1989 No. 119

ANIMALS

Diseases of Animals (Animal Protein) Order (Northern Ireland) 1989

Made	*24th March 1989*
Coming into operation . .	*24th March 1989*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 19(*e*), (*f*), (*i*) and (*k*), 44(*b*) 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

1. This Order may be cited as the Diseases of Animals (Animal Protein) Order (Northern Ireland) 1989.

Interpretation

2. 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, milk and milk products, hair, 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 other system of treatment;

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

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

"approved laboratory" means the Agricultural and Food Science Centre, Newforge Lane, Belfast, or the Veterinary Research Laboratory, Stormont, Belfast;

(a) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17
(b) S.R. & O. (N.I.) 1972 No. 16 as amended by S.R. 1975 No. 69

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

"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 treated by heat, sedimentation, precipitation, ensiling, milling, grinding, or any other systems of treatment so as to render it suitable for direct use, or after further processing as a feedingstuff, or as an ingredient in a feedingstuff for animals or poultry; and

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

Exemption

3. 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(**a**).

Removal of animal protein

4.—(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 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 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.

(5) A person shall not:—

(*a*) place or carry any livestock or poultry, feedingstuffs 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;

(a) S.R. 1974 No. 12

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

(6) 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.

(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 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

5. 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.

Taking and testing of samples

6.—(1) Where, in accordance with the provisions of Article 46 of the 1981 Order, an inspector has entered any premises where animal protein is processed he—

(*a*) may take a sample in the manner prescribed in Part I of the Schedule from any such premises of any material or substance which he has reasonable grounds for supposing to be processed animal protein and

(*b*) shall, where a sample has been taken in accordance with sub-paragraph (*a*), provide the owner or person in charge of those premises with a like sample, if so requested.

(2) The inspector shall submit a sample taken in accordance with paragraph (1)(*a*) to an approved laboratory where that sample shall be tested in accordance with the bacteriological method prescribed in Part II of the Schedule.

(3) The result of the test carried out under paragraph (2) shall be notified, as soon as practicable, by the Department to the owner or person in charge of the premises from which the sample was taken.

(4) After a sample has been tested in accordance with paragraph (2) it shall be destroyed in the laboratory in which it was tested.

Compliance with bacteriological standard

7.—(1) Processed animal protein shall comply with the required bacteriological standard.

(2) Where the test of a sample of processed animal protein carried out under Article 6(2) shows that it does not comply with the required bacteriological standard the Department may by notice served on the owner or person in charge of the premises from which the sample was taken require him to ensure that all animal protein processed on those premises after the expiry

of the time specified in the notice complies with the required bacteriological standard.

(3) Without prejudice to paragraph (2) where the test of a sample of processed animal protein carried out under Article 6(2) shows that it does not comply with the required bacteriological standard the removal of processed animal protein from the premises from which the sample was taken is hereby prohibited except under the authority and in accordance with the conditions of a licence granted by the Department until a test of a further sample from those premises shows that it does comply with that standard.

(4) The Department may by notice vary, revoke or suspend a notice issued under paragraph (2) or a licence granted under paragraph (3).

(5) In this Article "the required bacteriological standard" means that no salmonella has been isolated from a sample of processed animal protein when it has been tested in an approved laboratory in accordance with the bacteriological method prescribed in Part II of the Schedule.

Information to be furnished to the Department

8.—(1) Any person who, on the 24th of March 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 7th April 1989 shall, not later than 14th April 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; and

(*d*) whether the animal protein which he removes, holds or collects is intended for use as, or as an ingredient of feedingstuffs for animals or poultry.

(2) Any person who proposes to become engaged in the business of removing, holding or processing animal protein after the 7th April 1989 shall, not less than ten 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; and

(*d*) whether the animal protein which he proposes to remove, hold or collect is intended for use as, or as an ingredient of feedingstuffs for animals or poultry.

(3) Any person who engages in the business of removing, holding or processing animal protein after the coming into operation of this Order shall notify the Department in writing within one month when he ceases to engage in such a business.