STATUTORY RULES OF NORTHERN IRELAND

1999 No. 418

FOOD

Animal By-Products (Identification) Regulations (Northern Ireland) 1999

Made - - - -	*11th October 1999*
Coming into operation	*15th November 1999*

Whereas it appears to the Department of Agriculture acting as the Department concerned that it is necessary or expedient—

(a) for the purpose of securing that food complies with food safety requirements and in the interests of the public health; and

(b) for the purpose of protecting or promoting the interests of consumers,

to make the following Regulations;

Now therefore, that Department, being the Department concerned, in exercise of the powers conferred by Articles 15(1) and (3), 25(3), 26(3) and 47(2) of, and paragraph 3 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**1**) and of every power enabling it in that behalf, and after consultation, in accordance with Article 47(3) of that Order, with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) Regulations (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

Interpretation

2. In these Regulations—

"the 1993 Regulations" means the Animal By-Products Regulations (Northern Ireland) 1993(**2**);

"animal" means any of the following food sources, namely

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1933 (N.I. 12). See Article 2(2) for the definitions of "the Department concerned" and "regulations"

(**2**) S.R. 1993 No. 192 as amended by S.R. 1998 No. 108

(a) domestic animals of the following species: bovine animals (including buffalo of the species Bubalus bubalis and Bison bison), solipeds, swine, sheep and goats; and

(b) poultry, rabbits, farmed game, farmed game birds and wild game;

"animal by-product" has the meaning given by regulation 3;

"animal by-products premises" means premises, other than a slaughter-house or game processing facility, from which animal by-products are despatched to other premises;

"carcase" means the body of a dead animal;

"the Department" means the Department of Agriculture;

"farmed game" means wild land mammals which are reared and slaughtered in captivity, excluding—

(a) mammals of the family Leporidae; and

(b) wild land mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game;

"farmed game birds" means birds, including ratites, but excluding poultry, which are not generally considered domestic but which are bred, reared and slaughtered in captivity;

"farmed game birds by-product" means any animal by-product derived exclusively or mainly from farmed game birds;

"game processing facility" means premises, other than a slaughter-house, used for the purpose of processing farmed game, farmed game birds or wild game the flesh of which is intended for sale for human consumption;

"green offal" means the stomachs, gizzards and intestines of animals;

"the Hygiene Regulations" means—

(a) the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**3**);

(b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**4**); and

(c) the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**5**);

"imported carcase or part of a carcase" means a carcase or part of a carcase derived from an animal slaughtered outside the United Kingdom;

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

"meat" means the flesh or other edible parts of an animal;

"occupier" means a person carrying on the business of any slaughter-house, game processing facility or animal by-products premises, or the duly authorised representative of such a person;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"poultry" means domestic fowls, turkeys, guinea fowls, ducks, geese and quails;

"poultry by-product" means any animal by-product derived exclusively or mainly from poultry;

"scientific purposes" means diagnostic, educational or research purposes;

"slaughter-house" means any premises used for the slaughtering of animals or birds, the flesh of which is intended for human consumption;

(**3**) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237
(**4**) S.R. 1995 No. 396 as amended by S.R. 1997 No. 496 and S.R. 1998 No. 237
(**5**) S.R. 1997 No. 496

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440), which solution is of such a strength that the colouring on the animal by-product is clearly visible; and, for the purposes of this definition, "treated" means that the whole surface of the animal by-product has been covered with the said solution either by immersing the animal by-product in, or spraying or otherwise applying, the solution and, in the case of an animal by-product 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;

"sterilised" means—

(a) treated by boiling or by steaming under pressure until every piece of animal by-product is cooked throughout;

(b) rendered into tallow, greases, glues, feeding meals or fertilisers; or

(c) subjected to a process, including digestion, other than those described above which inactivates all vegetative forms of human pathogenic organisms in the animal by-product and results in all parts of that animal by-product no longer having the appearance of raw meat;

"wild-game" means wild land mammals which are hunted (including wild land mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds.

Meaning of "animal by-product"

3.—(1) Subject to paragraphs (2), (3) and (4), for the purposes of these Regulations "animal by-product" means any carcase or part of a carcase which is not intended for direct human consumption and which—

(a) is derived from an animal which—

(i) has died;

(ii) has been killed in a knacker's yard;

(iii) has been killed in a place other than a slaughter-house;

(iv) is stillborn or unborn;

(v) has been killed for reasons of disease control;

(vi) has been slaughtered for human consumption and, during the ante-mortem or post-mortem inspection carried out in connection with such slaughter, has shown signs of any disease communicable to humans or animals; or

(vii) has been slaughtered for human consumption but has not been presented for post-mortem inspection in accordance with the Hygiene Regulations;

(b) is spoiled in any way so as to present a risk to human or animal health; or

(c) contains residues of any substances which may pose a risk to human or animal health.

(2) In these Regulations, "animal by-product" does not include any animal excreta or catering waste or meat cooked or denatured at a knacker's yard for use as food for animals whose flesh is not intended for human consumption.

(3) In these Regulations, the definition of "animal by-product" shall also include—

(a) any carcase or part of a carcase which is derived from a bovine animal which has been slaughtered for human consumption and has been shown to be more than 2½ years of age at the time of slaughter but was not accompanied, at the time of slaughter, by a slaughter certificate issued under regulation 5(1) of the Fresh Meat (Beef Controls) Regulations

(Northern Ireland) 1996(**6**) or a scheme made by the Department which provides an exception to the prohibition of sale of meat from bovine animals which are older than that age at slaughter;

(b) any carcase or part of a carcase which is unfit for human consumption.

(4) For the purposes of paragraph (3)(b)—

(a) a carcase or part of a carcase destined for, or coming from, a knacker's yard situated in the United Kingdom;

(b) a carcase or part of a carcase which does not bear a mark to indicate that it has been inspected, and passed as fit for human consumption, by a person authorised under the Order, the Food Safety Act 1990(**7**) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995;

(c) an imported carcase or part of a carcase which has not been imported in accordance with the Imported Food Regulations (Northern Ireland) 1991(**8**), the Imported Food Regulations 1984(**9**) or the Imported Food (Scotland) Regulations 1985(**10**); and;

(d) a carcase or part of a carcase which has not been handled or kept in a hygienic manner,

shall be presumed, until the contrary is proved, to be unfit for human consumption.

Scope

4. Nothing in these Regulations shall—

(a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire dead animal;

(b) affect the operation of any order made, or having effect, under the Diseases of Animals (Northern Ireland) Order 1981(**11**); or

(c) affect the operation of the 1993 Regulations.

Exemptions

5.—(1) These Regulations shall not apply in respect of—

(a) the green offal of wild game which is killed in the wild and is removed from the carcase and left at the point of killing or in its vicinity;

(b) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon or an authorised officer for examination by him or on his behalf;

(c) any animal by-product consisting only of the waste product remaining after feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait, where such waste product no longer has the appearance of meat;

(d) any animal by-product imported into Northern Ireland for use for scientific purposes;

(e) any animal by-product which—

(i) is, or is derived from, a product of animal origin controlled by Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of

(**6**) S.R. 1996 No. 404 as amended by S.R. 1996 No. 506
(**7**) 1990 c. 16
(**8**) S.R. 1991 No. 475 as amended by S.R. 1997 No. 499
(**9**) S.I. 1984/1918 as amended by S.I. 1997/2537
(**10**) S.I. 1985/913 (s. 82) as amended by S.I. 1997/2537
(**11**) S.I. 1981/1115 (N.I. 22)