STATUTORY RULES OF NORTHERN IRELAND

2002 No. 278

AGRICULTURE

Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*9th September 2002*
Coming into operation	*30th September 2002*

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:

Citation and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 30th September 2002.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as they apply to an Act of the Northern Ireland Assembly.

Amendments to the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999

3.—(1) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999(**4**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) –

(a) the definition of "bovine embryo" shall be deleted;

(b) the definition of "export dedicated establishment" shall be deleted; and

(c) after the definition of "establishment" there shall be inserted the following definition –

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1999 No. 308, as amended by S.R. 2000 No. 78 and S.R. 2001 No. 210

""export approved establishment" means an establishment approved as such under regulation 12;".

(2) In paragraph (1)(a) of regulation 3 (Trade in live animals, bovine embryos, mammalian meat and bone meal and related products) the words "or bovine embryo" shall be deleted.

(3) After regulation 5 there shall be inserted the following regulation –

"**Offers to despatch or export**

5A. A person shall not (by any means) offer to despatch, consign or export, or accept orders for the despatch, consignment or export of anything prohibited from being despatched, consigned or exported by these Regulations."

(4) In regulation 10(3) (Approval of establishments for the slaughter of DBES eligible animals and ECHS animals) –

(a) for sub-paragraph (c) there shall be substituted the following paragraph –

"that all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleansed and disinfected after such use;"; and

(b) in sub-paragraph (e)(i), for the words "export dedicated establishment" there shall be substituted the words "export approved establishment".

(5) In regulation 12 (Approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES goods and ECHS goods and foreign origin bovine by-products) –

(a) in paragraph (2) for the words "export dedicated establishment", wherever they appear, they shall be substituted with the words "export approved establishment";

(b) paragraph (2)(b) shall be deleted;

(c) paragraph (3)(b) shall be deleted;

(d) paragraph (3)(c) shall be deleted;

(e) for paragraph (3)(d) there shall be substituted –

"(d) that all parts of the premises and equipment on the premises used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after the last such use;";

(f) in paragraph (3)(e) the words "in respect of an export dedicated establishment" shall be deleted and after the words "Schedule 2" there shall be inserted "or 3, or both as appropriate";

(g) paragraph (3)(f) shall be deleted.

(6) In regulation 13 (Requirements imposed on the operator of an establishment approved under regulation 12(2)) –

(a) in paragraph (2)(b) for the words "export dedicated establishment" there shall be substituted "export approved establishment" and after the words "Schedule 2" there shall be inserted "or 3, or both, as appropriate";

(b) the "and" at the end of paragraph (2)(b) and paragraph (2)(c) shall be deleted; and

(c) in paragraph (4)(c) for the words "export dedicated establishment" there shall be substituted "export approved establishment".

(7) In regulation 17 (Seizure of illegal goods) –

(a) for paragraph (6) there shall be substituted the following paragraph –

"(6) Where the justice of the peace is satisfied that there is no relevant risk in respect of the consignment if it is returned to the owner, he shall order –

(a) the consignment to be returned to the owner; and

(b) if it appears to the justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that a consignment is illegal, that any expenses reasonably incurred in connection with storage be defrayed by the owner of the consignment.";

(b) after paragraph (6) there shall be inserted the following paragraph –

"(6A) Where a notice served under this regulation is withdrawn or the justice of the peace refuses to make an order under paragraphs (5) and (6), the body who appointed the inspector who served the notice shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector; but this paragraph shall not apply if the notice was served because the consignment was not accompanied by the correct documentation or certificate, and the consignment was detained until the correct documentation or certificate was provided.".

(8) Schedules 1 to 3 shall be replaced by Schedules 1 to 3 of these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 9th September 2002.

Liam McKibben
Senior Officer of the
Department of Agriculture and Rural
Development

SCHEDULE 1

Regulation 10(3)(d)

REQUIRED METHODS OF OPERATION FOR DBES SLAUGHTERHOUSES

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
1. Slaughterhouse management must agree with the supervising Official Veterinary Surgeon dedicated time periods ("DBES periods") when only DBES eligible animals will be slaughtered. No bovine animals, which are not DBES eligible, may be slaughtered during DBES periods.		
2. All bovine animals slaughtered during DBES periods must have been confirmed by official checks before slaughter as being DBES eligible animals.		
3. Before a DBES period can start after non-DBES production, the slaughter hall must first be cleaned.		
4. There must be a system at the establishment to ensure that after slaughter DBES meat is traceable back to the DBES eligible animal from which it is derived or, in the case of offal which is intended for export, is traceable back to the batch of DBES eligible animals from which it is derived.		
5. There must be a system for recording all DBES eligible animals slaughtered and outgoing DBES fresh meat which ensures that it is possible to cross check consignments entering and leaving the establishment.		
6. All carcasses of DBES animals must have individual numbers correlated with the eartag number and must be		

Requirement	*Description of facility or control procedure by which the requirement will be met**	*Staff member(s) responsible for supervision**
marked with an additional distinct mark in the form prescribed in Schedule 5 to The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999 after the meat has been passed fit for human consumption following post mortem inspection. 7. The additional mark may only be applied to carcasses during DBES periods. 8. Instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals, may be ordered only with the authorisation of a veterinary inspector. 9. All new supplies of instruments intended for application of the additional mark, labels or packaging bearing the additional mark and official seals must be delivered into the control of an inspector in accordance with Regulation 11(7) of The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999 and maintained and applied under the control of an inspector. 10. Carcases of DBES eligible animals bearing the additional mark must be despatched to export approved establishments except for carcases of such animals aged under 9 months which may also be despatched abroad. All carcases must be despatched from the premises in means of transport, or in a lockable chamber or lockable container carried on a means of transport, which is not used at the same time for the carriage of any		