1989 No. 347

ANIMALS

Diseases of Animals (Animal Protein) (No. 2) Order (Northern Ireland) 1989

Made	*17th August 1989*
Coming into operation . .	*25th August 1989*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 5(1), 19, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Animal Protein) (No. 2) Order (Northern Ireland) 1989 and shall come into operation on 25th August 1989.

Extension of definition of animals

2. For the purposes of the 1981 Order in its application to this Order the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man, and

(ii) any kind of four-footed beast which is not a mammal.

Interpretation

3.—(1) In this Order—

"animal protein" means any material which may be used for feeding to animals or poultry and which contains:

(*a*) the whole or any part of—

(i) any dead animal or bird; or

(ii) any fish, reptile, crustacean or other cold-blooded creature,

or any product derived from the whole or part of them;

(*b*) blood, hatchery waste, eggs, egg shells, hair, horns, hides, hoofs, feathers and manure;

(*c*) human effluent; or

(*d*) any protein obtained from any of the materials in (*a*), (*b*) or (*c*) by heat, sedimentation, precipitation, ensiling or any other system of treatment or procedure;

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17

but does not include milk or milk products, shells other than egg shells, fat or dicalcium bone phosphate or anything intended to be used for human consumption;

"authorised laboratory" means a laboratory authorised by the Department in writing;

"approved disinfectant" means a disinfectant approved by the Department under the Diseases of Animals (Approval of Disinfectants) Order (Northern Ireland) 1972(**a**);

"day" means the period of twenty-four hours which begins with one midnight and ends with the next;

"fat" means any vegetable or mineral oil or any other oleaginous product obtained by a rendering or a refining process;

"laboratory" means any laboratory which has the necessary facilities and personnel for carrying out tests on samples mentioned in paragraph (1) or (2) of Part I of the Schedule in accordance with either of the methods set out in Part II of the Schedule;

"livestock" means cattle, sheep, goats, all other ruminating animals and swine;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981;

"poultry" means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants, partridges or quails;

"processed", in relation to animal protein, means animal protein which has been subjected to heat, sedimentation, precipitation, ensiling, milling, grinding, or any other system of treatment or procedure so as to render it suitable for direct use, or, after further processing, as a feeding stuff, or as an ingredient of a feeding stuff for animals or poultry;

"protein processor" means a person who engages in the business of processing animal protein;

"receptacle" means a bin, box, skip or other container used for the removal of animal protein;

(2) After 31st December 1989 any reference in this Order to a laboratory shall be a reference to an authorised laboratory.

Exemption

4. The provisions of this Order shall not apply to waste food as defined in and required to be processed under the Waste Food (Feeding to Livestock and Poultry) Order (Northern Ireland) 1974(**b**).

(**a**) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69
(**b**) S.R. 1974 No. 12 as amended by S.R. 1976 No. 400

Removal of animal protein

5.—(1) Subject to the provisions of this Order the removal of animal protein is hereby prohibited.

(2) The prohibition in paragraph (1) shall not apply to the removal of animal protein which takes place under the authority of and in accordance with the conditions of a licence granted by the Department.

(3) The provisions of any licence granted by the Department under paragraph (2) shall—

(*a*) be published in the Belfast Gazette; and

(*b*) apply to all persons who remove animal protein.

(4) A licence granted by the Department under paragraph (2) shall not authorise the removal of processed animal protein where such removal is prohibited under Article 9.

(5) A person shall not use or cause or permit to be used any vehicle for the removal of animal protein unless the animal protein is:—

(*a*) carried in a leak-proof receptacle which is closed by a tightly fitting lid or other cover which prevents spillage and both the receptacle and the lid or other cover are capable of being cleansed and disinfected; or

(*b*) enclosed by impervious material capable of being thoroughly cleansed and disinfected and the vehicle is so constructed as to prevent any leakage or spillage of animal protein out of the vehicle.

(6) A person shall not:—

(*a*) place or carry any livestock or poultry, feeding stuff intended for feeding to livestock or poultry, or anything intended to be used for or about livestock or poultry, in any vehicle or receptacle which contains unprocessed animal protein; or

(*b*) place or carry any unprocessed animal protein in any vehicle or receptacle which contains processed animal protein.

(7) The person in charge of any vehicle or receptacle who uses or causes that vehicle or receptacle to be used for the removal of processed animal protein shall, before each occasion on which it is so used, thoroughly cleanse and disinfect it with an approved disinfectant.

(8) The person in charge of any vehicle or receptacle who uses or causes that vehicle or receptacle to be used for the removal of any animal protein shall, after each occasion on which it was so used, and in any event before any further use is made of it for the removal of any animal, poultry, animal protein or other matter, thoroughly cleanse and disinfect it with an approved disinfectant.

Collection or holding of animal protein

6. The owner or person in charge of any premises used for the collection or holding of animal protein shall ensure that such animal protein is collected or held on the premises in such a manner as to prevent the leakage or escape of any effluent and so that no animals or birds can gain access to that animal protein.

Information to be furnished to the Department

7.—(1) Any person who, on 25th August 1989 is engaged in the business of removing, holding or processing animal protein or who proposes to become engaged in such a business on or before 1st September 1989 shall, not later than 8th September 1989, furnish the Department in writing with the following information:—

(*a*) his name and the address at or from which the business is carried on;

(*b*) whether the business in which he is engaged is the removal, holding or processing of animal protein, or a combination of such activities;

(*c*) the date on which he began to engage in that business;

(*d*) whether the animal protein which he removes, holds or processes is intended for use as, or as an ingredient of feeding stuff for animals or poultry; and

(*e*) if he engages in the business of processing animal protein—

(i) the description and source of the raw material processed;

(ii) the description of the processed animal protein produced; and

(iii) the address of each premises at which animal protein is processed in the course of the business.

(2) Any person who proposes to become engaged in the business of removing, holding or processing animal protein after 1st September 1989 shall, not less than 10 days before he becomes so engaged, furnish the Department in writing with the following information:—

(*a*) his name and the address at or from which the business is to be carried on;

(*b*) whether the business in which he proposes to engage is the removal, holding or processing of animal protein, or a combination of such activities;

(*c*) the date on which he proposes to begin engaging in that business;

(*d*) whether the animal protein which he proposes to remove, hold or process is intended for use as, or as an ingredient of feeding stuff for animals or poultry; and

(*e*) if he intends to engage in the business of processing animal protein—

(i) the description and source of the raw materials to be processed;

(ii) the description of the processed animal protein to be produced; and

(iii) the address of each premises at which animal protein will be processed in the course of the business.

(3) Any person who engages in the business of removing, holding or processing animal protein shall notify the Department in writing of any change in the particulars required to be notified under paragraph (1) or (2), such notification to be made within 14 days of the change.

(4) Any person who engages in the business of removing, holding or processing animal protein after 23rd March 1989 shall notify the Department in writing within one month when he ceases to engage in such a business.

(5) The definition of ''animal protein'' in Article 3(1) shall apply to the interpretation of this Article as if the words ''which may be used for feeding to animals or poultry and'' were omitted.

Taking of samples for testing

8.—(1) A protein processor shall ensure that—

(*a*) on each day on which any supplies of processed animal protein are consigned from premises used by him for the purpose of processing animal protein, a sample is taken in the manner described in paragraph (2) of Part I of the Schedule from the processed animal protein which forms those supplies, and

(*b*) the sample is submitted forthwith to a laboratory for testing in accordance with either of the methods set out in Part II of the Schedule.

(2) Where processed animal protein produced on any premises is either used for direct feeding to or for incorporation in a feeding stuff for animals or poultry kept on those premises, the protein processor shall ensure that—

(*a*) on each day immediately before any supplies of any such processed animal protein are used for such direct feeding or for incorporation in such feeding stuff, a sample is taken in the manner mentioned in paragraph (1)(*a*) from those supplies, and

(*b*) the sample is submitted for testing in accordance with the provisions of paragraph (1)(*b*).

(3) After a sample has been tested in accordance with paragraph (1)(*b*) or (2)(*b*) by a laboratory it shall be destroyed by that laboratory.

Duty to prevent movement of contaminated processed animal protein and use of such animal protein for direct feeding or in a feeding stuff

9. A protein processor who knows that a test carried out on a sample taken from processed animal protein produced on his premises has resulted in the isolation of salmonella from that sample, shall ensure that during the period of one month from the date on which he becomes aware of such result—

(*a*) no processed animal protein produced on those premises is removed from any premises occupied by him or under his control; and

(*b*) no such processed animal protein which remains under his control is either used for direct feeding to or for incorporation in a feeding stuff for animals or poultry,

unless—

(i) such processed animal protein is not taken from the same storage facility as that used to store the processed animal protein from which the sample was taken, or

(ii) such processed animal protein is treated in such manner as to ensure freedom from salmonella and a test carried out by a laboratory in accordance with either of the methods set out in Part II of the Schedule on a sample taken from the processed animal protein so treated does not result in the isolation of salmonella from that sample, or