
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 188

AGRICULTURE

Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations (Northern Ireland) 1998

Made - - - - *18th May 1998*

Coming into operation *6th July 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 the 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 Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations (Northern Ireland) 1998 and shall come into operation on 6th July 1998.

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—

“authorised officer” means an officer of the Department authorised to act for the purposes of these Regulations;

“the Department” means the Department of Agriculture for Northern Ireland;

“mammalian meat and bone meal” and “protein” shall have the same meaning as in the Fertilisers (Mammalian Meat and Bone Meal) Regulations (Northern Ireland) 1998(4).

(1) S.I.1972/1811

(2) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

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

(4) S.R. 1998 No. 187

Restriction on the production of mammalian meat and bone meal for use as or in the production of fertilisers

3. A person shall not manufacture mammalian meat and bone meal for use as or in any fertiliser except by a rendering process in which—

- (a) the particle size of the raw material prior to processing is reduced so that no particle has a maximum dimension which exceeds 50mm; and
- (b) the material is heated to a core temperature of more than 133°C for at least 20 minutes at a pressure of at least 3 bar.

Powers of authorised officers

4.—(1) An authorised officer shall, on producing, if required to do so, his authority, have the right to enter at any reasonable time any premises (other than premises used as a dwelling) for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An authorised officer entering any premises in accordance with the provisions of paragraph (1) may take with him such other persons acting under his instructions as he considers necessary.

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

- (a) take such samples (and, if necessary, send the samples for laboratory testing) as are necessary to ascertain whether the provisions of these Regulations have been or are being complied with;
- (b) examine, seize and retain documentary or other material relevant to the checks carried out under these Regulations;
- (c) (where any such material is kept in electronic form) require a printout of that material; and
- (d) take with him a representative of the European Commission acting for the purposes of Council Directive [90/667/EEC](#)(⁵) 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](#)(⁶), as amended on the date on which these Regulations are made.

(4) In this regulation “premises” includes any land, place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

Obstruction

5.—(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 purposes of 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.

(5) O.J. No. L363, 27.12.90, p. 51, as last amended by Council Decision [95/1/EC](#) (O.J. No. L1, 1.1.95, p. 1)

(6) O.J. No. L224, 18.8.90, p. 29

Offences and penalties

6.—(1) Any person who, without reasonable excuse, contravenes regulations 3 or 5 shall be guilty of an offence.

(2) A person guilty of the offence of contravening regulation 5(1)(a) or (b) 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.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

Time limit for prosecutions

7.—(1) Proceedings for an offence which is punishable under regulation 6(2) may, subject to paragraph (2), 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.

(2) Proceedings shall not be commenced by virtue of this regulation more than four years after the commission of the offence.

(3) For the purposes of this regulation—

- (a) 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; and
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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

L.S.

18th May 1998.

R. S. Johnston
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 give effect in part to Commission Decision 96/449 on the approval of alternative heat treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents (O.J. No. L184, 24.7.1996, p. 43).

They provide that a person may not manufacture mammalian meat and bone meal for use as or in fertilisers unless the mammalian meat and bone meal is subjected to certain minimum process conditions (which reflect the requirements of Decision 96/449) (regulation 3).

The Regulations—

- (a) provide powers of inspection for authorised officers (regulation 4) and prohibit the obstruction of such officers in the course of exercise of those powers (regulation 5); and
- (b) provide offences and penalties (regulations 6 and 7).