (2)(c), "cold store, cutting premises," shall be inserted before "slaughterhouse"; and

(d) in paragraphs (2)(c) and (d), for "the 1992 Order" there shall be substituted "the 1999 Order".

(5) For regulation 6 (sterilisation and staining of animal by-products in slaughterhouses or game processing facilities), there shall be substituted–

"**Sterilisation and staining of animal by-products in cold stores, cutting premises, slaughterhouses and farmed game processing facilities**

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting premises, slaughterhouse or farmed game processing facility to ensure that any animal by product is sterilised or stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply to any animal by product–

(a) which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation and bearing a notice that its contents are to be sterilised on the premises and which is then sterilised there;

(b) which–

(i) (in the case of an animal by-product other than a poultry by product) is immediately moved to accommodation in the relevant cutting premises, slaughterhouse or game processing facility and placed in a receptacle as mentioned in paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995(**10**), and which is stained there; or

(ii) (in the case of a poultry by-product) is immediately moved to accommodation in the relevant cold store, cutting premises or slaughterhouse and placed in a container as mentioned in paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 and which is stained there; or

(c) which is intended to be removed from the relevant cold store, cutting premises, slaughterhouse or game processing facility in accordance with regulation 10(2), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(**9**) S.S.I. 2002/255.

(**10**) S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I. 2000/62, 171, 288 and 2001/160, 358, 394 and 429 and 2002/35 and 234.