

1989 No. 286

ANIMALS

**Diseases of Animals (Importation of Processed Animal Protein)
Order (Northern Ireland) 1989**

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| <i>Made</i> | <i>21st July 1989</i> |
| <i>Coming into operation</i> | <i>28th July 1989</i> |

The Department of Agriculture, in exercise of the powers conferred on it by Articles 2(3), 7(2), 24(1), 29(1) and (2) 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 (Importation of Processed Animal Protein) Order (Northern Ireland) 1989 and shall come into operation on 28th July 1989.

Extension of definition of "animals"

2. For the purposes of this Order the definition of "animals" in Schedule 1 of 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. 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 systems of treatment or procedure;

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;

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

“general import licence” means a licence, granted under Article 6(1), which applies to all importers of processed animal protein;

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

“poultry” means domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants, partridges and quails;

“processed” in relation to animal protein, means animal protein which has been treated so as to render it suitable for direct use as a feeding stuff, or as an ingredient in a feeding stuff, for animals or poultry; and

“specific import licence” means a licence granted under Article 6(1) which only applies to the applicant therefor.

Saving

4. The provisions contained in this Order shall be without prejudice to the licensing provisions contained in the Landing of Carcases and Animal Products Order (Northern Ireland) 1985(a) and neither affect, nor are affected by, such provisions.

Application of Articles 24 and 29 of the 1981 Order to a designated organism

5.—(1) For the purposes of this Order, Articles 24 and 29 of the 1981 Order shall apply in relation to the presence of a designated organism in an animal as if the presence of the organism were a disease of animals to which that Order applies.

(2) In this Article “designated organism” means an organism of the genus salmonella being an organism designated by Article 3(1) of the Zoonoses Order (Northern Ireland) 1976(b) for the purpose of Article 7 of the 1981 Order.

Prohibition on importation and licences

6.—(1) The importation into Northern Ireland of any processed animal protein is hereby prohibited except under the authority and in accordance with the conditions of a licence granted by the Department.

(2) A licence granted under paragraph (1) may be either a general import licence or a specific import licence.

(3) The Department may grant a general import licence by publishing it in the Belfast Gazette.

(4) An application for a specific import licence shall be made to the Department in such form and shall contain such particulars as it may require.

(a) S.R. 1985 No. 161

(b) S.R. 1976 No. 144

(5) The Department may vary, revoke or suspend a licence granted under paragraph (1)—

- (a) in the case of a general import licence, by a notice published in the Belfast Gazette; and
- (b) in the case of a specific import licence, by a notice in writing served on the person to whom the licence was granted.

Action in case of contravention of the Order

7.—(1) Where any processed animal protein is imported into Northern Ireland in contravention of this Order or of the conditions of a licence granted under Article 6(1) an inspector may by notice in writing served on the owner or the person in charge thereof require him within such time and in such manner as may be specified in the notice:—

- (a) to export from Northern Ireland;
- (b) to destroy or otherwise dispose of; or
- (c) to treat,

that processed animal protein.

(2) If any person fails to comply with the requirements of a notice served under paragraph (1), then without prejudice to any proceedings consequent upon such failure, an inspector may seize or cause to be seized any protein to which the notice relates and may take such further action as he considers necessary or expedient to ensure that the requirements of the notice are complied with.

(3) An inspector may revoke, suspend or amend a notice served on any person under paragraph (1) by serving on that person a further notice.

(4) Where, in accordance with the provisions of Article 46(2) of the 1981 Order, an inspector has entered any premises in which he has reasonable grounds for supposing that there is processed animal protein, the importation of which is prohibited or regulated by this Order, the owner or person in charge of those premises shall give that inspector all reasonable assistance so as to enable the powers conferred on him by paragraph (2) to be properly exercised.

Production of licences, etc

8. The owner or the person in charge of any processed animal protein which has been, is being or is about to be imported into Northern Ireland shall on demand made by an officer of Customs and Excise, the Department, or a constable, furnish his name and address and shall produce any specific import licence or any notice which has been served on him under Article 7(1) and allow a copy of it or an extract from it to be taken.

Sealed with the Official Seal of the Department of Agriculture on 21st July 1989.

(L.S.:

D. A. J. Hirrell

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prohibits the importation into Northern Ireland of any processed animal protein (as defined in Article 3) except under the authority and in accordance with the conditions of a general import licence or a specific import licence (Article 6).

The Order contains powers for requiring by notice any processed animal protein which has been imported in contravention of the Order, or in breach of any licence conditions, to be exported or destroyed or treated (Article 7(1)). It also contains powers for an inspector to seize any such processed animal protein where the terms of such a notice have not been complied with and to take such further steps as he considers necessary or expedient to ensure that it is complied with (Article 7(2)).

The Order also imposes certain duties on the owner and the person in charge of imported processed animal protein and of the premises where it is stored (Articles 7(4) and 8).

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provisions of the Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalty is:

- (a) on summary conviction, in the case of an offence committed in relation to carcasses or other inanimate things, a fine at level 5 on the standard scale (currently £2,000) together with a further fine at level 3 on the standard scale (currently £400) in respect of every 508 kilogrammes in weight of the carcasses or other things after the first 508 kilogrammes; or
- (b) on conviction on indictment, imprisonment for a term not exceeding 12 months, or a fine or both.