STATUTORY RULES OF NORTHERN IRELAND

1996 No. 390

FOOD SAFETY

The Specified Bovine Material (Treatment and Disposal) (No. 3) Regulations (Northern Ireland) 1996

Made - - - -	*26th August 1996*
Coming into operation	*26th August 1996*

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

(a) for the purposes of ensuring that food complies with food safety requirements or in the interests of public health; or

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

to make the following regulations;

Now therefore the said Department concerned, in exercise of the powers conferred by Articles 15(1) and (3), 16(1), 18(1), 25, 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 47(3) of that Order, with such organisations that appear to it to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations, which relate to material which may contain the agent causing bovine spongiform encephalopathy and which implement paragraph 3(*a*) of Article 3 of Commission Decision 94/474/EC (concerning certain protection measures relating to bovine spongiform encephalopathy and repealing Decision 89/469/EEC and 90/200/EEC(**2**) may be cited as the Specified Bovine Material (Treatment and Disposal) (No. 3) Regulations (Northern Ireland) 1996 and shall come into operation on 26th August 1996.

Interpretation

2.—(1) In these Regulations—

"approved" means approved by the Department;

"the Department" means the Department of Agriculture;

(**1**) S.I. 1991 No. 762 (N.I. 77) as amended by S.I. 1996 No. 1933 (N.I. 12)
(**2**) O.J. No. L194, 29.7.94, p. 96

"feeding stuff" means feeding stuff as defined in section 66(1) of the Agriculture Act 1970(**3**);

"intestines" means that part of the digestive tract of a bovine animal from the junction of the abomasum and the duodenum to (and including) the rectum;

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

"processed" means processed in accordance with the provisions of Article 6 of the SBM Order;

"the SBM Order" means the Specified Bovine Material Order (No. 2) (Northern Ireland) 1996(**4**);

"scheme animal" means a bovine animal which has been slaughtered pursuant to the purchase, slaughter and disposal scheme introduced under Commission Regulation (EC) No. 716/96(**5**) adopting exceptional support measures for the beef market in the United Kingdom;

"sell" includes have in possession for sale or offer or expose for sale;

"slaughterhouse" means any building, premises or place for slaughtering animals the flesh of which is intended for sale for human consumption;

"specified bovine material" means—

(a) subject to paragraph (*d*) of this definition, the head (including the brain but excluding the tongue), spinal cord, spleen, thymus, tonsils and intestines of a bovine animal six months old or over which has died in the United Kingdom or has been slaughtered there;

(b) the thymus and intestines of a bovine animal two months old or over but less than six months old which has died in the United Kingdom or has been slaughtered there;

(c) the thymus and intestines of a bovine animal under two months old which has been slaughtered in the United Kingdom for human consumption;

(d) subject to paragraph (4), the head (including the brain and the tongue), spinal cord, spleen, thymus, tonsils and intestines of a scheme animal; and

(e) specified solid waste,

and includes anything left attached to such material after dissection of the carcase and any animal matter which comes into contact with the material after it has been removed from the carcase, but does not include the whole carcase;

"specified solid waste" means any solid matter resulting from the slaughter of bovine animals, or from the subsequent processing of their carcases, which is collected in any part of the drainage system draining any place where specified bovine material is handled;

"stain" in relation to any material except in regulation 7(8) means treat (either by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051)(**6**) in such a way that the colouring is clearly visible over the whole surface of the material;

"tallow" means fat derived from animal tissues by a process of cooking; and

"vertebral column" means the whole or any part thereof and includes the sacrum but does not include the coccygeal vertebrae.

(2) In these Regulations the expression "mechanical means" does not include the use of hand powered knives which do not use powered pressure or suction.

(**3**) 1979 c. 40, the definition of "feeding stuff" in section 66 was substituted by regulation 20(1) of the Feeding Stuffs Regulations (Northern Ireland) 1995 (S.R. 1995 No. 451); regulation 3 of those Regulations prescribes descriptions of animals for the purpose of the definition

(**4**) S.R. 1996 No. 360

(**5**) O.J. No. L99, 19.4.96, p. 14

(**6**) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB

(3) The provisions of these Regulations shall apply to specified bovine material from a scheme animal, except that the provisions appearing in Column 1 of the Table in the Schedule shall apply only to the extent, and subject to the modifications, specified in Column 2 thereof.

(4) For the purposes of these Regulations, material shall be treated as a feeding stuff whether it is used or intended for use as a feeding stuff by itself or as an ingredient or additive in something which is so used or intended for such use.

Approvals

3.—(1) The Department may, on application, approve any premises for the purposes of these Regulations if it is satisfied that such premises are properly equipped to carry out the functions to which the approval relates and comply with the requirements of these Regulations.

(2) Any approval granted under these Regulations shall be in writing and may be made subject to conditions and be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval was granted if the Department is satisfied that the conditions of these Regulations, or any additional conditions in the approval are not being complied with.

Specified bovine material for human consumption

4.—(1) A person shall not sell any specified bovine material, or any food containing specified bovine material, for human consumption.

(2) A person shall not use any specified bovine material in the preparation of food for sale for human consumption.

(3) A person shall not sell any specified bovine material for use in the preparation of food for human consumption.

(4) For the purposes of this regulation "specified bovine material" includes anything derived from it.

Prohibitions applying to the vertebral column

5.—(1) A person shall not use the vertebral column of a bovine animal in the recovery of meat by mechanical means.

(2) A person shall not use, in the preparation of food for sale for human consumption, any meat which has been recovered by mechanical means from the vertebral column of a bovine animal.

(3) A person shall not use the vertebral column of a bovine animal from which meat has been cut, to produce food other than fat or gelatin for sale for human consumption.

Registration of premises on which meat is recovered by mechanical means from bovine animals

6.—(1) A person shall not on any premises recover meat by mechanical means from the carcase of a bovine animal unless his name and the address of those premises are registered with the Department.

(2) The Department shall keep a register for the purposes of paragraph (1).

(3) An application for registration under this regulation shall be in writing and be in such form and manner as the Department may require.

(4) The Department shall refuse to register the name of any person in respect of any premises unless the following particulars are notified to it in writing:

(a) the business name, if any;

(b) the name and address of the person who carries on the business;

(c) the address and telephone number of the business;

(d) the address of each premises at which meat is recovered by mechanical means from a bovine animal in the course of the business.

(5) A person whose name is registered in respect of any premises shall notify the Department in writing of any change in the particulars previously notified to it under paragraph (4) within 14 days of any such change.

Initial treatment of bovine carcases in a slaughterhouse

7.—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but brought immediately to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse (in this regulation referred to as "the occupier") shall ensure that all specified bovine material is removed from the rest of the carcase.

(2) Subject to the following provisions of this regulation, the occupier shall ensure that specified bovine material (other than the head) which has been removed from a bovine animal is immediately, and in any event before it is frozen, stained.

(3) The occupier shall ensure that the head removed from a bovine animal is stained immediately, except that, if the tongue is to be removed from the head, this shall be done immediately after slaughter of the animal and the head shall be stained immediately after removal of the tongue.

(4) The occupier shall ensure that the specified bovine material does not come into contact with any other animal material while in the slaughterhouse and that it is disposed of in accordance with these Regulations.

(5) Material which is not specified bovine material may be separated from intestines which have been removed from the carcase before the intestines are stained.

(6) In the case of specified bovine material which is to be intended to be examined by or on behalf of an officer of the Department or a veterinary surgeon, the specified bovine material shall not be stained until after the completion of such examination.

(7) The requirement to stain specified bovine material shall not apply in the case of specified bovine material which is intended to be used for non-food or non-feeding stuff purposes in accordance with Article 8 of the SBM Order.

(8) In the case of a scheme animal, the occupier shall ensure that, once the specified bovine material has been removed, the remainder of the carcase (excluding the hide) is stained immediately with a 0.5% weight/volume solution of the colouring agent Tartrazine E102, Colour Index No. 19140, in such a way that the colouring is clearly visible over the whole surface.

Initial treatment of specified bovine material elsewhere than at a slaughterhouse

8.—(1) Subject to the provisions of this regulation, when specified bovine material is removed from the carcase of a bovine animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified bovine material is removed (in this regulation referred to as "the occupier") shall ensure that it is stained immediately, and in any event before it is frozen.

(2) The occupier shall ensure that the specified bovine material does not come into contact with any other animal material while on the premises and that it is consigned in accordance with Article 9 of the SBM Order and disposed of in accordance with these Regulations.

(3) In the case of specified bovine material which is intended to be examined by or on behalf of the Department or a veterinary surgeon, the specified bovine material shall not be stained until after the completion of such examination.

(4) The requirement to stain specified bovine material shall not apply in the case of specified bovine material which is intended to be used for non-food or non-feeding stuff purposes in accordance with Article 8 of the SBM Order.

(5) The provisions of this regulation shall not apply in the case of a post-mortem examination carried out by a veterinary surgeon or a veterinary practitioner provided that he makes arrangements for the disposal of the whole carcase by burial.

Exceptions from the requirement to stain specified bovine material

9.—(1) The requirements in regulations 6 and 7 to stain the specified bovine material shall not apply—

(a) if the specified bovine material is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes; or

(b) to specified solid waste,

provided that it is stored separately from all other animal materials and is clearly identified as specified bovine material.

(2) A person shall not transport specified bovine material to premises specified in paragraph (1)(*a*) unless the specified bovine material is in a container marked with—

(a) the words "specified bovine material";

(b) the place of destination; and

(c) the name of the person to whom it is being sent.

(3) Any person delivering specified bovine material to premises specified in paragraph (1)(*a*) shall state in writing to the occupier of the premises the place from which the specified bovine material was collected for delivery.

(4) The person to whom the specified bovine material is consigned in accordance with this regulation shall record on its arrival—

(a) the weight of the specified bovine material delivered;

(b) the date of delivery; and

(c) the place from which it was consigned,

and shall keep such records for two years from the date of arrival.

(5) When any specified bovine material is no longer needed, the person to whom it was consigned in accordance with this regulation shall ensure that any residual specified bovine material is buried or effectively destroyed and shall keep a record for two years of the place and method of burial or destruction.

Prohibition on the removal of the brain and eyes of a bovine animal

10.—(1) A person shall not in any premises remove the brain or eyes from the head of a bovine animal except—

(a) for the purposes of veterinary or scientific examination; and

(b) in a part of the premises kept free at all times from food intended for human consumption.

(2) The prohibition in paragraph (1) shall not apply to the removal under Article 29 of the Order of the eyeballs of bovine animals at the place of slaughter by a veterinary inspector or other authorised officer of the Department for the purposes of analysis under Article 31(1) of the Order.