
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 540

FOOD

The Beef Bones Regulations (Northern Ireland) 1997

Made - - - - 15th December 1997

Coming into operation 16th December 1997

Whereas it appears to the Department of Agriculture acting as the Department concerned that it is necessary or expedient —

- (a) for the purposes of securing that food complies with food safety requirements or in the interests of public health; or
- (b) for the purposes of protecting or promoting the interest of consumers, to make the following Regulations;

Now therefore the said Department concerned, in the exercise of the powers conferred on it by Articles 15(1), (3), 25, 26(3) and 47(2) of, and paragraphs 2(1), 3, 5(1) and 6(1) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(1) and of every other power enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Beef Bones Regulations (Northern Ireland) 1997 and shall come into operation on 16th December 1997.

Interpretation

2.—(1) In these Regulations —

“additive” means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritional value, used in the preparation, packaging, transport or storage of food which results, or may reasonably be expected to result, in it or its by-products becoming directly a component of the food;

“bone-in beef” means a carcass or any fresh meat, which contains or to which there is attached any bone;

(1) S.I. 1991 No. 762 (N.I. 7) as amended by S.I. 1996 No. 1633 (N.I. 12)

“bone” means any bone (including bone marrow and any part of a bone) of a bovine animal, including the bones of the tail and feet, but excluding cartilage;

“bovine animal” means any bovine animal aged over six months at slaughter which is a food source, including buffalo of the species *Bubalis bubalis* and *Bison bison*;

“carcase” means the whole body of a slaughtered bovine animal;

“deboning” means removing any bone from bone-in beef;

“Department” means Department of Agriculture;

“enforcement authority” shall be construed in accordance with regulation 12(1);

“fresh meat” means any part of a bovine animal suitable for human consumption, including chilled or frozen meat, which has not undergone any preserving process and includes any meat vacuum wrapped or wrapped in a controlled atmosphere;

“ingredient” means any substance, including any additive, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

“occupier” in relation to any premises means the person carrying on a food business on those premises; and

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“ultimate consumer” means any person who buys otherwise than for the purposes of a food business.

(2) For the purposes of these Regulations the age at slaughter of a bovine animal shall be ascertained —

(a) in the first instance by reference to records kept in relation to that animal by the Department (in whatever form); or

(b) where necessary, by dentition.

(3) For the purposes of these Regulations, the delivery in the course of a business of bone-in beef to or to the order of its owner for human consumption shall be deemed to be a sale.

Bone-in beef

3.—(1) A person shall not sell any bone-in beef to the ultimate consumer for human consumption.

(2) A person shall not use any bone-in beef in the preparation of any food or ingredient for sale direct to the ultimate consumer.

Bones

4.—(1) A person shall not sell to the ultimate consumer any bone for human consumption.

(2) A person shall not sell any bone removed from bone-in beef deboned in the United Kingdom for use in the preparation of any food or ingredient for human consumption.

(3) A person shall not use any bone removed from bone-in beef deboned in the United Kingdom in the preparation of any food or ingredient for sale for human consumption.

(4) A person shall not sell any bone removed from bone-in beef deboned outside the United Kingdom for use in the preparation of any food or ingredient for sale direct to the ultimate consumer for human consumption.

(5) A person shall not use any bone removed from bone-in beef deboned outside the United Kingdom in the preparation of any food or ingredient for sale direct to the ultimate consumer for human consumption.

Food and food ingredients

5.—(1) A person shall not sell to the ultimate consumer for human consumption any food an ingredient of which consists of, or is derived from, bones removed from bone-in beef deboned in the United Kingdom.

(2) A person shall not sell for use in the preparation of any food or ingredient for human consumption any substance derived from bones removed from bone-in beef deboned in the United Kingdom.

(3) A person shall not use on food premises in the preparation of any food or ingredient for human consumption any substance derived from bones removed from bone-in beef deboned in the United Kingdom.

(4) Until 15th March 1998, this regulation shall not apply to anything other than bone-in beef or bones, prepared for sale before the coming into operation of these Regulations.

Deboning

6.—(1) A person shall not, in the course of a business, debone any bone-in beef for preparation, preparation for sale or sale for human consumption except at food premises.

(2) The occupier of any food premises shall ensure that any deboning of bone-in beef there is carried out in a hygienic manner, in particular so as to avoid the risk of any bones removed in the process contaminating any food or ingredient.

Storage of bones

7.—(1) Bones removed from bone-in beef deboned in the United Kingdom shall be stored at food premises separately from any food or ingredient.

(2) A person shall not store any bones, whether removed from bone-in beef deboned in or outside the United Kingdom, on any part of food premises where any food or ingredient for human consumption is prepared for sale direct to the ultimate consumer.

(3) The occupier of food premises shall ensure that any bones stored on the premises are stored in a hygienic manner, in particular so as to avoid the risk of the bones contaminating any food or ingredient.

Disposal of bones

8. Bones derived from any bone-in beef deboned in the United Kingdom shall be treated as if they were animal by-products referred to in Part II of Schedule 1 to the Animal By-Products Regulations (Northern Ireland) 1993(2) and shall be disposed of in accordance with those Regulations.

Records

9.—(1) For the purposes of these Regulations the occupier of food premises shall keep records relating to any bones removed from bone-in beef, used or stored on the premises.

(2) The records kept under paragraph (1)—

- (a) shall contain sufficient information to ensure that the origin of any bones referred to in that paragraph stored at the food premises, and any commercial operations previously carried out in relation to those bones (whether or not at those premises and whether or not in the United Kingdom), can be clearly traced and identified by an authorised officer of an enforcement authority; and

- (b) shall be retained for a period of two years from the date on which commercial operations in relation to the bones were last carried out on those premises.

Offences and penalties

10.—(1) An occupier of food premises shall take all practicable steps to secure compliance by any of his employees with the provisions of these Regulations which apply to those premises.

- (2) If any person contravenes—
 - (a) paragraph (1); or
 - (b) any other provision of these Regulations,

he shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
- (ii) on conviction on indictment, to a fine or imprisonment not exceeding two years or to both.

(3) Proceedings for an offence under any of the provisions mentioned in paragraph (2) may, subject to paragraph (4), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) No proceedings for an offence under any of the provisions mentioned in paragraph (2) shall be begun more than three years after the commission of the offence.

(5) For the purposes of this regulation a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

Application of provisions of the Food Safety (Northern Ireland) Order 1991

11. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 and 14 of that Order and, accordingly, any reference in them to the Order shall be construed as a reference to the Regulations—

- Articles 2(4) and 3 (extended meaning of “sale” etc.);
- Article 4 (presumptions that food intended for human consumption);
- Article 8 (inspection and seizure of suspected food);
- Article 19 (offences due to fault of another person);
- Article 20 (defence of due diligence);
- Article 34 (offence of obstruction, etc. of officers).

Enforcement

12.—(1) In premises licensed under the Slaughter Houses Act (Northern Ireland) 1953, these Regulations shall be enforced by the Department and in any other case the Regulations shall be enforced by each district council within its district and each such authority shall for the purposes of these Regulations be an enforcement authority.

(2) On an inspection of any food or ingredient intended for human consumption an authorised officer of an enforcement authority may certify that the food fails to comply with these Regulations.

(3) Where any food is certified as mentioned in paragraph (2) it may be treated for the purposes of Article 8 of the Order as failing to comply with food safety requirements.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

15th December 1997.

Liam McKibben
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision in relation to carcasses, bones, bone-in beef, other food and ingredients, which are derived from bovine animals aged over six months at slaughter.

Regulation 3 prohibits the sale of bone-in beef to the ultimate consumer for human consumption and the use of bone-in beef in the preparation of any food or ingredient for sale for such purpose. Regulation 4 contains prohibitions in relation to the sale of bones and the use of bones in the preparation of food and ingredients for sale for human consumption. Regulation 5 contains prohibitions in relation to the sale of food containing ingredients consisting of or derived from bones and the sale for use and use of substances derived from bones in the preparation of food and ingredients for sale for human consumption. There is, however, a three month delay before this provision applies to food other than bones or bone-in beef.

Regulation 6 contains provisions about deboning bone-in beef on food premises and regulation 7 imposes requirements in relation to the storage of bones on food premises. Regulation 8 makes provision in relation to the disposal of bones deboned in the United Kingdom. They are disposed of as if they were animal by-products referred to in Part II of Schedule 1 to the Animal By-Products Regulations (Northern Ireland) 1993.

Regulation 9 requires the occupier of food premises to keep records on the premises relating to any bones removed from bone-in beef, used or stored there. These records must contain sufficient information to ensure that the origin of bones removed from bone-in beef used or stored at the premises, and any commercial operations previously carried out in relation to the bones (whether or not at those premises and whether or not in the United Kingdom), can be clearly traced and identified by an authorised officer.

Regulation 10 provides offences and penalties and regulation 11 applies provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of the Regulations. Regulation 12 makes provision for the enforcement of the Regulations.

These Regulations have been notified in draft to the European Commission as a technical standard in accordance with Article 8 of Council Directive [83/189/EEC](#), (as last amended by Directive [94/10/EC](#)) laying down the procedure for the provision of information in the field of technical standards and regulations.