WELSH STATUTORY INSTRUMENTS

2002 No. 1472 (W.146)

FOOD, WALES

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

Made - - - -	*30th May 2002*
Coming into force - -	*15th July 2002*

In exercise of the powers conferred on it 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**), which are now exercisable in relation to Wales by the National Assembly for Wales(**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, the National Assembly for Wales makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) (Wales) Regulations 2002; they apply to Wales only and come into force on 15th July 2002.

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) in the definition of "animal by-products premises", the words "cold store, cutting premises," are inserted before the word "slaughterhouse";

(b) the following definitions are inserted between the definition of "carcase" and the definition of "enforcement authority"—

(**1**) 1990 c. 16.
(**2**) Functions of "the Ministers" 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 and S.I. 2000/656.

""cold store" means any premises licensed as such under the Hygiene Regulations:

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

(c) in the definition of "game processing facility", the words "cold store, cutting premises or" are inserted before the word "slaughterhouse"; and

(d) in the definition of "occupier", the words "cold store, cutting premises" are inserted before the word "slaughterhouse"; and

(e) the following definition is inserted between the definition of "scientific purposes" and the definition of "specified bovine offal"—

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

(f) the following definition is substituted for the definition of "stained"—

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(**5**), 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 25kg, 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) The following paragraph is substituted for regulation 4 (scope)—

"**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 (**6**);

(b) affect the operation of any order made, or having effect, under the Animal Health Act 1981(**7**).".

(4) Paragraph (2)(a) of regulation 5 (exemptions) is revoked.

(**5**) The Colour Index is published by the Society of Dyers and Colourists at Perkin House, Grattan Road, Bradford, West Yorkshire, BD1 2JB.

(**6**) S.I. 1995/540. amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/656, S.I. 2000/2257 (W.150), SI2001/2198 (W.158) and S.I. 2002/47 (W.6).

(**7**) 1981 c. 22.

(5) In paragraph (2)(c) of regulation 5, the words "cold store, cutting premises," are inserted before the word "slaughterhouse".

(6) The following regulation is substituted for regulation 6 (sterilisation and staining of animal by-products in slaughterhouses or game processing facilities)—

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

6.—(1) Subject to paragraph (2) below it shall be the duty of the occupier of any cold store, cutting premises, game processing facility or slaughterhouse 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 cold store, cutting premises, game processing facility or slaughterhouse 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(**8**), 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(**9**) and which is stained there; or

(c) which is intended to be removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse 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.

(3) The occupier of any cold store, cutting premises, game processing facility or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle or container in accordance with paragraph (2)(a) or (b) above is sterilised or, as the case may be, stained, and removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse as soon as is reasonably practicable.

(4) The occupier of any cold store, cutting premises, game processing facility or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2)(c) above is removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse as soon as is reasonably practicable.".

(7) The following regulation is substituted for regulation 8 (freezing of animal by-products in any slaughterhouse, game processing facility or animal by-products premises—

(**8**) S.I. 1995/539, amended by S.I.1995/731, S.I. 1995/1763, S.I. 1995 2148, S.I. 1995/2200, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074, S.I. 2000/656, S.I. 2000/2257 (W.150), S.I. 2001/1508 (W.105), S.I. 2001/1740 (W.123), S.I. 2001/1802 (W.131), SI 2001/2198 (W.158), S.I. 2001/2627 (W.216), S.I. 2001/3459 (W.279) and SI 2002/129 (W.17).

(**9**) S.I. 1995/540. amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/656, S.I. 2000/2257 (W.150), SI 2001/2198 (W.158) and S.I. 2002/47 (W.6).