STATUTORY RULES OF NORTHERN IRELAND

2015 No. 332

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

Made - - - - 15th September 2015

Coming into operation 14th October 2015

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**1**).

The Department of Agriculture and Rural Development is a Department designated for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**2**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is expedient for the reference to the Regulation (EU) No. 142/2011 (implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive)(**3**) to be construed as a reference to that instrument as amended from time to time.

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015 and shall come into operation on 14th October 2015.

(**1**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**2**) S.I. 1999/2027
(**3**) O.J. No L 54, 26.02.2011, p 1, last amended by Commission Regulation (EU) No 9/2015 (OJ No L 3, 7.1.2015, p10)

Interpretation

2.—(1) In these Regulations—

"the Department" means the Department of Agriculture and Rural Development;

"EU Control Regulation" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation)(**4**);

"EU Implementing Regulation" means Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive as amended from time to time;

"animal by-product requirement" means any requirement in Part 3 and any requirement in Column 2 of the Schedule to these Regulations as read with the provisions in Column 3 to that Schedule;

"authorised person" has the meaning given in regulation 23;

"competent authority" has the meaning given in regulation 3;

"enforcement authority" has the meaning given in regulation 22;

"premises" includes—

(a) any land, building (including any domestic premises), shed, or pen;

(b) any receptacle or container;

(c) any ship; or

(d) a vehicle of any description;

"ship" includes a hovercraft, submersible craft or any other floating craft but not a vessel which—

(a) permanently rests on or is permanently attached to the seabed; or

(b) is an installation within section 16 of the Energy Act 2008(**5**).

(2) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or in the EU Implementing Regulation.

(3) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**6**).

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**4**) O.J. No L300, 14.11.2009, p1, last amended by Council Regulation (EU) No 1385/2013 (OJ No L 354, 28.12.2013, p.86)
(**5**) 2008 c. 32 (as amended)
(**6**) 2000 c.7, amended by the Communications Act 2003 (c.21), sections 406 and 411(2) and (3) and Schedule 17, paragraph 158
(**7**) 1954 c. 33 (N.I.)

PART 2

THE COMPETENT AUTHORITY AND MISCELLANEOUS PROVISIONS

The competent authority

3. The Department is the competent authority for the purposes of the EU Control Regulation and the EU Implementing Regulation.

Access in relation to prohibitions in Article 11(1) of the EU Control Regulation

4. In relation to a prohibition on feeding in Article 11(1) of the EU Control Regulation, the requirements of regulations 5 and 6 apply.

5.—(1) Animal by-products, including catering waste, shall not be brought on to any premises where farmed animals have access to the animal by-products.

(2) Paragraph (1) does not apply to derived products, except for—

(a) products derived from catering waste; or

(b) meat and bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) (placing on the market and use) of the EU Control Regulation.

6. A body or part of a body of any farmed animal that has not been slaughtered for human consumption shall be held, pending consignment or disposal, in accordance with the EU Control Regulation as read with the EU Implementing Regulation, in such manner as to ensure that any animal or bird will not have access to it.

Use of organic fertilisers and soil improvers and additional waiting period for pigs in relation to the prohibition in Article 11(1)(c) of the EU Control Regulation

7.—(1) Where organic fertilisers or soil improvers have been applied to land, in addition to the minimum waiting period that applies to farmed animals, pigs are prohibited during the additional waiting period, (resulting in a total period of 60 days from such application) from—

(a) having access to such land; or

(b) being fed cut herbage from such land.

(2) Paragraph 1 does not apply to the following organic fertilisers or soil improvers—

(a) manure;

(b) milk;

(c) milk-based products;

(d) milk derived products;

(e) colostrum;

(f) colostrum products; or

(g) digestive tract content.

(3) In this regulation—

(a) "the minimum waiting period" is the period of 21 days commencing from the date of application of organic fertilisers or soil improvers to land as provided in Article 11(1)(c) of the EU Control Regulation, as read with Article 5(2) of, and Chapter II of Annex II to, the EU Implementing Regulation;

(b) "the additional waiting period" is the period of 39 days commencing on the expiration of the minimum waiting period.

Collection centres for feeding in relation to Article 18(1) of the EU Control Regulation

8. In relation to Article 18(1) of the EU Control Regulation, and in accordance with Article 13 of the EU Implementing Regulation as read with paragraph 3 of Section 1 of Chapter II Annex VI to that Regulation, a processing plant for Category 2 material is authorised as a collection centre for Category 2 material for the purposes of Article 18(1) of the EU Control Regulation on condition that it is approved for that purpose under Article 24 of the EU Control Regulation.

Remote areas for the purposes of Article 19(1)(b) of the EU Control Regulation

9. For the purposes of applying Article 19(1)(b) of the EU Control Regulation—

(a) the Copeland Islands; and

(b) Rathlin Island

are categorised as remote areas.

Placing on the market in relation to Article 36 of the EU Control Regulation

10. In relation to Article 36 of the EU Control Regulation, and in accordance with Article 24(4) of the EU Implementing Regulation as read with point B of Chapter VII to Annex XIII of that Regulation, the placing on the market of untreated wool and hair from farms or from establishments or plants is authorised without restrictions except where they present a risk of any disease communicable through those products to humans or animals.

Reporting of test results

11. Operators must report to the Department the results of any tests carried out pursuant to any of the following Articles of the EU Implementing Regulation which fail to meet the standards required by those Articles—

(a) Article 10(1) (requirements for the transforming of animal by-products and derived products into biogas and composting);

(b) Article 21(1) (processing and placing on the market of animal by-products and derived products for feeding to farmed animals);

(c) Article 22(1) (placing on the market and use of organic fertilisers and soil improvers); and

(d) Article 24(3) (pet food and other derived products).

PART 3

STAINING

Staining

12.—(1) This regulation applies to the operators of—

(a) slaughterhouses;

(b) cutting plants;

(c) game handling establishments; and

(d) cold stores.

(2) In this Part—

(a) the terms "slaughterhouse", "cutting plant" and "game-handling establishment" have the meanings given to them in regulation 5(6) of the Food Hygiene Regulations (Northern Ireland)(**8**);

(b) "cold store" means any other premises used for storage, under temperature-controlled conditions, of fresh meat intended for sale for human consumption; and

(c) "scientific purposes" means diagnostic, educational or research purposes.

(3) Operators must, subject to paragraph (5), without undue delay, stain the following animal by-products in accordance with paragraph (4)—

(a) animal by-products defined by any of the following Articles of the EU Control Regulation—

(i) Article 8(c);

(ii) Article 8(d);

(iii) Article 9(c); or

(iv) Article 9(d);

(b) whole poultry bodies where the animals are dead on arrival at the slaughterhouse;

(c) bodies or parts of animals which are unfit for human consumption because they show signs of disease communicable to humans or animals;

(d) bodies or parts of animals which are unfit for human consumption because they have not been presented for either ante or post mortem inspection and the resulting animal by-product is not defined in Article 10 of the EU Control Regulation;

(e) bodies or parts of animals which have been contaminated with any substance which may pose a threat to public or animal health; and

(f) Category 3 material that has changed through decomposition or spoilage so as to present an unacceptable risk to public of animal health.

(4) Operators must—

(a) stain materials listed in paragraph (3) with a colouring agent and using a solution of such strength that the staining is clearly visible and remains visible after the animal by-product has been chilled or frozen;

(b) apply a stain to the whole surface of the animal by-product, whether by immersing the by-product in the stain, spraying it with the solution or applying the solution to the by-product by any other equally effective means;

(c) in the case of an animal by-product not falling within sub-paragraph (d) and weighing more than 20kg, apply the stain after its surface has been opened by multiple and deep incisions; and

(d) in the case of an animal by-product comprising a whole poultry body, whether or not it has been eviscerated or de-feathered, apply the stain after the surface of the body has been opened by multiple and deep incisions.

(5) Operators need not stain pursuant to paragraph (3)—

(a) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by or on behalf of the surgeon;

(b) any animal by-product which is mixed with green offal in a container containing mainly green offal for disposal in accordance with the EU Control Regulation;

(**8**) S.R. 2006 No. 3