STATUTORY RULES OF NORTHERN IRELAND

2002 No. 238

FOOD

Animal By-Products (Identification) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*4th July 2002*
Coming into operation	*19th August 2002*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred on it by Articles 15(1)(c), (d) and (f), 25(3) and 47(2) of, and paragraph 3 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order 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 Article 47(3) and (3B) of the said Order, hereby makes the following Regulations: –

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 19th August 2002.

Amendments to the Animal By-Products (Identification) Regulations (Northern Ireland) 1999

2.—(1) The Animal By-Products (Identification) Regulations (Northern Ireland) 1999(**4**) are amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation) –

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3

(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Regulation 13(4) of S.R. 2000 No. 78 expressly authorises the Department of Health, Social Services and Public Safety to amend or revoke existing Regulations made or having effect as if made by the Department of Agriculture and Rural Development (whether with others or not) under the Food Safety (Northern Ireland) Order 1991

(**3**) O.J. No. L31, 1.2.2002, p. 1

(**4**) S.R. 1999 No. 418, as amended by S.R. 2000 No. 78

(a) in the definition of "animal by-products premises", before "slaughter-house" there shall be inserted "cold store, cutting premises";

(b) after the definition of "carcase" there shall be inserted the following definitions –

> ""cold store" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**5**) or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**6**);
>
> "cutting premises" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997";

(c) in the definition of "game processing facility", before "slaughter-house" there shall be inserted "cold store, cutting premises or";

(d) in the definition of "occupier", before "slaughter-house" there shall be inserted "cold store, cutting premises,";

(e) for the definition of "slaughter-house" there shall be substituted –

> ""slaughter-house" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;"; and

(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)(**7**), 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) and weighing not less than 25 kg, 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 defeathered, 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 paragraph (a) of regulation 4 (scope) –

"(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 slaughter-house or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughter-house in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995;".

(4) The following sub-paragraph is substituted for sub-paragraph (a) of paragraph (2) of regulation 5 (exemptions) –

(**5**) S.R. 1995 No. 396, as amended by S.R. 1997 No. 496, S.R.1998 No. 237, S.R. 2000 Nos. 78 and 191 and S.R. 2001 No. 429
(**6**) S.R. 1997 No. 493, as amended by S.R.1998 No. 237 and S.R. 2000 Nos. 78, 191 and 287
(**7**) The Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB

"(a) poultry heads and feet which –

(i) have been subjected to a post-mortem veterinary inspection, and

(ii) during the course of the inspection did not show gross pathological lesions indicating disease communicable to man or animals;".

(5) In paragraph (2)(d) of regulation 5, before "slaughter-house" there shall be inserted "cold store, cutting premises,".

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

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

6.—(1) Subject to paragraph (2), it shall be the duty of the occupier of any cold store, cutting premises, game processing facility or slaughter-house to ensure that any animal by-product is sterilised or stained without undue delay.

(2) The duty imposed by paragraph (1) shall not apply in relation 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 cutting premises, game processing facility or slaughter-house 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 (Northern Ireland) 1997, 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 slaughter-house 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 (Northern Ireland) 1995, and which is stained there; or

(c) which is intended to be removed from the relevant cold store, cutting premises, game processing facility or slaughter-house in accordance with regulation 10(3), 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 slaughter-house shall ensure that any animal by-product which is placed in a receptacle or container in accordance with paragraph (2)(a) or (b) is sterilised or, as the case may be, stained, and removed from the relevant cold store, cutting premises, game processing facility or slaughter-house as soon as is reasonably practicable.

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

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