STATUTORY RULES OF NORTHERN IRELAND

1998 No. 163

AGRICULTURE

Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998

Made - - - -	*29th April 1998*
Coming into operation	*1st May 1998*

The Department of Agriculture, 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) Regulations (Northern Ireland) 1998 and shall come into operation on 1st May 1998.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"additional mark" in relation to relevant goods means any mark which conforms to the design set out in Schedule 3 and in relation to eligible goods means any mark which conforms to the design set out in Schedule 4 and which in either case, cannot be confused with the Community health mark;

"bovine animal" includes any animal of the species *bubalis bubalis* and *bison bison*;

"controlled bovine by-product" means—

(a) an amino acid;

(b) a peptide;

(c) tallow;

(d) tallow products; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(e) a product derived by saponification, transesterification or from tallow produced in an establishment which meets the conditions for registration under regulation 4(2),

produced in the United Kingdom from any part of a bovine animal slaughtered in the United Kingdom and which is—

(i) liable to enter the human food chain or animal feed chain; or

(ii) destined for use in cosmetic, medical or pharmaceutical products;

"the Council Decision" means Council Decision 98/256/EC(**4**) concerning emergency measures to protect against bovine spongiform encephalopathy;

"the Department" means the Department of Agriculture;

"eligible animal" means any bovine animal slaughtered in Northern Ireland which satisfies the conditions set out in paragraphs 6 and 7 of Annex II to the Council Decision;

"eligible goods" means any fresh meat, minced meat, meat preparations or meat products where they were derived from eligible animals which originated in eligible herds;

"eligible herd" means a herd of bovine animals in Northern Ireland which satisfies the conditions set out in paragraphs 2 to 5 of Annex II to the Council Decision;

"the Great Britain Regulations" means the Bovines and Bovine Products (Trade) Regulations 1998(**5**);

"inspector" means any person appointed as such by the Department, any veterinary surgeon appointed under regulation 3(7)(*c*) or 8(*b*) or (*d*) or any veterinary inspector;

"member State" means any member State of the European Communities other than the United Kingdom;

"officer" means a person commissioned by the Commissioners of Customs and Excise;

"official seal" means a seal supplied by the Department;

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

"prepare" in relation to any goods means the—

(a) manufacture;

(b) production;

(c) processing or treatment (in whatever manner);

(d) presentation, labelling or wrapping;

(e) storage;

(f) handling;

(g) loading or unloading; or

(h) transportation,

of any such goods;

"relevant goods" means—

(a) any fresh meat, minced meat, meat preparation or meat product;

(b) any other product of animal origin within the meaning of Council Directive 77/99/EEC(**6**);

(c) any food for domestic carnivores;

(**4**) O.J. No. L113, 15.4.98, p. 32
(**5**) S.I. 1998/1135
(**6**) O. J. No. L26, 31.1.77, p. 85

(d) any—

(i) gelatin, di-calcium phosphate, tallow, tallow products;

(ii) product derived from tallow by saponification, transesterification or hydrolysis; or

(iii) amino acid, peptide or collagen,

which is liable to enter the human food chain or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products,

obtained from a bovine animal which was not slaughtered in the United Kingdom;

"suspension notice" and "suspension order" shall be construed in accordance with regulation 15;

"third country" means any State which is not a member of the European Communities;

"vertebral column" includes any part thereof;

"XAP number" in relation to any establishment approved under regulation 8(2), means the number given to that establishment by an inspector for the purposes of that approval; and

"XAP relevant goods" means any relevant goods other than those described in paragraph (*d*) of the definition of "relevant goods" in this paragraph.

(3) In these Regulations—

(a) "fresh meat" has the same meaning as in Council Directive 64/433/EEC(**7**);

(b) "minced meat" and "meat preparations" have the same meaning as in Council Directive 94/65/EC(**8**); and

(c) "meat product" and "other products of animal origin" have the same meaning as in Council Directive 77/99/EEC.

(4) In these Regulations other expressions which are also used in Annex I to the Council Decision have the same meaning as in that Decision.

(5) Any reference in these Regulations to an instrument of the European Communities is a reference to that instrument as amended at the date of the coming into operation of these Regulations.

Prohibitions and restrictions on the despatch of live bovine animals and the products derived therefrom

3.—(1) Subject to paragraph (2), a person shall not despatch from Northern Ireland to a member State or a third country, bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) live bovine animal or bovine embryo;

(b) meat meal, bone meal or meat and bone meal derived from any mammal; or

(c) animal feed or fertilisers containing such material.

(2) Nothing in paragraph (1) shall prohibit—

(a) the despatch from Northern Ireland;

(b) the bringing to any place in Northern Ireland for the purposes of such despatch; or

(c) the consignment for the purposes of such despatch,

of any food for domestic carnivores by reason only that such food contains meat meal, bone meal or meat and bone meal derived from any mammal, provided that those materials originate outside the

(**7**) Directive 64/433/EEC has been amended and consolidated by Directive 91/497/EEC (O. J. No. L268, 24.9.91, p. 96)
(**8**) O. J. No. L368, 31.12.94, p. 10

United Kingdom and that each stage of the preparation of the food which takes place in the United Kingdom is carried out in accordance with the relevant provisions of these Regulations.

(3) Subject to paragraphs (4) and (7), a person shall not despatch from Northern Ireland to a member State or third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

(a) meat derived from a bovine animal slaughtered in the United Kingdom;

(b) product obtained from a bovine animal slaughtered in the United Kingdom which is liable to enter the human food or animal feed chain;

(c) material derived from a bovine animal slaughtered in the United Kingdom which is destined for use in medical or pharmaceutical products.

(4) The prohibitions in paragraph (3) shall not apply in relation to any controlled bovine by-product where—

(a) it was produced in accordance with regulation 4(1); and

(b) on a label affixed to the by-product, or in documentation accompanying it, there is a clear indication of the establishment in which it was produced and its suitability for use for human food, animal feed, or cosmetic, medical or pharmaceutical products.

(5) A person shall not despatch from Northern Ireland to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch a controlled bovine by-product of any type produced in an establishment registered under regulation 4(2) unless—

(a) an inspection has been carried out of the system of official controls established in relation to those premises for the purposes of Article 4(5) of the Council Decision; and

(b) in the case of any by-product referred to in paragraphs (*a*) to (*c*) of the definition of "controlled bovine by-product" in regulation 2(2)—

(i) it is accompanied by a health certificate issued by a veterinary inspector stating that it was produced in compliance with the conditions set out in Annex I to the Council Decision and attesting to the frequency of the official controls carried out in relation thereto; and

(ii) the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision for controlled bovine by-products of that type; and

(c) in the case of any by-product referred to in paragraphs (*a*) and (*c*) of the definition of "controlled bovine by-product" in regulation 2(2), the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision.

(6) A person shall not despatch from Northern Ireland to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any controlled bovine by-product referred to in Article 5 of the Council Decision unless, on a label affixed to the by-product, or in documentation accompanying it, there is a clear indication of the establishment in which it was produced and its unsuitability for use for human food, animal feed or cosmetic, medical or pharmaceutical products.

(7) The prohibitions in paragraph (3) shall not apply in relation to any eligible goods where—

(a) the eligible animals from which the goods have been derived were slaughtered in a slaughterhouse registered under regulation 7(1);

(b) each stage of the preparation of those goods which took place in the United Kingdom took place in an establishment in Northern Ireland approved by the Department under regulation 8(2) and in accordance with the requirements of that regulation;

(c) each stage of the preparation of those goods which took place in Northern Ireland took place under the control of a veterinary surgeon appointed for the purpose by the Department;

(d) in the case of fresh meat, they are accompanied by a health certificate issued by the veterinary surgeon in control of their production which—

(i) states that the goods comply with the conditions referred to in Articles 9 to 13 of the Council Decision;

(ii) identifies the establishments in which they were prepared; and

(iii) in the "Identification of Meat" section of the health certificate referred to in Annex IV to Council Directive 64/433/EEC, bears the words "produced in accordance with Council Decision 98/256/EC" and identifies all the labels affixed to the goods and their serial numbers;

(e) in the case of other goods, they are accompanied by a health certificate issued by the veterinary surgeon in control of their production which—

(i) states that the goods comply with the conditions referred to in Articles 9 to 13 of the Council Decision;

(ii) identifies the establishments in which they are were prepared; and

(iii) identifies all the labels affixed to the goods and their serial numbers;

(f) in the case of fresh meat, they are obtained in accordance with Article 6(2) of the Council Decision;

(g) in the case of minced meat, meat preparations and meat products, they are obtained in accordance with Article 6(3) of the Council Decision; and

(h) the goods are dispatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**9**).

(8) A person shall not despatch to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any relevant goods unless—

(a) each stage of the preparation of those goods which took place in the United Kingdom took place in an establishment approved—

(i) by the Department under regulation 8(2); or

(ii) in the case of a stage of preparation taking place in Great Britain, under regulation 7 of the Great Britain Regulations,

and in accordance with the requirements of those regulations;

(b) (except in the case of goods referred to in paragraph (*d*)(ii) of the definition of "relevant goods" in regulation 2(2)), each stage of the preparation of those goods which took place in the United Kingdom was under the control of a veterinary surgeon appointed for the purpose by the Department or, in the case of a stage of preparation taking place within Great Britain, by a Minister of the Crown;

(c) in the case of goods referred to in paragraph (*d*)(ii) of the definition of "relevant goods" in regulation 2(2), each stage of the preparation of those goods which took place in the United Kingdom was under the control of an inspector appointed by the Department or, in the case of a stage of production taking place within Great Britain, by a Minister of the Crown;

(d) in the case of XAP relevant goods, the goods are accompanied by a health certificate issued by a veterinary surgeon appointed by the Department or, in the case of goods prepared in Great Britain, by a Minister of the Crown—

(**9**) S.R. 1993 No. 304