
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 108

**EUROPEAN COMMUNITIES
ANIMALS**

**Animal By-Products (Amendment)
Regulations (Northern Ireland) 1998**

Made - - - - *16th March 1998*

Coming into operation *6th April 1998*

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Animal By-Products (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 6th April 1998.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Animal By-Products Regulations (Northern Ireland) 1993

2. The Animal By-Products Regulations (Northern Ireland) 1993(4) (“the principal Regulations”) shall be amended as provided in regulations 3 to 8.

Interpretation

3.—(1) Regulation 2 shall be amended as provided in paragraphs (2) and (3).

(2) In paragraph (1)—

(a) in the definition of “animal by-product” after the word “cooked” there shall be inserted the words “or denatured”;

(1) S.I. 1972 /1811
(2) 1972 c. 68
(3) 1954 c. 33 (N.I.)
(4) S.R. 1993 No. 192

- (b) the definition of “notice” shall be omitted.
- (3) After paragraph (1) there shall be inserted the following paragraph—
 - “(1A) A notice or licence under these Regulations—
 - (a) shall be in writing;
 - (b) may be subject to such conditions as may be specified therein; and
 - (c) may be amended, suspended or revoked by notice in writing at any time.”.

Scope

4. Regulation 3(1) shall be amended by adding at the end the words “nor shall they apply to specified bovine material as defined in the Specified Risk Material Order (Northern Ireland) 1997(5).”.

Restriction on disposal of animal by-products referred to in Schedule 1 to the principal Regulations

5. Regulations 4 and 5 shall be replaced with the following regulations—

“Restriction on disposal of animal by-products referred to in Schedule 1

4.—(1) Subject to the following provisions of this regulation, any person who has in his possession or under his control any animal by-product referred to in Schedule 1 shall dispose of it without undue delay by—

- (a) rendering in approved premises;
- (b) complete incineration in an incinerator; or
- (c) burning other than in an incinerator or by burial if—
 - (i) the by-product is in a place where access is difficult; or
 - (ii) the amount of by-product and the distance to approved rendering premises or an incinerator do not justify transporting it.

(2) If the Department serves on the person in charge of any animal by-product a notice certifying that—

- (a) the by-product is from animals infected or suspected of being infected with an epizootic disease and should not be transported because of health risks;
- (b) the by-product is from animals infected or suspected of being infected with serious disease, or contains residues which could constitute a risk to human or animal health and which could survive rendering; or
- (c) there is a lack of capacity at rendering premises or incinerators;

then that person shall, without due delay, dispose of the by-product by burning or by burial as may be specified in the notice.

(3) If the Department thinks fit, it may serve a notice on any person in possession of an animal by-product referred to in Part I of Schedule 1 requiring its complete incineration in an incinerator.

Exemptions from regulation 4

5.—(1) The provisions of regulation 4 shall not apply to any person consigning or using an animal by-product for scientific purposes.

(2) The provisions of regulation 4 shall not apply to any person consigning or using animal by-products referred to in Part II of Schedule 1 for the preparation of petfood or technical or pharmaceutical products in premises registered under regulation 8.

(3) Where any by-product is used in accordance with paragraph (2) the Department may by notice require that it be dispatched, stored or processed in a specific location and under specific conditions.

(4) The provisions of regulation 4 shall not apply to—

- (a) any person consigning animal by-products to a person licensed by the Department to partly render animal by-products, or
- (b) any person partly rendering animal by-products on premises licensed by the Department provided that the part-rendered product is disposed of in accordance with regulation 4 or, in the case of material referred to in Part II of Schedule 1, in accordance with paragraph (2).

Exemptions from regulation 4 relating to certain types of animal by-product

5A.—(1) This regulation applies to—

- (a) a by-product referred to in paragraphs (a), (b) and (e) of Part I of Schedule 1 (provided that it is not from an animal slaughtered as a result of the presence or suspected presence of a notifiable disease listed in Annex I to Council Directive [82/894/EEC](#) (on the notification of animal diseases within the Community)(**6**); and
- (b) a by-product referred to in Part II of Schedule 1.

(2) The provisions of regulation 4 shall not apply to any person consigning animal by-products to which this regulation applies to a knacker's yard or to premises where zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait are fed.

(3) The provisions of regulation 4 shall not apply to any person treating an animal by-product to which this regulation applies in a knacker's yard.

(4) The provisions of regulation 4 shall not apply to any person using an animal by-product to which this regulation applies for feeding zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait.

Knackers' yards

5B. The occupier of a knacker's yard shall ensure that any animal by-product received by him is either—

- (a) cooked or denatured without delay and then distributed locally for feeding animals whose flesh is not intended for human consumption in a way that entails no risk to human or animal health, or
- (b) disposed of without delay in accordance with regulation 4.⁷.

(6) O.J. No. L378, 31.12.82, as amended by Council Regulation ([EEC](#)) No. 3768/85 (O.J. No. L362, 31.12.85, p. 8), Commission Decision [89/162/EEC](#) (O.J. No. L61, 4.3.89, p. 48) and Commission Decision [92/450/EEC](#) (O.J. No. L248, 28.8.92, p. 77)

Powers of authorised officers

6. In regulation 10(1)(a) there shall be inserted after the words “the provisions of these Regulations” the words “, the provisions of any notice served under, or the conditions of any licence or approval granted in accordance with, these Regulations”.

Offences

7. Regulation 11 shall be amended by substituting for paragraphs (a) and (b) the following paragraphs—

- “(a) contravenes any provision of regulation 4, 5B, 6, 7, 8, 9, 10(3) or (4) or any provision of a licence or notice under regulation 4 or 5 or an approval under regulation 7;
- (b) fails to comply with any such provision or with a condition of such a licence, notice or approval; or”.

Approval of animal by-products rendering premises

8. Schedule 4 shall be amended—

(a) by substituting for sub-paragraph (ii) of paragraph 6 of Section B of Part I the following sub-paragraph—

“(ii) using any of the systems of heat treatment described in Commission Decision [92/562/EEC](#), as amended(7) and as read, in the case of animal by-products of ruminant origin, with Commission Decision [94/382/EEC](#) on the approval of alternative heat treatment systems for processing animal waste of ruminant origin, with a view to the inactivation of bovine spongiform encephalopathy agents(8), as amended(9), subject to the conditions contained in those Decisions.”; and

(b) by adding at the end of Section B of Part II the following paragraph—

“9. In the case of animal by-products of ruminant origin rendering must be carried out either—

(i) so that—

- (a) material is heated to a core temperature of at least 133°C for 20 minutes at a pressure of 3 bar. The particle size of the raw material prior to processing must be reduced to at least 50 mm by means of a pre-breaker or grinder; and
- (b) recording thermographs are provided at the critical points of the heating process to monitor heat treatment; or

(ii) using any of the systems of heat treatment described in Commission Decision [92/562/EEC](#), as amended and as read with Commission Decision [94/382/EEC](#) as amended, subject to the conditions contained in those Decisions.”.

(7) Commission Decision [92/562/EEC](#) (O.J. No. L359, 9.12.92, p. 23) on the approval of alternative heat treatment systems for processing high-risk material was amended in respect of aquatic animals by item 27 of Chapter 5 of Part E of Section V of Annex 1 to the Decision of the Council of the European Union adjusting the instruments concerning the accession of new Member States to the European Union (O.J. No. L1, 1.1.95, p. 100)

(8) O.J. No. L 172, 7.7.94, p. 25

(9) By Commission Decision [95/29/EC](#) (O.J. No. L38, 18.2.95, p. 17)

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

16th March 1998.

R. S. Johnston
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Animal By-Products Regulations (Northern Ireland) 1993 (“the 1993 Regulations”) which implement Council Directive [90/667/EEC](#) (O.J. No. L363, 27.12.90, p. 51) laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive [90/425/EEC](#) (O.J. No. L224, 18.8.90, p. 29) as follows—

(1) regulation 2 (interpretation) is amended by excluding from the definition of “animal by-product” meat denatured at a knacker’s yard for use as food for animals whose flesh is not intended for human consumption and adding a provision enabling a notice or licence under the Regulations to be amended, suspended or revoked (regulation 3);

(2) regulation 3(1) (scope) is amended by providing that the 1993 Regulations shall not apply to specified bovine material as defined in the Specified Risk Material Order (Northern Ireland) 1997 (regulation 4);

(3) regulations 4 and 5 (restriction on disposal of animal by-products) are replaced with new regulations which—

- (a) require that disposal be effected without undue delay;
- (b) specify the circumstances in which animal by-products are to be buried or burnt instead of being rendered in approved premises or incinerated in an incinerator;
- (c) limit the exemption providing for the use of animal by-products referred to in paragraphs (a), (b) and (e) of Part I of Schedule 1 and in Part II of Schedule 1 to the 1993 Regulations at a knacker’s yard or in feeding zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait, to by-products derived from animals which were not slaughtered as a result of the presence or suspected presence of a notifiable disease;
- (d) require the occupier of a knacker’s yard to ensure that any animal by-product is cooked or denatured without delay and distributed locally for feeding animals not intended for human consumption or disposed of without delay in accordance with new regulation 4 (regulation 5);

(4) regulation 10(1) (powers of authorised officers) is amended by providing that the powers of entry, inspection, etc, conferred by that regulation may be exercised for the purpose of ascertaining whether the provisions of any notice served under, or the conditions of any licence or approval granted in accordance with, the 1993 Regulations have been or are being complied with (regulation 6);

(5) regulation 11 (offences) is amended in consequence of the replacement of regulation 5 (regulation 7); and

(6) Schedule 4 (requirements to be met where animal by-products are rendered) is amended—

- (a) by expanding paragraph 6(ii) of Section B of Part I (which refers to the rendering of animal by-products using any of the systems of heat treatment described in the Commission Decision [92/562/EEC](#)) so that it includes—

- (i) a reference to the amendment to Decision [92/562/EEC](#) made in respect of aquatic animals by the Decision of the Council of the European Union adjusting the instruments concerning the accession of new Member States to the European Union;
- and

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- (ii) a reference to the provisions of Commission Decision [94/382/EEC](#) as amended by Commission Decision [95/29/EEC](#) (which relate to the rendering of animal by-products of ruminant origin); and
- (b) by adding to the hygiene requirements to be met where animal by-products described in Part II of Schedule 1 to the 1993 Regulations are rendered, specific requirements applying to by-products of ruminant origin similar to the requirements relating to by-products described in Part I of Schedule 1 to the 1993 Regulations (regulation 8).

The amendments referred to in paragraph (6) above are made in implementation of Community obligations arising from the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union and Commission Decision [94/382/EEC](#) as amended by Commission Decision [95/29/EEC](#).