STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 431

# ANIMALS

## ANIMAL HEALTH

# The Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008

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| *Made - - - -* | *27th October 2008* |
| *Coming into operation* | *21st November 2008* |

The Department of Agriculture and Rural Development, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by that section.

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**), as last amended by Regulation (EC) No 1642/2003 of the European Parliament and of the Council(**4**), there has been open and transparent public consultation during the preparation of these Regulations.

### Citation and commencement

**1.** These Regulations may be cited as the Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008 and come into operation on 21st November 2008.

### Interpretation

**2.**—(1) In these Regulations—

"animal" means any mammal;

"disease" means any of the following: Classical Swine Fever; African Swine Fever; Swine Vesicular Disease; Rinderpest; Peste des Petits Ruminants; Newcastle Disease;

"disease legislation" means any of the legislation listed in Schedule 1;

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) OJ No L 31, 1.2.2002, p.1
(**4**) OJ No L 245, 29.9.2003, p.4

"the Diseases of Poultry Order" means the Diseases of Poultry Order (Northern Ireland) 1983(**5**);

"establishment" means a slaughterhouse or a game handling establishment;

"game handling establishment" means an establishment where the preparation of wild game carcases takes place;

"inspector" means, a person appointed to be an inspector for the purposes of these Regulations by the Department;

"meat" means any part of the carcase of either an animal or poultry intended for human consumption, and includes a product resulting from the processing of meat from that animal or poultry or a product resulting from the further processing of such processed meat product;

"Newcastle disease" means an infection caused by any avian strain of the paramyxovirus 1 with an intracerebral pathogenicity index in day-old chicks greater than 0.7;

"occupier" means, in relation to any premises or establishments, the occupier of those premises or establishments;

"poultry" means all species of poultry reared or kept in captivity for the production of meat or eggs for consumption, the production of other commercial products, for restocking supplies of game or for the purposes of any breeding programme for the production of these categories of birds;

"premises" means any land, building or place in business use, other than a slaughterhouse or game handling establishment;

"product" means a product resulting from the processing of untreated meat or from the further processing of such processed meat product;

"relevant date" means the date disease was confirmed at infected premises or an establishment or the date of earliest infection where the Department specifies such a date;

"slaughter" means killing for the production of food for human consumption but does not include killing wild game;

"slaughterhouse" means premises for the slaughter of any animal or poultry and includes any part of those premises used for the preparation of meat;

"supply" means supply to the final consumer or to a person who then supplies to the final consumer and includes consignment for sale;

"treated" means—

(a) in relation to meat from a restricted animal, subjected to the treatment listed in column (1) of the table in Schedule 2 opposite the reference in column (2) to the disease which triggered the restrictions in question;

(b) in relation to meat from disease restricted poultry, subjected to the treatment listed in column (1) of row (b) of the table in Schedule 2;

(c) in relation to meat from a restricted animal, treated in accordance with Schedules 5 and 6 of the Foot and Mouth Disease Regulations (Northern Ireland) 2006(**6**);

and "untreated" must be construed accordingly;

"treatment centre" means premises designated under regulation 5 for the purpose of subjecting meat to a treatment listed in Schedule 2;

"vehicle" includes—

(a) a trailer, semi-trailer or other thing designed or adapted to be towed by another vehicle;

(**5**) S.R. 1983 No.406 as amended by S.R.1995 No.465
(**6**) S.R. 2006 No.42

(b) a detachable part of any vehicle;

(c) a container or other structure designed or adapted to be carried on a vehicle.

"wild game" means a wild animal which is hunted for human consumption.

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

**Restricted animal, restricted poultry and restricted meat: definitions**

**3.**—(1) In these Regulations a "restricted animal" is an animal which is—

(a) at, in or from—

(i) suspect premises;

(ii) an establishment where a disease is suspected;

(iii) infected premises;

(iv) an establishment where a disease is confirmed;

(v) an infected area;

(vi) a protection zone; or

(vii) a surveillance zone; and

(b) of a species susceptible to the disease in respect of which restrictions at such premises, in such an area or in such a zone have been imposed.

(2) In these Regulations, "restricted poultry" is poultry which is at, in or from any of the following under the Diseases of Poultry Order (Northern Ireland) 1995(**8**) —

(a) suspect premises;

(b) a slaughterhouse where a disease is suspected;

(c) infected premises;

(d) a slaughterhouse where a disease is confirmed;

(e) an infected area;

(f) a protection zone; or

(g) a surveillance zone.

(3) "Suspect premises" are premises where movement restrictions are in place under disease legislation because a disease is suspected there.

(4) "Infected premises" are premises where a disease has been confirmed under disease legislation.

(5) An "infected area" is an area declared under Article 8 of the Movement of Animals (Restrictions) Order (Northern Ireland) 2004(**9**) in respect of a disease.

(6) A "protection zone" is an area of this name declared by the Department under disease legislation following confirmation of a disease.

(7) A "surveillance zone" is an area of this name declared by the Department under disease legislation following confirmation of a disease.

(8) "Restricted meat" is meat produced from the relevant date from a restricted animal or restricted poultry from an infected area, a protection zone or a surveillance zone that has not been

(**7**) 1954 c.33 (N.I.)
(**8**) S.R.1995 No.465, as amended by S.R.2003 No.401 and disapplied insofar as it relates to Avian Influenza by S.R.2007 No.68
(**9**) S.R.2004 No.249

treated in accordance with Schedule 2 at a designated treatment centre, and includes meat that has come into contact with such meat.

**Notices**

**4.** A notice served under these Regulations—

(a) must be in writing; and

(b) may be amended, suspended or revoked, by a further notice, at any time.

**Designation of premises, slaughterhouses and game handling establishments**

**5.**—(1) The Department may designate any establishment or premises for the purposes of slaughtering animals or poultry, or cutting, preparing, processing, packing, wrapping, storage or treatment of meat.

(2) Designation under these Regulations—

(a) shall be in writing; and

(b) may be subject to conditions; and

(c) may be amended, suspended or revoked by a notice.

(3) Premises designated by the Secretary of State for Environment, Food and Rural Affairs, the Scottish Ministers or the National Assembly for Wales for the same purposes as they may be designated under these Regulations are designated premises for the purposes of these Regulations.

(4) In these Regulations, "designated" refers to premises and establishments which are designated under this regulation.

**Slaughter of restricted animals**

**6.** A person shall not—

(a) move a restricted animal or restricted poultry to an undesignated slaughterhouse; or

(b) slaughter a restricted animal, or restricted poultry at an undesignated slaughterhouse, except under the authority of, and in accordance with the conditions of a licence granted by the Department.

**Movement of carcases to undesignated premises**

**7.**—(1) Subject to paragraph (2) a person shall not move or cause to be moved the carcase of—

(a) a restricted animal, or

(b) any restricted poultry to any premises or establishment unless that premises is designated.

(2) The prohibition in paragraph (1) shall not apply in relation to any movement licensed by the Department.

**Separation of restricted animals and meat from such animals**

**8.**—(1) A person moving a restricted animal must ensure that it is kept separate from other animals.

(2) A person moving restricted poultry must ensure that it is kept separate from other poultry.

(3) A person who handles, stores or moves untreated meat from a restricted animal or meat which has come into contact with such meat must keep it separate from meat from other animals.

(4) A person who handles, stores or moves untreated meat from restricted poultry or meat which has come into contact with such meat must keep it separate from meat from other poultry.

**Slaughterhouses**

**9.**—(1) The occupier of a slaughterhouse may only slaughter restricted animals or restricted poultry if the slaughterhouse is designated.

(2) The occupier of a slaughterhouse must ensure that—

(a) restricted animals are kept separate from other animals;

(b) restricted animals are slaughtered separately from other animals;

(c) restricted poultry are kept separated from other poultry;

(d) restricted poultry are slaughtered separately from other poultry;

(e) untreated meat from restricted animals is kept separate from other meat;

(f) untreated meat from restricted poultry is kept separate from other meat.

(3) The occupier of a slaughterhouse who receives restricted animals that have not been kept separate from other animals or who has not kept restricted animals separate from other animals must, on being given notice by a veterinary inspector, deal with those other animals as restricted animals.

(4) The occupier of a slaughterhouse who receives restricted poultry that have not been kept separate from other poultry or who has not kept restricted poultry separate from other poultry must, on being given notice by a veterinary inspector, deal with that other poultry as restricted poultry.

(5) The occupier of a slaughterhouse where disease is suspected or has been confirmed must detain all meat in the slaughterhouse until a veterinary inspector notifies that occupier that the inspector is satisfied that detention of all or some of that meat is no longer necessary to reduce the risk of transmission of disease.

**Game handling establishments**

**10.**—(1) The occupier of a game handling establishment may only receive restricted meat if that establishment is designated.

(2) The occupier of a game handling establishment where disease is suspected or has been confirmed must detain all meat in the game handling establishment until a veterinary inspector notifies that occupier that the inspector is satisfied that detention of all or some of that meat is no longer necessary to reduce the risk of transmission of disease.

**Receipt and possession of restricted meat**

**11.**—(1) The occupier of any premises or establishment may only receive restricted meat if that premises or establishment is designated.

(2) Any person in possession of restricted meat must keep it separate from other meat.

**Marking of meat from restricted animals**

**12.**—(1) The occupier of an establishment must ensure that restricted meat is marked in accordance with Schedule 3.

(2) A person must not be in possession or control of restricted meat unless it is marked in accordance with Schedule 3.

(3) A person must not remove a mark applied under this regulation except to enable cutting, preparing, processing, packing or treatment of the restricted meat.