STATUTORY RULES OF NORTHERN IRELAND

2003 No. 495

EUROPEAN COMMUNITIES
ANIMALS

Animal By-Products Regulations (Northern Ireland) 2003

Made - - - -	*1st December 2003*
Coming into operation	*3rd December 2003*

The Department of Agriculture and Rural Development, being a Department 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, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animal By-Products Regulations (Northern Ireland) 2003 and shall come into operation on 3rd December 2003.

Interpretation

2.—(1) In these Regulations –

"approval" and "authorisation" mean respectively an approval or authorisation granted by the Department under or for the purposes of these Regulations;

"the Community Regulation" means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption(**3**) as amended by and as read with –

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68
(**3**) O.J. No. L273, 10.10.2002, p. 1

(a) Commission Regulation (EC) No. 808/2003 implementing Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption(**4**);

(b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures(**5**);

(c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs(**6**);

(d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil(**7**);

(e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood(**8**);

(f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants(**9**);

(g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcases containing them(**10**);

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

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

"poultry" includes birds of all species including wild birds.

(2) In these Regulations references to –

(a) Category 1 material, Category 2 material and Category 3 material shall be taken to comprise the animal by-products referred to in Articles 4, 5 and 6 respectively of the Community Regulation; and

(b) a numbered processing method shall be taken to refer to the processing method so numbered in Annex V, Chapter III to the Community Regulation.

(3) Other expressions defined in the Community Regulation have the same meaning in these Regulations.

(4) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**4**) O.J. No. L117, 13.5.2003, p. 1
(**5**) O.J. No. L117, 13.5.2003, p. 14
(**6**) O.J. No. L117, 13.5.2003, p. 22
(**7**) O.J. No. L117, 13.5.2003, p. 24
(**8**) O.J. No. L117, 13.5.2003, p. 30
(**9**) O.J. No. L117, 13.5.2003, p. 42
(**10**) O.J. No. L117, 13.5.2003, p. 44
(**11**) 1954 c. 33 (N.I.)

Approvals, etc.

3. Any approval or authorisation given and any registration carried out or instructions or notice issued under these Regulations or the Community Regulation shall be in writing and may be made subject to such conditions as are necessary to –

(a) ensure that the provisions of the Community Regulation and these Regulations are complied with; and

(b) protect public and animal health.

PART II

COLLECTION, TRANSPORTATION, STORAGE, HANDLING, PROCESSING AND DISPOSAL OF ANIMAL BY-PRODUCTS

Category 1 material

4.—(1) A person who has in his possession or under his control any Category 1 material and who contravenes Article 4(2) or Article 4(3) of the Community Regulation shall be guilty of an offence.

(2) For the purposes of Article 4(2)(b) of the Community Regulation the material may be processed using any of the processing methods 1 to 5.

(3) This regulation shall not apply in relation to material referred to in Article 4(1)(e) of the Community Regulation (catering waste from means of transport operating from outside the Community).

Category 2 material

5.—(1) A person who has in his possession or under his control any Category 2 material and who contravenes Article 5(2), Article 5(3) or Article 5(4) (other than the provision in Article 5(4) relating to export) of the Community Regulation shall be guilty of an offence.

(2) For the purposes of Article 5(2)(b) of the Community Regulation the material may be processed using any of the processing methods 1 to 5.

(3) For the purposes of Article 5(2)(e) of the Community Regulation the animal by-products specified in that paragraph may be applied to land provided that the Department has not imposed any restrictions relating to animal health in relation to those by-products.

Category 3 material

6. A person who has in his possession or under his control any Category 3 material and who contravenes Article 6(2) or Article 6(3) of the Community Regulation shall be guilty of an offence.

Mixing mammalian and non-mammalian by-products

7. Where mammalian animal by-products and non-mammalian animal by-products are mixed the mixture shall be regarded as mammalian animal by-products.

Collection, transportation and storage

8.—(1) A person who contravenes Article 7(1), 7(2) or 7(5) of the Community Regulation shall be guilty of an offence.

(2) For the purposes of paragraph (1), if different categories of animal by-products are transported on one vehicle but in different containers or compartments, and complete separation of the different

kinds of material cannot be guaranteed, the by-products transported shall be treated as the highest risk category of the by-products transported.

(3) For the purposes of paragraph (1), if the by-product in a container is of a lower category than is indicated by the label on the container it shall be treated as the higher category so indicated.

(4) In accordance with Article 7(6) of the Community Regulation, the provisions of Article 7 of that Regulation shall not apply in relation to manure transported within Northern Ireland.

PART III

RESTRICTIONS ON ACCESS TO ANIMAL BY-PRODUCTS AND THEIR USE

Access to animal by-products

9.—(1) A person shall not feed any animal by-product (other than liquid milk or colostrums used on the farm of origin) to any farmed animal, or any other ruminant animal, pig or poultry, unless it has been processed in an approved Category 3 processing plant.

(2) A person shall not allow any farmed animal, or any other ruminant animal, pig or poultry, to have access to any animal by-product (other than milk, colostrum or manure) unless it has been –

(a) processed in an approved processing plant;

(b) treated in an approved biogas or composting plant; or

(c) (in the case of digestive tract content) applied to land at least three weeks before the access.

(3) A person shall not bring any animal by-product (other than milk, colostrum, manure or digestive tract content) on to any premises where any farmed animal, or any other ruminant animal, pig or poultry, is kept, unless it has been –

(a) processed in an approved processing plant; or

(b) treated in an approved biogas or composting plant.

(4) The preceding paragraph shall not apply to –

(a) animal by-products brought on to premises in a vehicle which enters to collect other by-products providing the by-products brought onto the premises are not removed from the vehicle while on the premises; or

(b) animal by-products brought onto collection centres, petfood plants, incinerators or other approved premises which are situated on the same premises as the animals specified in that paragraph and which were in operation on 1st November 2002 provided that the animals do not have access to the by-products.

(5) A person shall not allow any animals to have access to material in a biogas or composting plant, provided that wild birds may have access to the material during the secondary and subsequent phase of composting.

(6) In this regulation "animal by-product" includes catering waste of all kinds, including catering waste to which the Community Regulation does not apply because of Article 1(2)(e) of that Regulation.

(7) This regulation does not prohibit feeding animal by-products to animals under Article 23(2) of the Community Regulation as enforced by regulation 26(3).

(8) A person who contravenes any provision of this regulation shall be guilty of an offence.

Restrictions on use

10. Subject to regulation 12(1), a person who contravenes Article 22(1) of the Community Regulation shall be guilty of an offence.

Pasture land

11.—(1) For the purposes of Article 22(1)(c) of the Community Regulation, pasture land is land that is intended to be used for grazing or cropping for feedingstuffs following the application or deposit of organic fertilisers and soil improvers within the following periods –

(a) two months in the case of pigs; and

(b) three weeks in the case of other farmed animals.

(2) A person who –

(a) uses pasture land for grazing within the period specified in paragraph (1); or

(b) feeds to pigs or other farmed animals within that period anything cropped from pasture land during that period;

shall be guilty of an offence.

Intra-species recycling of fish

12.—(1) Notwithstanding regulation 10, it shall not be an offence under these Regulations to feed fish with processed animal protein derived from the bodies or parts of bodies of fish (other than farmed fish of the same species) if this is done in accordance with Articles 2 to 4 of, and Annex I to, Commission Regulation (EC) No. 811/2003.

(2) The Department shall be the competent authority for the purposes of Article 5 of Commission Regulation (EC) No. 811/2003.

(3) In accordance with Article 10 of Commission Regulation (EC) No. 811/2003, this regulation shall not apply until 1st January 2004.

PART IV

APPROVED PREMISES AND COMPETENT AUTHORITIES

The competent authority

13.—(1) The Department shall be the competent authority for the purposes of granting approvals for the purposes of Chapter III and Chapter IV of the Community Regulation, the Annexes to that Regulation, and these Regulations.

(2) The Department shall also be the competent authority for –

(a) checking intermediate plants in accordance with Articles 10(2)(d) and 10(3)(d) of the Community Regulation;

(b) checking storage plants in accordance with Article 11(2)(b) of that Regulation;

(c) validating and checking Category 1 and Category 2 processing plants in accordance with Articles 13(2)(c) and 13(2)(e) of that Regulation, supervising Category 1, 2 and 3 plants in accordance with Annex V, Chapter IV, paragraph 1 to that Regulation, and validating those plants in accordance with Annex V, Chapter V, paragraph 1 to that Regulation;