STATUTORY RULES OF NORTHERN IRELAND

1997 No. 319

AGRICULTURE

The Bovine Products (Production and Despatch) Regulations (Northern Ireland) 1997

Made - - - -	*27th June 1997*
Coming into operation	*26th July 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 Bovine Products (Production and Despatch) Regulations (Northern Ireland) 1997 and shall come into operation on 26th July 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**), as amended by Commission Decision 96/362/EC(**5**);

"controlled bovine by-product" means—

(a) gelatin;

(b) an amino acid;

(c) a peptide;

(**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
(**5**) O.J. No. L139, 12.6.96, p. 17

(d) tallow; or

(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 3(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 Bovine Products (Production and Despatch) Regulations 1997(**6**);

"inspector" means any person appointed as such by the Department and any veterinary surgeon appointed under regulation 3(4)(*b)* or 6(1)(*b*) or any veterinary inspector;

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

"pharmaceutical products" do not include veterinary products;

"premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft, but does not include premises used as a dwelling;

"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;

"third country" means any state which is not a member of the European Community; and

"vertebral column" includes any part thereof.

(3) 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.

Production of controlled bovine by-products

3.—(1) Any person who produces a controlled bovine by-product of any type shall ensure that—

(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 the 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, he is satisfied that no material derived

(**6**) S.I. 1997/389

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 named 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 such by-product.

(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 paragraph (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

4. Any person who consigns from any place, or transports, material derived from any part of any bovine animal to any establishment registered under regulation 3(3), shall ensure that—

(a) any material derived from such an animal which includes any part of its vertebral column is contained in an impervious container which is clearly labelled to indicate that it contains bovine vertebral column; and

(b) any other material 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

5.—(1) Any person who uses 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,

shall ensure that that by-product was produced—

(i) in accordance with regulation 3;

(ii) in the case of a controlled bovine by-product produced in Great Britain, in accordance with regulation 3 of the Great Britain Regulations; or

(iii) in the case of gelatin produced in the United Kingdom from bovine animals slaughtered outside the United Kingdom before 2nd January 1997, in an establishment which complied with the conditions for registration under regulation 3(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 3(2) of the Great Britain Regulations; or

(iv) in the case of a controlled bovine by-product, other than gelatin, produced in the United Kingdom from bovine animals slaughtered outside the United Kingdom before 26th July 1997 in an establishment which complied with the conditions for registration under regulation 3(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 3(2) of the Great Britain Regulations.

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

Despatch of meat and other products from bovine animals slaughtered outside the United Kingdom

6.—(1) A person shall not despatch from Northern Ireland to a member State any relevant goods unless—

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

(b) each stage of the production of those goods was under the control of a veterinary surgeon appointed by the Department;

(c) the goods are accompanied by a health certificate issued by that veterinary surgeon stating that they were produced in an approved 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(**7**) or of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(**8**).

(2) The Department shall approve an establishment for the purposes of this regulation where, following an inspection of that establishment by a veterinary inspector, it is satisfied there is in place a system for tracing the raw materials through all stages of the processes used for the production of any relevant goods which 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.

(3) The operator of an establishment approved under paragraph (2) 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.

(4) The Department may withdraw the approval of any establishment granted by it under paragraph (2) where, in relation to that establishment, the requirements of that paragraph are no

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