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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 319**

**AGRICULTURE**

**The Bovine Products (Production and  
Despatch) Regulations (Northern Ireland) 1997**

*Made* - - - - - *27th June 1997*

*Coming into operation* *26th July 1997*

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 and commencement**

1. These Regulations may be cited as The Bovine Products (Production and Despatch) Regulations (Northern Ireland) 1997 and shall come into operation on 26th July 1997.

**Interpretation**

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

(2) In these Regulations—

“bovine animal” means a bull, cow, steer, heifer or calf;

“Commission Decision 96/239/EC” means Commission Decision 96/239/EC on emergency measures to protect against bovine spongiform encephalopathy(4), as amended by Commission Decision 96/362/EC(5);

“controlled bovine by-product” means—

- (a) gelatin;
- (b) an amino acid;
- (c) a peptide;
- (d) tallow; or

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(1) S.I.1972/1811

(2) 1972 c. 68

(3) 1954 c. 33 (N.I.)

(4) O.J. No. L78, 28.3.96, p. 47

(5) O.J. No. L139, 12.6.96, p. 17

(e) a product derived, by hydrolysis at a temperature of at least 250°C, from tallow (other than tallow produced in accordance with the requirements set out in regulation 3(1) of these Regulations or of the Great Britain Regulations),

produced in the United Kingdom from any part of a bovine animal and which is—

- (i) liable to enter the human food chain or animal feed chain; or
- (ii) destined for use in cosmetic, medical or pharmaceutical products;

“the Department” means the Department of Agriculture;

“the Great Britain Regulations” means the Bovine Products (Production and Despatch) Regulations 1997(6);

“inspector” means any person appointed as such by the Department and any veterinary surgeon appointed under regulation 3(4)(b) or 6(1)(b) or any veterinary inspector;

“member State” means any member State of the European Communities other than the United Kingdom;

“pharmaceutical products” do not include veterinary products;

“premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft, but does not include premises used as a dwelling;

“relevant goods” means—

- (a) meat for human consumption;
- (b) any meat product for human consumption;
- (c) any meat preparation for human consumption; or
- (d) food for domestic carnivores,

obtained from a bovine animal which was not slaughtered in the United Kingdom;

“third country” means any state which is not a member of the European Community; and

“vertebral column” includes any part thereof.

(3) Any reference in these Regulations to an instrument of the European Communities is a reference to that instrument as amended at the date of the coming into operation of these Regulations.

### **Production of controlled bovine by-products**

3.—(1) Any person who produces a controlled bovine by-product of any type shall ensure that—

- (a) it is produced—
  - (i) in an establishment registered by the Department under paragraph (2) for the production of by-products of that type; and
  - (ii) from bovine animals slaughtered outside the United Kingdom; or
- (b) it is produced—
  - (i) in accordance with paragraphs (4) and (5); and
  - (ii) in an establishment registered by the Department under paragraph (3) for the production of by-products of that type.

(2) For the purposes of paragraph (1)(a) the Department shall register an establishment in respect of such types of controlled bovine by-products as are specified in the registration where, following an inspection of that establishment by a veterinary inspector, he is satisfied that no material derived

from bovine animals slaughtered in the United Kingdom is used in the production of controlled bovine by-products there.

(3) For the purposes of paragraph (1)(b) the Department shall register an establishment in respect of such types of controlled bovine by-products named in the registration where—

- (a) following an inspection of that establishment by a veterinary inspector, it is satisfied that the controlled bovine by-products of any such type produced there are produced in accordance with the appropriate conditions specified in the Annex to Commission Decision 96/239/EC;
- (b) it is satisfied that no vertebral column derived from any bovine animal is used there in the production of such by-product.

(4) Controlled bovine by-products produced in establishments registered under paragraph (3) shall be produced—

- (a) in accordance with the appropriate conditions specified in the Annex to Commission Decision 96/239/EC; and
- (b) under the control of a veterinary surgeon appointed by the Department.

(5) In the case of any controlled bovine by-products produced in establishments registered under paragraph (3)—

- (a) the identity of that establishment; and
- (b) the method by which that by-product was produced,

shall be clearly indicated, either by means of a label affixed to the by-product, on its packaging or in commercial documentation accompanying it.

(6) The operator of an establishment registered under paragraph (2) or (3) shall give the Department prior written notice of any material change in the identity of the suppliers of the materials used by him in the manufacture of controlled bovine by-products or of the facilities or processes used at that establishment in manufacturing such by-products.

(7) Where, in relation to any premises registered under paragraph (2) or (3), as the case may be—

- (a) the requirements of that paragraph are no longer satisfied; or
- (b) the operator has failed to give any notice required of him under paragraph (6),

the Department may withdraw the registration of those premises.

#### **Control of the consignment of bovine material**

4. Any person who consigns from any place, or transports, material derived from any part of any bovine animal to any establishment registered under regulation 3(3), shall ensure that—

- (a) any material derived from such an animal which includes any part of its vertebral column is contained in an impervious container which is clearly labelled to indicate that it contains bovine vertebral column; and
- (b) any other material is contained in a separate impervious container which is clearly labelled as not containing bovine vertebral column.

#### **Use and despatch of controlled bovine by-products**

5.—(1) Any person who uses any controlled bovine by-product in the production of any product (other than a controlled bovine by-product) which is—

- (a) liable to enter the human food chain or animal feed chain; or
- (b) destined for use as or in any cosmetic, medical or pharmaceutical product,

shall ensure that that by-product was produced—

- (i) in accordance with regulation 3;
- (ii) in the case of a controlled bovine by-product produced in Great Britain, in accordance with regulation 3 of the Great Britain Regulations; or
- (iii) in the case of gelatin produced in the United Kingdom from bovine animals slaughtered outside the United Kingdom before 2nd January 1997, in an establishment which complied with the conditions for registration under regulation 3(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 3(2) of the Great Britain Regulations; or
- (iv) in the case of a controlled bovine by-product, other than gelatin, produced in the United Kingdom from bovine animals slaughtered outside the United Kingdom before 26th July 1997 in an establishment which complied with the conditions for registration under regulation 3(2) at the time of manufacture and which has subsequently been registered in accordance with that provision or regulation 3(2) of the Great Britain Regulations.

(2) A person shall not despatch from Northern Ireland to another member State any controlled bovine by-product produced in an establishment registered under regulation 3(3) of these Regulations or of the Great Britain Regulations unless it is accompanied by a health certificate issued by a veterinary inspector specifying that it was produced in compliance with the conditions specified in the Annex to Commission Decision [96/239/EC](#).

### **Despatch of meat and other products from bovine animals slaughtered outside the United Kingdom**

6.—(1) A person shall not despatch from Northern Ireland to a member State any relevant goods unless—

- (a) each stage of the production of those goods which took place in the United Kingdom took place in an approved establishment;
- (b) each stage of the production of those goods was under the control of a veterinary surgeon appointed by the Department;
- (c) the goods are accompanied by a health certificate issued by that veterinary surgeon stating that they were produced in an approved establishment; and
- (d) the goods are despatched in accordance with any relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(7) or of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995(8).

(2) The Department shall approve an establishment for the purposes of this regulation where, following an inspection of that establishment by a veterinary inspector, it is satisfied there is in place a system for tracing the raw materials through all stages of the processes used for the production of any relevant goods which is sufficient to ensure that it is possible to identify the origin of any raw materials contained in any such goods despatched from that establishment.

(3) The operator of an establishment approved under paragraph (2) shall give the Department prior written notice of any material change in the identity of the suppliers of the materials used by him in the manufacture of relevant goods or of the facilities or processes used at that establishment in manufacturing such goods.

(4) The Department may withdraw the approval of any establishment granted by it under paragraph (2) where, in relation to that establishment, the requirements of that paragraph are no

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(7) S.R. 1993 No. 304

(8) S.R. 1995 No. 52

longer satisfied, or where the operator of that establishment has failed to give any notice as required of him by paragraph (3).

(5) For the purposes of paragraph (1) and (2), the storage of any relevant goods shall not be treated as a stage of production where—

- (a) the goods are accompanied by the required documents;
- (b) all of the goods listed in those documents are present; and
- (c) the goods have been packaged and all packaging is sealed and has not been opened since completion of the documents.

(6) For the purposes of paragraph (5) “the required documents” means—

- (a) in respect of goods originating in another member State, the documents required for the import of those goods by the relevant directive listed in the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 or the Animal and Animal Products (Import and Export) Regulations (Northern Ireland) 1995; and
- (b) in respect of goods originating in a third country, the certificate referred to in the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993.

(7) In paragraph (1)—

- (a) “approved establishment” means approved by the Department under paragraph (2) or by any Minister of the Crown under regulation 6(2) of the Great Britain Regulations; and
- (b) the reference to a veterinary surgeon appointed by the Department includes, in relation to the production of relevant goods in Great Britain, a reference to any veterinary surgeon appointed by a Minister of the Crown under regulation 6(1)(b) of the Great Britain Regulations.

## **Fees**

7. The Department may charge such reasonable fees as it may determine in respect of any costs reasonably incurred by it in connection with—

- (a) the approval of an establishment pursuant to regulation 6(2);
- (b) the control exercised under regulation 3(4)(b) or 6(1)(b) by a veterinary surgeon appointed by it; and
- (c) the issue of a health certificate by a veterinary surgeon approved by it under regulation 5(2) or 6(1)(b).

## **Powers of inspectors**

8.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter premises for the purpose of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter—

- (a) any establishment registered by it under regulation 3(2) or (3) or approved by it under regulation 6(2) in order to ascertain whether the relevant requirements of those regulations are satisfied in that establishment; and
- (b) any premises from which material derived from bovine animals is consigned to an establishment registered by it under regulation 3(2) or (3) or approved by it under regulation 6(2), for the purpose of ensuring that the use of such material for the manufacture of specified bovine by-products at that establishment is permitted under these Regulations.

(3) An inspector shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular he may—

- (a) carry out inspections of any process specified in the Annex to Commission Decision 96/239/EC and anything used for the marking and identification of products and materials;
- (b) take samples (and, if necessary, send the samples for laboratory testing) from any product or material;
- (c) examine documentary or data processing material relevant to the checks carried out under these Regulations;
- (d) take with him any person he deems necessary to carry out the necessary checks and examinations;
- (e) take with him a representative of the European Commission acting for the purposes of Commission Decision 96/239/EC; and
- (f) require any person who is or appears to be in control of relevant goods or controlled bovine by-products to arrange, at his own expense, for those goods or products to be removed from any store, vehicle, container, packing or wrapping.

(4) Where an inspector has a reasonable suspicion that a consignment of any controlled bovine by-products, or of any relevant goods, or of the material to which regulation 4 relates, is illegal, he may require the person in control of any health certificate or commercial documentation accompanying the consignment to deliver it and any copies of it to him on demand and may, in respect of the consignment or any part of it—

- (a) give notice that, until the notice is withdrawn, it may not be removed or may not be removed except to some place specified in the notice;
- (b) give notice that it must be removed at the expense of the person who is or appears to be in control of the consignment to some place specified in the notice; or
- (c) seize it and remove it in order to have it dealt with by a justice of the peace.

(5) Where an inspector exercises the power conferred by paragraph (4), he shall as soon as is reasonably practicable, and in any event within 21 days, determine whether he is satisfied that the consignment is not illegal and—

- (a) if he is so satisfied, he shall return any health certificate or commercial documentation which has been delivered to him, withdraw any notice given pursuant to paragraph (4)(a) relating to the consignment and return anything which he has seized; or
- (b) if he is not so satisfied, he shall inform the person in charge of the consignment of his intention to have it dealt with by a justice of the peace.

(6) Any person who may be liable for prosecution under these Regulations in respect of a consignment which is intended to be dealt with by a justice of the peace shall, be entitled to attend before the justice of the peace by whom the matter falls to be dealt with, be entitled to be heard and to call witnesses.

(7) If it appears to a justice of the peace, on the basis of such evidence as he considers to be appropriate in the circumstances, that a consignment is illegal, he shall, subject to paragraph (8), order that the consignment be destroyed and any expenses reasonably incurred in connection with such destruction and (where the consignment was seized pursuant to paragraph (4)(c)) in connection with storage prior to destruction, be defrayed by the owner of the consignment.

(8) If it appears to a justice of the peace on the basis of such evidence as he considers appropriate in the circumstances that if any consignment is returned to the owner,—

- (a) (in the case of a consignment of controlled bovine by-products) the owner will consign it for use otherwise than as a controlled bovine by-product;

- (b) (in the case of material consigned under regulation 4) the owner will not consign it to any establishment registered for the purposes of regulation 3; or
- (c) (in the case of a consignment of relevant goods) the owner will not despatch it to another member State,

he may, instead of making an order under paragraph (7), order that the consignment be returned to its owner.

(9) If a notice under paragraph (4)(a) is withdrawn or anything seized is returned under paragraph (5)(a), or if a justice of the peace acting under paragraph (6) does not find a consignment to be illegal, the Department shall compensate the owner of the consignment for any depreciation in its value resulting from the action taken by the inspector.

(10) Any disputed question as to the right to or the amount of any compensation payable under paragraph (7) shall be determined by arbitration.

(11) A consignment is “illegal” for the purposes of this regulation if—

- (a) it is falsely described on its packaging, wrapping, label or any container in which it is placed, or in any health certificate or commercial documentation accompanying it;
- (b) (in the case of a consignment of controlled bovine by-products) it was produced in contravention of regulation 3(1) of these Regulations or of the Great Britain Regulations; or
- (c) (in the case of a consignment of relevant goods) it was despatched in contravention of regulation 6(1) of these Regulations or of the Great Britain Regulations.

### **Obstruction**

9.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purpose of carrying out his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences and penalties**

10.—(1) A person contravening any provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) Article 19 of the Food Safety (Northern Ireland) Order 1991(9) shall apply to the commission by any person of an offence under these Regulations, and Article 20(1), (5) and (6) of that Order shall apply in any proceedings for an offence under these Regulations, as if the references to “any of the preceding provisions of this Part” were references to these Regulations.

**Amendment of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995**

**11.** The following paragraph shall be added as a new paragraph (5) at the end of regulation 6 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993 and as a new paragraph (6) at the end of regulation 5 of the Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 1995—

( ) This regulation shall apply without prejudice to the requirements of the Bovine Products (Production and Despatch) Regulations “???QUOTATION NOT OPEN???(Northern Ireland) 1997”.

**Revocation of the Bovine Products (Despatch to other Member States) Regulations (Northern Ireland) 1996**

**12.** The Bovine Products (Despatch to other Member States) Regulations (Northern Ireland) 1996(10) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on

27th June 1997.

*Liam McKibben*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations revoke and remake with amendments the Bovine Products (Despatch to other Member States) Regulations (Northern Ireland) 1996, as amended.

Those Regulations implemented in part Commission Decision [96/239/EC](#) on emergency measures to protect against bovine spongiform encephalopathy, as amended by Commission Decision [96/362/EC](#), in relation to the despatch to other member States of meat and other products from bovine animals slaughtered outside the United Kingdom.

They made provision for the Department to charge fees and contained provisions on enforcement, obstruction, offences and penalties.

These Regulations additionally make provision controlling the production from bovine animals of gelatin, tallow and related products (regulation 3), and concerning the export and use of such products (regulation 5).

They regulate the consignment of material containing bovine vertebral column to establishments approved under the Regulations (regulation 4).