STATUTORY RULES OF NORTHERN IRELAND

2001 No. 405

ANIMALS

Processed Animal Protein Regulations (Northern Ireland) 2001

Made - - - -	*19th November 2001*
Coming into operation	*10th December 2001*

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 Processed Animal Protein Regulations (Northern Ireland) 2001 and shall come into operation on 10th December 2001.

Interpretation

2.—(1) In these Regulations—

"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;

"ABPR approved", in relation to premises, means approved under regulation 7 of the Animal By-Products Regulations (Northern Ireland) 1993(**3**), in accordance with Article 5(2) of Council Directive 90/667/EEC(**4**) laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC, for the purpose of rendering low risk animal by-products; and "ABPR approval" shall be construed accordingly;

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) S.R. 1993 No. 192 as amended by S.R. 1998 No. 108
(**4**) O.J. No. L363, 27.12.1990, p. 51

"animal waste" has the same meaning as in Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC;

"the BSE Order" means the Bovine Spongiform Encephalopathy Order (Northern Ireland) 1999(**5**);

"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);

"the Commission Decision" means Commission Decision 2001/9/EC(**6**) concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

"the Council Decision" means Council Decision 2000/766/EC(**7**) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein;

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

"Directive 92/118/EEC" means Council Directive 92/118/EEC(**8**) laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC;

"farmed animal" means an animal which is kept, fattened or bred for the production of food;

"inspector" means a person appointed as such for the purposes of these Regulations by the Department, including a veterinary inspector;

"mammalian meat and bone meal" has the same meaning as in the BSE Order;

"premises" includes any place, stall or moveable structure;

"processed animal protein" means meat and bone meal, meat meal, bone meal, blood meal, dried plasma and other blood products, hydrolysed protein, hoof meal, horn meal, poultry offal meal, feather meal, dry greaves, fishmeal, dicalcium phosphate, gelatin and any other similar products including mixtures, feedingstuffs, feed additives and premixtures, containing these products;

"veterinary inspector" means a person appointed by the Department as a veterinary inspector.

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in the Council Decision or the Commission Decision have the same meaning in these Regulations as they have for the purposes of those Decisions.

(3) For the purposes of these Regulations and their application, material shall be treated as a feedingstuff whether it is used or intended to be used as a feedingstuff by itself or as an ingredient in something which is so used or intended for such use.

(**5**) S.R. 1999 No. 322
(**6**) O.J. No. L2, 5.1.2001, p. 32
(**7**) O.J. No. L306, 7.12.2000, p. 32 as amended by Commission Regulation (EC) 1326/2001 (O.J. No. L177, 30.6.2001, p. 60)
(**8**) O.J. No. L62, 15.3.1993, p. 49 as last amended by Commission Decision 1999/724/EC (O.J. No. L290, 12.11.1999, p. 32)

(4) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Application

3.—(1) These Regulations apply in relation to processed animal protein intended for the feeding of animals (excluding humans).

(2) These Regulations do not apply in relation to—

(a) catering waste; or

(b) eggs and egg products.

Feeding of processed animal protein to farmed animals

4.—(1) Subject to paragraph (2), a person shall not feed any processed animal protein to a farmed animal.

(2) The prohibition in paragraph (1) shall not apply to—

(a) the feeding to farmed animals other than ruminants of fishmeal—

(i) produced in Northern Ireland in premises approved under regulation 5, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 1;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or

(iv) produced in a third country which—

before being sold or supplied in Northern Ireland, has been analysed in accordance with Commission Directive 98/88/EC(**10**);

is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 1; and

is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;

(b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive 70/524/EEC(**11**) concerning additives in feedingstuffs;

(c) the feeding to farmed animals other than ruminants of dicalcium phosphate—

(i) produced in Northern Ireland in premises approved and used as mentioned in regulation 6;

(**9**) 1954 c. 33 (N.I.)
(**10**) O.J. No. L318, 27.11.1988, p. 45
(**11**) O.J. No. L270, 14.12.1970, p. 1, as last amended by Directive 1999/70/EC (O.J. No. L80, 25.3.1999, p. 20)

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval;

(d) the feeding to farmed animals other than ruminants of hydrolysed protein—

(i) produced in Northern Ireland in premises approved and used as mentioned in regulation 7;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval; or

(e) the feeding to farmed animals of milk and milk products.

Production of fishmeal for feeding to farmed animals other than ruminants

5.—(1) A person shall not use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless—

(a) the premises are approved for this purpose by the Department under this regulation; and

(b) transport and intermediate storage of fishmeal from the premises is in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 1.

(2) On an application made to it under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the Department shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, it is satisfied that—

(a) the premises will be dedicated only to fishmeal production;

(b) the premises are ABPR approved; and

(c) the person who will use the premises for the production of fishmeal for feeding to farmed animals other than ruminants will be able to maintain and use the premises in accordance with the ABPR approval and ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 1.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—

(a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of these Regulations subject to which the approval is granted;

(b) any person employed by him, and any person invited to the premises, complies with those provisions; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

Production of dicalcium phosphate for feeding to farmed animals other than ruminants

6.—(1) A person shall not use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless—

(a) the premises are approved for this purpose by the Department under this regulation; and

(b) the premises are used for this purpose in accordance with the conditions specified in Schedule 2.

(2) On an application made to it under this regulation for the approval of premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants, the Department shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, it is satisfied that—

(a) the premises are ABPR approved; and

(b) the person who will use the premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants will be able to maintain and use the premises in accordance with the ABPR approval and the conditions specified in Schedule 2.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—

(a) the production of dicalcium phosphate at the premises is in accordance with the approval and in compliance with the provisions of these Regulations subject to which the approval is granted;

(b) any person employed by him, and any person invited to the premises, complies with those provisions; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the premises and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

Production of hydrolysed protein for feeding to farmed animals other than ruminants

7.—(1) A person shall not use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless—

(a) the premises are approved for this purpose by the Department under this regulation; and

(b) the premises are used for this purpose in accordance with the conditions specified in Schedule 3.

(2) On an application made to it under this regulation for the approval of premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants, the Department shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, it is satisfied that—

(a) the premises will be dedicated only to production of hydrolysed protein for feeding to farmed animals other than ruminants;

(b) the premises are ABPR approved for the production of hydrolysed protein derived from fish, feather, hides and skins; and

(c) the person who will use the premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants will be able to maintain and use the premises in accordance with the ABPR approval and the conditions specified in Schedule 3.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—