
STATUTORY INSTRUMENTS

1996 No. 827

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Amendment) Order 1996

Made - - - - *14th March 1996*

Coming into force - - *8th April 1996*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1 and 8(1) of the Animal Health Act 1981⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Animal By-Products (Amendment) Order 1996 and shall come into force on 8th April 1996.

Interpretation

2.—(1) In this Order “the principal Order” means the Animal By-Products Order 1992⁽²⁾.

(2) Article 3(1) of the principal Order shall be amended by inserting in the definition of “animal by-product” after the word “cooked” the words “or denatured”.

Scope

3. Article 4(1) of the principal Order shall be amended by adding at the end the words “nor shall they apply to specified bovine offal as defined in the Specified Bovine Offal Order 1995⁽³⁾”.

Restriction on disposal of animal by-products referred to in Part I of Schedule 1 to the principal Order

4. Article 5 of the principal Order shall be amended—

(a) by inserting in paragraph (1) after the words “shall dispose of it” the words “without undue delay”,

(1) 1981 c. 22; see section 86(1)(c) for a definition of “the Ministers”.

(2) S.I.1992/3303.

(3) S.I. 1995/1908, as amended by S.I. 1995/3246.

- (b) by adding at the end of subparagraph (b) of paragraph (2) the following words: “provided that such by-product is derived from animals which have not been slaughtered as a result of the presence or suspected presence of a notifiable disease;”, and
- (c) by adding after paragraph (3) the following paragraphs—
 - “(4) The Minister—
 - (a) shall grant the licence referred to in paragraph (2)(c) above subject to such conditions as may be specified in the licence;
 - (b) may vary, revoke or suspend the licence by notice in writing served on the person to whom the licence was granted; and
 - (c) may grant the licence to remain in force until revoked or to expire at a time specified in the licence.
 - (5) For the purposes of paragraph (2)(b) above “notifiable disease” means a disease which is listed in Annex I to Council Directive No [82/894/EEC](#) on the notification of animal diseases within the Community(4), as amended(5).”.

Restriction on disposal of animal by-products referred to in Part II of Schedule 1 to the principal Order

- 5. Article 6 of the principal Order shall be amended—
 - (a) by inserting in paragraph (1) after the words “shall dispose of it” the words “without undue delay”, and
 - (b) by adding after paragraph (3) the following paragraph—
 - “(4) The Minister—
 - (a) shall grant the licence referred to in paragraph (2)(d) above subject to such conditions as may be specified in the licence;
 - (b) may vary, revoke or suspend the licence by notice in writing served on the person to whom the licence was granted; and
 - (c) may grant the licence to remain in force until revoked or to expire at a time specified in the licence.”.

Registration of premises collecting or using animal by-products for petfood, technical or pharmaceutical products

- 6. Article 9 of the principal Order shall be amended by substituting in paragraph (4) for the words “subject to paragraph (5) below,” the words “subject to paragraphs (5) and (6) below,”.

Registration of premises used for the feeding of animal by-products to zoo, circus or fur animals, recognized packs of hounds and maggot farming for fishing bait

- 7. Article 10 of the principal Order shall be amended by substituting in paragraph (4) for the words “subject to paragraph (5) below,” the words “subject to paragraphs (5) and (6) below,”.

Enforcement

- 8. For article 12 of the principal Order there shall be substituted the following article—

(4) OJ No L 378, 31.12.82.

(5) By Council Regulation ([EEC](#)) No 3768/85 (OJ No L 362, 31.12.85, p. 8), Commission Decision No [89/162/EEC](#) (OJ No L 61, 4.3.89, p. 48) and Commission Decision No [92/450/EEC](#) (OJ No L 248, 28.8.92, p. 77).

“Enforcement

12.—(1) This Order shall be enforced and executed in relation to premises which are licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(6) or the Poultry Meat, Farmed Game Bird, Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(7) by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland or Wales.

(2) In all other respects this Order shall be executed and enforced by the Local Authority.”.

Inspections, taking samples etc.

9. Article 13(1) of the principal Order shall be amended by inserting after the words “the provisions of this Order” the words “or the conditions of any licence or approval granted in accordance with this Order”.

Approval of animal by-products rendering premises

10. Schedule 4 to the principal Order shall be amended—

- (a) by inserting in paragraph 6(ii) of Section B of Part I after the words “in Commission Decision No 92/562/EEC” the words “as amended(8) and as read, in the case of animal by-products of ruminant origin, with Commission Decision No 94/382/EC on the approval of alternative heat treatment systems for processing animal waste of ruminant origin, with a view to the inactivation of spongiform encephalopathy agents(9), as amended(10)”, 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 prebreaker or grinder; and

(b) recording thermographs are provided at the critical points of the heating process to monitor the heat treatment; or

(ii) using any of the systems of heat treatment described in Commission Decision No 92/562/EEC, as amended and as read with Commission Decision No 94/382/EC as amended.”.

13th March 1996

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

(6) S.I. 1995/539.

(7) S.I. 1995/540.

(8) Commission Decision No 92/562/EEC 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 (OJ No L 1, I.1.95, p. 100).

(9) OJ No L 172, 7.7.94, p. 25.

(10) By Commission Decision No 95/29/EC (OJ No L 38, 18.2.95, p. 17).

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14th March 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

13th March 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Animal By-Products Order 1992 (“the principal Order”)—

(1) article 3(1) of the principal Order (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 (article 2(2));

(2) article 4 of the principal Order (scope) is amended by providing that the provisions of the Order shall not apply to specified bovine offal as defined in the Specified Bovine Offal Order 1995 (article 3);

(3) article 5(1) and article 6(1) of the principal Order (disposal of certain animal by-products) are amended by the addition of a requirement that disposal be effected without undue delay (articles 4(a) and 5(a));

(4) article 5(2) of the principal Order (exemptions from the requirements of article 5(1)) is amended (in implementation of the Community obligation in article 7(iii) of Council Directive [90/667/EEC](#) (OJ No L 363, 27.12.90, p. 51)) by adding to the exemption for animal by-products referred to in paragraphs (a), (b) and (e) of Part I of Schedule 1 a proviso limiting the exemption to by-products derived from animals which were not slaughtered as a result of the presence or suspected presence of a notifiable disease (article 4(b));

(5) articles 5 and 6 of the principal Order are amended by adding provision for licences and approvals granted under the Order to be subject to conditions (articles 4(c) and 5(b));

(6) article 9(4) of the principal Order (registration of premises collecting or using animal by-products for petfood, technical or pharmaceutical products) is amended by providing that the obligation to register premises is subject to article 9(6) (which relates to premises in respect of which specified provisions are not being complied with) (article 6);

(7) article 10(4) of the principal Order (registration of premises used for the feeding of animal by-products to zoo, circus or fur animals, recognized packs of hounds and maggot farming for fishing bait) is amended by providing that the obligation to register premises is subject to article 10(6) (which relates to premises in respect of which specified provisions are not being complied with) (article 7);

(8) article 12 of the principal Order (enforcement) is replaced by a new article providing

(a) that in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird, Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 the Order shall be enforced by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland or Wales, and

(b) that in all other respects the Order shall be enforced by the Local Authority (article 8);

(9) article 13 of the principal Order (inspections, taking samples etc.) is amended by providing that the power to carry out inquiries, take samples etc. applies to such inquiries, samples etc. as are necessary to ascertain whether the conditions of any licence or approval granted in accordance with the Order have been or are being complied with (article 9);

(10) Schedule 4 to the principal Order (requirements to be met where animal by-products are rendered) is amended (in implementation of Community obligations in the Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new

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Member States to the European Union (OJ No. L1, 1.1.95, p. 25) and Commission Decision No 94/382/EC (OJ No. L172, 7.7.94, p. 25) as amended)—

- (a) by adding to 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 Commission Decision No 92/562/EEC)—
 - (i) a reference to the amendment to Decision No 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
 - (ii) a reference to the provisions of Commission Decision No 94/382/EC as amended by Decision No 95/29/EC (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 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 (article 10).

A Compliance Cost Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.