STATUTORY RULES OF NORTHERN IRELAND

1998 No. 108

EUROPEAN COMMUNITIES
ANIMALS

Animal By-Products (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*16th March 1998*
Coming into operation	*6th April 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Animal By-Products (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 6th April 1998.

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

Amendment of the Animal By-Products Regulations (Northern Ireland) 1993

2. The Animal By-Products Regulations (Northern Ireland) 1993(**4**) ("the principal Regulations") shall be amended as provided in regulations 3 to 8.

Interpretation

3.—(1) Regulation 2 shall be amended as provided in paragraphs (2) and (3).

(2) In paragraph (1)—

(a) in the definition of "animal by-product" after the word "cooked" there shall be inserted the words "or denatured";

(**1**) S.I. 1972 /1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1993 No. 192

(b) the definition of "notice" shall be omitted.

(3) After paragraph (1) there shall be inserted the following paragraph—

"(1A) A notice or licence under these Regulations—

(a) shall be in writing;

(b) may be subject to such conditions as may be specified therein; and

(c) may be amended, suspended or revoked by notice in writing at any time.".

Scope

4. Regulation 3(1) shall be amended by adding at the end the words "nor shall they apply to specified bovine material as defined in the Specified Risk Material Order (Northern Ireland) 1997(**5**).".

Restriction on disposal of animal by-products referred to in Schedule 1 to the principal Regulations

5. Regulations 4 and 5 shall be replaced with the following regulations—

"**Restriction on disposal of animal by-products referred to in Schedule 1**

4.—(1) Subject to the following provisions of this regulation, any person who has in his possession or under his control any animal by-product referred to in Schedule 1 shall dispose of it without undue delay by—

(a) rendering in approved premises;

(b) complete incineration in an incinerator; or

(c) burning other than in an incinerator or by burial if—

(i) the by-product is in a place where access is difficult; or

(ii) the amount of by-product and the distance to approved rendering premises or an incinerator do not justify transporting it.

(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 is from animals infected or suspected of being infected with serious disease, or contains residues 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 due delay, dispose of the by-product by burning or by burial as may be specified in the notice.

(3) If the Department thinks fit, it may serve a notice on any person in possession of an animal by-product referred to in Part I of Schedule 1 requiring its complete incineration in an incinerator.

(**5**) S.R. 1997 No. 551

Exemptions from regulation 4

5.—(1) The provisions of regulation 4 shall not apply to any person consigning or using an animal by-product for scientific purposes.

(2) The provisions of regulation 4 shall not apply to any person consigning or using animal by-products referred to in Part II of Schedule 1 for the preparation of petfood or technical or pharmaceutical products in premises registered under regulation 8.

(3) Where any by-product is used in accordance with paragraph (2) the Department may by notice require that it be dispatched, stored or processed in a specific location and under specific conditions.

(4) The provisions of regulation 4 shall not apply to—

(a) any person consigning animal by-products to a person licensed by the Department to partly render animal by-products, or

(b) any person partly rendering animal by-products on premises licensed by the Department provided that the part-rendered product is disposed of in accordance with regulation 4 or, in the case of material referred to in Part II of Schedule 1, in accordance with paragraph (2).

Exemptions from regulation 4 relating to certain types of animal by-product

5A.—(1) This regulation applies to—

(a) a by-product referred to in paragraphs (*a*), (*b*) and (*e*) of Part I of Schedule 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)(**6**)); and

(b) a by-product referred to in Part II of Schedule 1.

(2) The provisions of regulation 4 shall not apply to any person consigning animal by-products to which this regulation applies to a knacker's yard or to premises where zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait are fed.

(3) The provisions of regulation 4 shall not apply to any person treating an animal by-product to which this regulation applies in a knacker's yard.

(4) The provisions of regulation 4 shall not apply to any person using an animal by-product to which this regulation applies for feeding zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait.

Knackers' yards

5B. The occupier of a knacker's yard shall ensure that any animal by-product received by him is either—

(a) cooked or denatured without delay and then distributed locally for feeding animals whose flesh is not intended for human consumption in a way that entails no risk to human or animal health, or

(b) disposed of without delay in accordance with regulation 4.".

(**6**) 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)