STATUTORY RULES OF NORTHERN IRELAND

# 2002 No. 209

# ANIMALS

## Animal By-Products Order (Northern Ireland) 2002

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| *Made - - - -* | *29th May 2002* |
| *Coming into operation* | *8th July 2002* |

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by Articles 2(3), 5(1), 19, 29(1), 44, 46(7A) and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**2**), and of every other power enabling it in that behalf, hereby makes the following Order:

## Part I

## Introduction

### Citation and commencement

**1.** This Order may be cited as the Animal By-Products Order (Northern Ireland) 2002 and shall come into operation on 8th July 2002.

### Interpretation and scope

**2.**—(1) In this Order, unless the context otherwise requires—

"animal" includes poultry;

"animal by-products" means—

(a) animal carcases;

(b) parts of animal carcases (including blood); or

(c) products of animal origin;

not intended for human consumption, with the exception of animal excreta and catering waste;

"approved disinfectant" means a disinfectant for the time being approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**3**);

(**1**) The Department was renamed by S.I.1999/283 (N.I. 1), Art. 3(4)
(**2**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17 and S.I.1994/1891 (N.I. 6) Arts. 19, 22 and 23
(**3**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R.& O. 1975 No. 69 and S.R. 1995 No. 467

"catering waste" means the following products when they are no longer intended for human consumption—

(a) waste from catering and domestic premises;

(b) waste from the production of products which are intended to be used for human consumption without further cooking; or

(c) waste from the production of bread, cakes, pasta, pastry, pizzas and similar products (whether or not intended to be used for human consumption without further cooking);

"container" means a bin, box, skip or other receptacle used for the carriage of animal by-products or catering waste, which is not self-propelled;

"high risk material" means animal by-products of the following description, or any material containing such by-products—

(a) animal by-products which present a serious risk of spreading communicable disease to man or animals;

(b) all animals kept for agricultural production, which have died or been killed but were not slaughtered for human consumption, including stillborn animals and foetuses but excluding animals slaughtered during transit for reasons of their welfare;

(c) dead animals not referred to in paragraph (b) but which are designated as high risk material by notice by the Department;

(d) animals (other than those slaughtered for human consumption) which are killed in the context of disease control measures;

(e) animal by-products from animals which, during pre-slaughter veterinary inspection, show clinical signs of diseases communicable to man or animals;

(f) fish which show clinical signs of disease communicable to man or fish;

(g) all animal by-products (other than hides, skins, hooves, feathers, wool, horns, blood and similar products) which are from animals (other than fish, crustaceans or molluscs) slaughtered in the normal way if either—

  (i) the animal by-product is not presented for post mortem veterinary inspection, or

  (ii) during the post mortem veterinary inspection the animal by-product shows gross pathological lesions indicating disease communicable to man or animals;

(h) all meat, poultry meat, fish, game and foodstuffs of animal origin which are spoiled in such a way that they present a risk to human or animal health;

(i) animal by-products from animals, fish or game, fresh meat, poultrymeat, meat products and milk products imported from any country other than a member State which fail to comply with the veterinary requirements for their importation into the Community, unless they are re-exported or their import is accepted under restrictions laid down in Community provisions; or

(j) animal by-products containing residues of substances which may pose a danger to human or animal health, or milk, meat or products of animal origin rendered unfit for human consumption by the presence of such residues;

"knacker's yard" means any premises used in connection with the business of killing, flaying or cutting up animals the flesh of which is not intended for human consumption but does not include—

(a) hunt kennels or other premises where the flesh is fed to animals;

(b) premises used for diagnostic, educational or research purposes;

(c) premises which do not take high risk material; or

(d) premises where animals are cut up solely for the purpose of incineration;

"livestock" means—

(a) any creature, including fish, kept for the production of food, wool, skin or fur, and any creature, other than a dog, kept for use in the farming of land; and

(b) any ruminant animal, pig, poultry or equine animal;

"low risk material" means animal by-products other than high risk material;

"person in charge" includes—

(a) in relation to an aircraft, the commander of that aircraft; and

(b) in relation to a vessel, the master of that vessel;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981;

"pharmaceutical or technical products" means products intended for purposes other than human food or animal feeding stuffs;

"used cooking oil" means catering waste consisting of oils and fats from food-processing and the by-products of such oils and fats (other than any such oils and fats derived in any way from ruminant bones) where these are collected from food businesses (as such term is defined in Article 2 of Council Directive 93/43/EC on the hygiene of foodstuffs(**4**).

(2) Rendered material complies with the microbiological standards for the purposes of this Order if—

(a) in the case of rendered material derived from high risk material, it is free from *Clostridium perfringens*;

(b) it is free from Salmonella; and

(c) it successfully passes the test for *Enterobacteriaceae* in paragraph 5 of Part IV of Schedule 3;

(3) The provisions of this Order shall not apply in relation to—

(a) hides, skins, shells, hooves, feathers, wool, horns, blood and similar products which are not used in the manufacture of feeding stuffs but shall apply to such products when originating from animals which show clinical signs of any disease communicable through that product to man or animals;

(b) specified risk material controlled by the Specified Risk Material Regulations (Northern Ireland) 1997(**5**) or the Specified Risk Material Order (Northern Ireland) 1997(**6**);

(c) a by-product from a wild mammal or wild bird, other than one produced in premises used for processing mammals or birds;

(d) petfood from butchers' shops;

(e) milk or milk products other than—

(i) high-risk milk or milk products, and

(ii) milk or milk products originating from animals which show clinical signs of any disease communicable through milk or milk products to man or animals;

(f) fish caught and discarded at sea and waste from the processing of fish at sea; or

(g) the feeding of birds of prey.

(**4**) O.J. No. L175, 19.07.93, p. 1
(**5**) S.R. 1997 No. 552 as amended by S.R. 1999 No. 157, S.R. 1999 No. 431, S.R. 2000 No. 295, S.R. 2001 No. 48, S.R. 2001 No. 196 and S.R. 2001 No. 376
(**6**) S.R. 1997 No. 551 as amended by S.R. 2001 No. 1 and S.R. 2001 No. 377

**Extension of definitions of animals and poultry**

**3.** For the purposes of the 1981 Order in its application to this Order—

(a) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man;

(ii) any kind of four-footed beast which is not a mammal;

(iii) fish, reptiles and crustaceans; and

(iv) other cold-blooded creatures of any species;

(b) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of every species; and

(c) the lists of diseases in Parts III and IV of Schedule 1 to the 1981 Order are hereby extended so as to comprise all diseases of animals and birds.

# Part II

## Disposal of High Risk and Low Risk Material

**Scope of Part II**

**4.** The provisions of this Part shall apply in relation to all high risk and low risk material.

**Restrictions on disposal of animal by-products**

**5.**—(1) Subject to the provisions of this Article, any person who has in his possession or under his control any animal by-product shall without undue delay consign it for, or dispose of it by—

(a) rendering or part-rendering in premises approved under Article 7;

(b) incineration;

(c) burning other than in an incinerator, or burying, if—

(i) it is in a place where access is difficult; or

(ii) the quantity of by-product and the distance to premises in which disposal is permitted under this Article do not justify transporting it;

(d) use for diagnostic, educational or research purposes;

(e) in the case of low risk material, production of petfood or pharmaceutical or technical products, or storage for the production of petfood at premises registered under Article 15;

(f) treatment at a knacker's yard approved under Article 17 or feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait at premises registered under Article 16, provided that the material consigned is—

(i) a by-product referred to in paragraph (b), (c) or (g)(i) of the definition of high risk material in Article 2(1) (provided that it is not from an animal slaughtered as a result of the presence or suspected presence of a notifiable disease listed in Annex I to Council Directive 82/894/EEC (on the notification of animal diseases within the Community)(**7**)); or

(ii) low risk material; or

(**7**) O.J. No. L378, 31.12.82 as amended by Council Regulation (EEC) No. 3768/85 (O.J. No. L362, 31.12.85. p. 8), Commission Decision 89/162/EEC (O.J. No. L61, 4.3.89, p. 48), and Commission Decision 92/450/EEC (O.J. No. L248, 28.8.92, p. 77)

(g) export from Northern Ireland.

(2) If the Department serves on the person in charge of any animal by-product a notice certifying that—

(a) the by-product is from animals infected or suspected of being infected with an epizootic disease and should not be transported because of health risks;

(b) the by-product contains, or is suspected of containing, residues or pathogens which could constitute a risk to human or animal health and which could survive rendering; or

(c) there is a lack of capacity at rendering premises or incinerators,

then that person shall, without undue delay, dispose of the by-product by burning or by burial as may be specified in the notice.

(3) A person shall not feed to any ruminant animal, pig or poultry or allow any ruminant animal, pig or poultry to have access to, any unrendered animal by-product.

**Collection and transport of animal by-products**

**6.**—(1) The owner or person in charge of any premises used for the collection or holding of animal by-products shall ensure that such material is collected or held on the premises in such a manner as to prevent the leakage or escape of any effluent and so that no animals or birds can gain access to that material.

(2) Any container or vehicle used for the transport of animal by-products must be leak-proof and adequately covered.

(3) Any vehicle, tarpaulin or other cover and any reusable container used in the transport of animal by-products must be maintained in a clean condition.

(4) A person shall not use or cause or permit to be used any vehicle for the removal of part-rendered or rendered animal by-products unless the material is—

(a) carried in a leak-proof container which is closed by a tightly fitting lid or other cover which prevents spillage and both the container and the lid or other cover are capable of being cleansed and disinfected; or

(b) enclosed by impervious material capable of being thoroughly cleansed and disinfected and the vehicle is so constructed as to prevent any leakage or spillage of that material.

(5) The person in charge of any vehicle or container who uses or causes that vehicle or container to be used for the removal of any animal by-products, part-rendered animal by-products or rendered animal by-products shall, before each occasion on which it is so used, thoroughly cleanse and disinfect it with an approved disinfectant.

(6) The person in charge of any vehicle or container who uses or causes that vehicle or container to be used for the removal of any animal by-products, part-rendered animal by-products or rendered animal by-products shall, after each occasion on which it was so used, and in any event before further use is made of it for the removal of such material or any animals or poultry or other matter, thoroughly cleanse and disinfect it with an approved disinfectant.

(7) A person shall not—

(a) place or carry any ruminant animal, pig or poultry, feeding stuffs intended for feeding to any ruminant animal, pig or poultry or anything intended to be used for or about any ruminant animal, pig or poultry in any vehicle or container which contains animal by-products; or

(b) place or carry any animal by-products in any vehicle or container which contains rendered or part-rendered animal by-products.