WELSH STATUTORY INSTRUMENTS

2003 No. 1849 (W.199)

FOOD, WALES

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

Made - - - -	*16th July2003*
Coming into force - -	*18th July 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(c), (d) and (f), 26(3) and 48(1) of and paragraph 3 of Schedule 1 to the Food Safety Act 1990(**1**) and now vested in it(**2**) and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**) and in accordance with section 48(4) and (4B) of that Act makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003; they apply to Wales only and come into force on 18 July 2003.

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

2.—(1) In so far as they apply to Wales, the Animal By-Products (Identification) Regulations 1995(**4**) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) —

(a) for the definition of "the 1992 Order" there shall be substituted the following definition —

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

(b) the following definition is inserted between the definition of "animal by-products premises" and the definition of "carcase" —

(**1**) 1990 c. 16.
(**2**) Functions of "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).
(**3**) OJ No. L31, 1.2.2002, p.1.
(**4**) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656 and S.I. 2002/1619.
(**5**) S.I. 1999/646, as amended by S.I. 2001/1704.

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

(c) the definition of "sterilised" is deleted.

(3) In paragraph (1) of regulation 3 (meaning of "animal by-product") the word "direct" is deleted.

(4) In paragraph (a) of regulation 4 (scope) the words "sterilisation or" are deleted.

(5) in paragraph (2) of regulation 5 (exemptions)

(a) the words "and sterilisation" are deleted;

(b) the following sub-paragraph is inserted before sub-paragraph (a) —

"(a) poultry heads and feet which —

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

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

(6) In each of sub-paragraphs (c) and (d) of paragraph (2) of regulation 5 (exemptions) for the expression "the 1992 Order" there is substituted the expression "the 1999 Order".

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

(a) in the heading the words "sterilisation and" are deleted;

(b) in paragraph (1) the words "sterilised or" are deleted;

(c) paragraph (2)(a) is deleted;

(d) in paragraph (2)(b) —

(i) the word "or", where it appears at the end of sub-paragraph (i), is deleted, and

(ii) after sub-paragraph (ii) there is inserted the following sub-paragraph —

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

(e) paragraph 2(c) is deleted;

(f) in paragraph (3) —

(i) the phrase "paragraph (2)(b) above" is substituted for the phrase "paragraph (2)(a) or (b) above", and

(ii) the phrase "sterilised or, as the case may be," is deleted; and

(g) for paragraph (4) there is substituted the following paragraph —

"(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, game processing facility or slaughterhouse concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by-product is to be incinerated.".

(8) In regulation 7 (sterilisation and staining of animal by-products in animal by-products premises) —

(a) in the heading the words "sterilisation and" are deleted;

(b) in paragraph (1) —

(i) the phrase "paragraphs (2) and (3)" is substituted for the phrase "paragraph (2)", and

(ii) the words "sterilised or" are deleted; and