STATUTORY RULES OF NORTHERN IRELAND

1997 No. 379

AGRICULTURE

Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997

Made - - - -	*15th August 1997*
Coming into operation	*16th August 1997*

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 (Despatch Prohibition and Production Restriction) Regulations (Northern Ireland) 1997 and shall come into operation on 16th August 1997.

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—

"bovine animal" means a bull, cow, steer, heifer or calf;

"Commission Decision 96/239/EC" means Commission Decision 96/239/EC on emergency measures to protect against bovine spongiform encephalopathy(**4**);

"controlled bovine by-product" means—

(a) gelatin;

(b) an amino acid;

(c) a peptide;

(d) tallow; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) O.J. No. L78, 28.3.96, p. 47 as amended by Commission Decision 96/362/EC (O.J. No. L139, 12.6.96, p. 17)

(e) a product derived, by hydrolysis at a temperature of at least 250°C, from tallow (other than tallow produced in accordance with the requirements set out in regulation 4(1) of these Regulations or of the Great Britain Regulations),

produced in the United Kingdom from any part of a bovine animal 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 Department" means the Department of Agriculture;

"the Great Britain Regulations" means the Bovines and Bovine Products (Despatch Prohibition and Production Restriction) Regulations 1997(**5**);

"inspector" means any person appointed as such by the Department, any veterinary surgeon appointed under regulation 3(4)(*b*) or 4(4)(*b*) 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;

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

"relevant goods" means—

(a) meat for human consumption;

(b) any meat product for human consumption;

(c) any meat preparation for human consumption; or

(d) food for domestic carnivores,

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 14;

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

"vertebral column" includes any part thereof.

(3) In these Regulations expressions which are not defined in paragraph (1) and which appear in Article 1(1) of Commission Decision 96/239/EC have the same meaning as in that Decision.

(4) 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 of despatch on live bovine animals and products derived from them

3.—(1) A person shall not despatch from Northern Ireland to a member State or a third country any—

(a) live bovine animal or bovine embryo;

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

(c) product obtained from a bovine animal slaughtered in the United Kingdom which—

(i) is liable to enter the human food chain;

(ii) is liable to enter the animal feed chain;

(iii) is destined for use in cosmetic products; or

(iv) is destined for use in medical or pharmaceutical products,

(**5**) S.I. 1997/1905

with the exception of a controlled bovine by-product manufactured in accordance with regulation 4(1)(*a*) or a controlled bovine by-product manufactured in accordance with regulation 4(1)(*b*) in respect of which the Commission has set the date referred to in Article 1(*c*)(3) of Commission Decision 96/239/EC; or

(d) meat meal, bonemeal or meat and bonemeal derived from any mammal.

(2) A person shall not bring to any place in Northern Ireland for the purpose of despatch to a member State or to a third country, or consign for the purpose of such despatch, any—

(a) live bovine animal or bovine embryo;

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

(c) product obtained from a bovine animal slaughtered in the United Kingdom which—

(i) is liable to enter the human food chain;

(ii) is liable to enter the animal feed chain;

(iii) is destined for use in cosmetic products; or

(iv) is destined for use in medical or pharmaceutical products,

with the exception of a controlled bovine by-product manufactured in accordance with regulation 4(1)(*a*) or a controlled bovine by-product manufactured in accordance with regulation 4(1)(*b*) in respect of which the Commission has set the date referred to in Article 1(*c*)(3) of Commission Decision 96/239/EC; or

(d) meat meal, bonemeal or meat and bonemeal derived from any mammal.

(3) A person shall not despatch from Northern Ireland to a member State or a third country any controlled bovine by-product produced in an establishment registered under regulation 4(3) unless it is accompanied by a health certificate issued by a veterinary inspector stating that it was produced in compliance with the conditions specified in the Annex to Commission Decision 96/239/EC.

(4) A person shall not despatch from Northern Ireland to a member State or a third country any relevant goods unless—

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

(i) by the Department for the purposes of regulation 7; or

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

(b) each stage of the production of those goods was under the control of a veterinary surgeon appointed for the purpose of the Department or, in the case of a stage of production taking place in Great Britain, by a Minister of the Crown;

(c) the goods are accompanied by a health certificate issued by such a veterinary surgeon stating that they were produced in such an establishment; and

(d) the goods are despatched in accordance with any relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**6**) or of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**7**).

Production of controlled bovine by-products

4.—(1) A person shall not produce a controlled bovine by-product of any type unless he ensures that—

(**6**) S.R. 1993 No. 304
(**7**) S.R. 1995 No. 52

(a) it is produced—

(i) in an establishment registered by the Department under paragraph (2) for the production of by-products of that type; and

(ii) from bovine animals slaughtered outside the United Kingdom; or

(b) it is produced—

(i) in accordance with paragraphs (4) and (5); and

(ii) in an establishment registered by that Department under paragraph (3) for the production of by-products of that type.

(2) For the purposes of paragraph (1)(*a*) the Department shall register an establishment in respect of such types of controlled bovine by-products as are specified in the registration where, following an inspection of that establishment by a veterinary inspector, it is satisfied that no material derived from bovine animals slaughtered in the United Kingdom is used in the production of controlled bovine by-products there.

(3) For the purposes of paragraph (1)(*b*) the Department shall register an establishment in respect of such types of controlled bovine by-products as are specified in the registration where—

(a) following an inspection of that establishment by a veterinary inspector, it is satisfied that the controlled bovine by-products of any such type produced there are produced in accordance with the appropriate conditions specified in the Annex to Commission Decision 96/239/EC;

(b) it is satisfied that no vertebral column derived from any bovine animal is used there in the production of any such by-product; and

(c) in the case of a registration in respect of gelatin, the Commission of the European Communities has set the date referred to in Article 1(*c*)(3) of Commission Decision 96/239/EC in respect of gelatin.

(4) Controlled bovine by-products produced in establishments registered under paragraph (3) shall be produced—

(a) in accordance with the appropriate conditions specified in the Annex to Commission Decision 96/239/EC; and

(b) under the control of a veterinary surgeon appointed by the Department.

(5) In the case of any controlled bovine by-products produced in establishments registered under paragraph (3)—

(a) the identity of that establishment; and

(b) the method by which that by-product was produced,

shall be clearly indicated, either by means of a label affixed to the by-product, on its packaging or in commercial documentation accompanying it.

(6) The operator of an establishment registered under paragraph (2) or (3) shall give the Department prior written notice of any material change in the identity of the suppliers of the materials used by him in the manufacture of controlled bovine by-products or of the facilities or processes used at that establishment in manufacturing such by-products.

(7) Where, in relation to any premises registered under paragraphs (2) or (3), as the case may be—

(a) the requirements of that paragraph are no longer satisfied; or

(b) the operator has failed to give any notice required of him under paragraph (6),

the Department may withdraw the registration of those premises.

Control of the consignment of bovine material

5. A person shall not consign from any place, or transport to any establishment registered under regulation 4(3), material derived from any part of a bovine animal which includes any part of the vertebral column of a bovine animal unless he ensures that—

(a) any such material is contained in an impervious container which is clearly labelled to indicate that it contains bovine vertebral column; and

(b) any other material derived from any part of a bovine animal carried in the same consignment is contained in a separate impervious container which is clearly labelled as not containing bovine vertebral column.

Use and despatch of controlled bovine by-products

6. A person shall not use any controlled bovine by-product in the production of any product (other than a controlled bovine by-product) which is—

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

(b) destined for use as or in any cosmetic, medical or pharmaceutical product,

unless he ensures that that by-product was produced—

(i) in accordance with regulation 4;

(ii) in the case of a controlled bovine by-product produced in Great Britain, in accordance with regulation 4 of the Great Britain Regulations;

(iii) in the case of gelatin produced before 24th December 1996 from bovine animals slaughtered outside the United Kingdom, in an establishment which complied with the conditions for registration under regulation 4(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 4(2) of the Great Britain Regulations; or

(iv) in the case of a controlled bovine by-product, other than gelatin, produced before 15th March 1997 in the United Kingdom from bovine animals slaughtered outside the United Kingdom, in an establishment which complied with the conditions for registration under regulation 4(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 4(2) of the Great Britain Regulations.

Approval of establishments for the purpose of despatch of relevant goods

7.—(1) The Department shall approve an establishment for the purposes of regulation 3(4) where, following an inspection of that establishment by a veterinary inspector, it is satisfied there is in place a system for tracing raw materials through all stages of the processes used for the production of any relevant goods and that that system is sufficient to ensure that it is possible to identify the origin of any raw materials contained in any such goods despatched from that establishment.

(2) The operator of an establishment approved under paragraph (1) shall give the Department prior written notice of any material change in the identity of the suppliers of the materials used by him in the manufacture of relevant goods or of the facilities or processes used at that establishment in manufacturing such goods.

(3) The Department may withdraw the approval of any establishment granted by it under paragraph (1) where, in relation to that establishment, the requirements of that paragraph are no longer satisfied or where the operator of that establishment has failed to give any notice required of him by paragraph (2).