1995 No. 457

FOOD

The Specified Bovine Offal (Treatment and Disposal) Regulations (Northern Ireland) 1995

Made . . . . . *11th December 1995*

Coming into operation . . *21st December 1995*

The Department of Agriculture, in exercise of the powers conferred by Articles 15(1) and (2)(*g*), (*h*) and (*i*) of the Food (Northern Ireland) Order 1989(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 72(2) 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(**c**)) may be cited as the Specified Bovine Offal (Treatment and Disposal) Regulations (Northern Ireland) 1995 and shall come into operation on 21st December 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"approved" means approved by the Department;

"Department" means the Department of Agriculture for Northern Ireland;

"feedingstuff" includes petfood;

"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;

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

"the SBO Order" means the Specified Bovine Offal Order (Northern Ireland) 1995(**d**);

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

(**a**) S.I. 1989/846 (N.I. 6)
(**b**) S.R. 1990 No. 394
(**c**) O.J. No. L194, 29.7.1994, p. 96
(**d**) S.R. 1995 No. 458

"skull" does not include the bones of the lower mandible, those of the hyoid apparatus or those anterior to a transverse section formed between the posterior molars of the upper jaw and a point 30 millimetres anterior to both orbits;

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

"specified bovine offal" means—

(*a*) the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal six months old or over which has died or been slaughtered in the United Kingdom;

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

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

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

"stain" 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(**a**)) in such a way that the colouring is clearly visible over the whole surface of the offal;

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

(2) Any reference to a head means the head of a bovine animal aged six months or over.

(3) For the purposes of these Regulations the supply of food or feedingstuffs otherwise than by sale at, in or from any place where food or feedingstuffs are supplied in the course of a business, shall be deemed to be a sale.

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.

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

Specified bovine offal for human consumption

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

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

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

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

Initial treatment of specified bovine offal at a slaughterhouse

5.—(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 shall ensure that all specified bovine offal and, in the case of an animal six months old or over, the head are separated from the rest of the carcase.

(2) Subject to the following provisions of this regulation, the occupier shall ensure that specified bovine offal other than that associated with a head from which meat is to be removed for human consumption is forthwith, and in any event before it is frozen, stained.

(3) The occupier shall ensure that the specified bovine offal 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.

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

(5) Subject to paragraph (6), the occupier shall ensure that, where a head is removed in accordance with paragraph (1), it is either—

(*a*) stained and consigned as specified bovine offal in accordance with Article 9 of the SBO Order and disposed of in accordance with the provisions of these Regulations; or

(*b*) kept separate from all other animal material other than unstained bovine heads and sent to an approved head boning plant in accordance with regulation 10.

(6) Paragraph (5) shall not apply in the case of meat (other than brains and eyes) or bones (other than bones forming the skull) removed from the head on the premises without disturbing the skull.

(7) In the case of specified bovine offal which is intended to be analysed under regulation 14, the specified bovine offal shall not be stained until after the completion of such examination.

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

Initial treatment of specified bovine offal other than at a slaughterhouse.

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

(2) The occupier shall ensure that the specified bovine offal 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 SBO Order and disposed of in accordance with the provisions of these Regulations.

(3) In the case of specified bovine offal which is intended to be analysed under regulation 14, the specified bovine offal shall not be stained until after the completion of such examination.

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

Exceptions from the requirement to stain specified bovine offal

7.—(1) The requirements in regulations 5 and 6 to stain the specified bovine offal shall not apply if the specified bovine offal is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes, provided that the specified bovine offal is stored separately from all other animal materials and is clearly identified as specified bovine offal.

(2) A person shall not transport specified bovine offal to premises specified in paragraph 7(1) unless the specified bovine offal is in a container marked with the following—

(*a*) the words "specified bovine offal";

(*b*) the place of destination; and

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

(3) Any person delivering specified bovine offal to such premises shall state in writing to the occupier of the premises the place from which the specified bovine offal was collected for delivery.

(4) When the specified bovine offal is no longer needed the person to whom it was consigned shall ensure that any residual specified bovine offal is buried or effectively destroyed.

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

8.—(1) A person shall not 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; and

(*c*) after the removal from the head of any meat or bones intended for human consumption,