
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 308

**Bovines and Bovine Products (Trade)
Regulations (Northern Ireland) 1999**

Citation and commencement

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999 and shall come into operation on 29th July 1999.

Interpretation

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

(2) In these Regulations—

“additional mark” means—

- (a) in relation to any foreign origin export eligible goods which are not mentioned in paragraph (c) or (d) below, any mark which conforms to the design set out in Schedule 4;
- (b) in relation to—
 - (i) DBES goods; or
 - (ii) ECHS goods prepared in Northern Ireland;any mark which conforms to the design set out in Schedule 5; and
- (c) in relation to any foreign origin export eligible goods—
 - (i) consisting of or derived from fresh meat which has been deboned and from which all adherent tissues including obvious nervous and lymphatic tissues have been removed; and
 - (ii) are mixed with any DBES goods or ECHS goods,means any mark conforming with the design set out in Schedule 5 or two marks, one conforming with the design set out in Schedule 4 and one conforming with the design set out in Schedule 5;
- (d) in relation to any foreign origin export eligible goods—
 - (i) consisting of or derived from fresh meat which has not been deboned or from which all adherent tissues, including obvious nervous and lymphatic tissues, have not been removed; and
 - (ii) which are mixed with DBES goods or ECHS goods,two marks, one conforming with the design set out in Schedule 4 and one conforming with the design set out in Schedule 5; and
- (e) in relation to any ECHS goods which have not undergone any stage of preparation in Northern Ireland, a mark conforming to Schedule 5 of the Great Britain Regulations;

“bovine animal” includes any animal of the species *Bubalus bubalis* and *Bison bison*;

“bovine embryo” means an embryo of a bovine animal;

“Community approved border inspection post” means any place in a member State which is specified in the Annex to Commission Decision [97/778/EC](#) drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries;

“controlled bovine by-product” means—

- (a) an amino acid;
- (b) a peptide;
- (c) tallow;
- (d) tallow products not falling within paragraph (e) below; or
- (e) a product derived by saponification, transesterification or hydrolysis from tallow, produced in the United Kingdom from any part of a bovine animal slaughtered in the United Kingdom 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 Council Decision” means Council Decision [98/256/EC](#)(2) concerning emergency measures to protect against bovine spongiform encephalopathy as amended by Commission Decision [98/564/EC](#)(3) and Commission Decision [98/692/EC](#)(4);

“DBES” means the date based export scheme referred to in Annex III to the Council Decision;

“DBES eligible animal” means any bovine animal which satisfies the conditions set out in paragraph 3 of Annex III to the Council Decision;

“DBES goods” means any fresh meat, minced meat, meat preparations or meat products derived from DBES eligible animals;

“the Department” means the Department of Agriculture;

“despatch” includes carry;

“ECHS animal” means any bovine animal slaughtered in Northern Ireland which—

- (a) satisfies the conditions set out in paragraphs 6 and 7 of Annex II to the Council Decision; and
- (b) originated in an ECHS herd;

“ECHS goods” means any fresh meat, minced meat, meat preparations or meat products derived from ECHS animals;

“ECHS herd” means a herd of bovine animals in Northern Ireland which satisfies the conditions set out in paragraphs 2 to 5 of Annex II to the Council Decision;

“establishment” includes any premises;

“export dedicated establishment” means an establishment approved under regulation 12(2)(a) which is not used for the preparation of any goods derived from bovine animals other than export eligible goods;

“export eligible goods” means—

- (a) DBES goods, ECHS goods and foreign origin export eligible goods; or

(2) O.J. No. L113, 15.4.98, p. 32

(3) O.J. No. L273, 9.10.98, p. 37

(4) O.J. No. L328, 4.12.98, p. 28

(b) any goods containing a mixture of one or more of those types of goods and which contain no other ingredient derived from a bovine animal;

“foreign origin bovine by-product” means any of the following by-products derived from a bovine animal not slaughtered in the United Kingdom—

(a) gelatin, di-calcium phosphate, tallow or tallow product not mentioned in paragraph (b) below;

(b) a product derived from tallow by saponification, transesterification or hydrolysis; or

(c) an amino acid, peptide or collagen,

which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products;

“foreign origin export eligible goods” means—

(a) fresh meat;

(b) any minced meat or meat preparation;

(c) any meat product or other product of animal origin; or

(d) food for domestic carnivores,

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

“fresh meat” has the same meaning as in Council Directive [64/433/EEC](#)(5);

“the Great Britain Regulations” means the Bovines and Bovine Products (Trade) Regulations 1999(6);

“inspector” means any person appointed as such by the Department for the purposes of these Regulations;

“meat products” and “other products of animal origin” have the same meaning as in Council Directive [77/99/EEC](#)(7);

“minced meat” and “meat preparations” have the same meaning as in Council Directive [94/65/EC](#)(8);

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

“officer” means a person commissioned by the Commissioners of Customs and Excise;

“official seal” means a seal supplied by the Department for the purpose of preventing unauthorised access to export eligible goods;

“operator” in respect of an establishment for which an approval or registration is required under these Regulations, means the person carrying on or proposing to carry on a business there for which the approval or registration is required;

“premises” includes any place, stall or moveable structure;

“prepare” in relation to any foreign origin export eligible goods, DBES goods or ECHS goods (otherwise than when they are under official control) means the—

(a) manufacture;

(b) production;

(c) processing or treatment (in whatever manner);

(d) packaging or re-packaging;

(5) Directive [64/433/EEC](#) has been amended and consolidated by Directive [91/497/EEC](#) (O.J. No. L268, 24.9.91, p. 96)

(6) S.I.1999/1103

(7) O.J. No. L26, 31.1.77, p. 85, as amended and updated by Council Directive [92/5/EEC](#) (O.J. No. L57, 2.3.92, p. 1)

(8) O.J. No. L368, 31.12.94, p. 10

- (e) presentation, labelling or re-labelling or wrapping or re-wrapping;
- (f) storage at ambient temperature, or cold temperature, other than keeping in a sealed means of transport (or in any lockable chamber or lockable container carried on a sealed means of transport) for any period when the goods are accompanied by a veterinary certificate issued in accordance with the requirements of these Regulations in relation to the despatch of the goods from Northern Ireland;
- (g) handling; and
- (h) loading or unloading,
of any such goods;

“suspension notice” and “suspension order” shall be construed in accordance with regulation 20;

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

“vertebral column” includes any part thereof;

“veterinary inspector” means a person appointed as such by the Department for the purposes of these Regulations;

(3) In these Regulations other expressions which are also used in the Council Decision have the same meaning as in that Decision.

(4) 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.

Trade in live bovine animals, bovine embryos, mammalian meat and bone meal and related products

3.—(1) Subject to paragraph (2), a person shall not despatch from Northern Ireland to a member State or a third country, bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

- (a) live bovine animal or bovine embryo;
- (b) meat meal, bone meal or meat and bone meal derived from any mammal; or
- (c) animal feed or fertilisers containing such material.

(2) Nothing in paragraph (1) shall prohibit—

- (a) the despatch from Northern Ireland;
- (b) the bringing to any place in Northern Ireland for the purposes of such despatch; or
- (c) the consignment for the purposes of such despatch,

of any food for domestic carnivores by reason only that such food contains meat meal, bone meal or meat and bone meal derived from any mammal, provided that those materials originate outside the United Kingdom and that each stage of the preparation of the food which took place in the United Kingdom took place in an establishment approved under regulation 12(2) and in accordance with the requirements of that approval.

Trade in meat, products, by-products and materials derived from animals slaughtered in the United Kingdom

4.—(1) Subject to the following paragraphs, a person shall not despatch from Northern Ireland to a member State or third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any—

- (a) meat derived from a bovine animal slaughtered in the United Kingdom;

- (b) product obtained from a bovine animal slaughtered in the United Kingdom which is liable to enter the human food or animal feed chain; or
 - (c) material derived from a bovine animal slaughtered in the United Kingdom which is destined for use in medical or pharmaceutical products.
- (2) The prohibitions in paragraph (1) shall not apply in relation to any controlled bovine by-product where—
- (a) it was produced in an establishment registered under regulation 6(2);
 - (b) an inspection has been carried out of the system of official controls established in relation to those premises for the purposes of Article 4(5) of the Council Decision; and
 - (c) in the case of any by-product referred to in paragraphs (a) to (c) of the definition of “controlled bovine by-product” in regulation 2(2)—
 - (i) it is accompanied by an official certificate issued by a veterinary inspector stating that it was produced in compliance with the conditions set out in Annex I to the Council Decision and attesting to the frequency of the official controls carried out in relation thereto; and
 - (ii) the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision for controlled bovine by-products of that type; and
 - (d) in the case of any by-product referred to in paragraphs (d) and (e) of the definition of “controlled bovine by-product” in regulation 2(2), the Commission of the European Communities has set the date referred to in Article 4(6) of the Council Decision and that date has passed.
- (3) The prohibitions in paragraph (1) shall not apply in relation to any type of ECHS goods where—
- (a) the ECHS animals from which the goods have been derived were slaughtered—
 - (i) in a slaughterhouse approved under regulation 10(3); and
 - (ii) in accordance with the requirements of that regulation and regulation 11;
 - (b) each stage of the preparation of those goods which took place in Northern Ireland took place in a slaughterhouse approved by the Department under regulation 10(3) or an establishment approved by the Department under regulation 12(2), in accordance with the requirements of regulations 10 to 13 which relate to that stage (including the requirement for supervision by a veterinary surgeon);
 - (c) each stage of the production of those goods which took place in Great Britain took place in a slaughterhouse approved by the Minister of the Crown under regulation 10 of the Great Britain Regulations, or in an establishment approved by such a Minister under regulation 12 of those Regulations, in accordance with the requirements of regulations 10 to 13 of these regulations which relate to that stage (including the requirement for supervision by a veterinary inspector);
 - (d) in the case of fresh meat, no health marks applied to the meat for the purposes of Council Directive [64/433/EEC](#) have been removed and the goods are accompanied by an official certificate issued by the veterinary surgeon or veterinary inspector who supervised their production which—
 - (i) states that the goods comply with the conditions referred to in Articles 9 to 13 of the Council Decision;
 - (ii) identifies the establishments in which they were prepared;
 - (iii) bears the words “Produced in accordance with Council Decision [98/256/EC](#)”; and

- (iv) in the “Identification of Meat” section of the health certificate referred to in Annex IV to Council Directive [64/433/EEC](#), identifies all the labels affixed to the goods and their serial numbers;
 - (e) in the case of any minced meat, meat preparation, meat product or food for domestic carnivores, they are accompanied by an official certificate issued by the veterinary surgeon or veterinary inspector who supervised their production which—
 - (i) states that the goods comply with the conditions referred to in Articles 6 and 7 and 9 to 13 of the Council Decision;
 - (ii) identifies the establishments in which they were prepared; and
 - (iii) identifies all the labels affixed to the goods and their serial numbers;
 - (f) in the case of fresh meat, they are obtained in accordance with Article 6(2) of the Council Decision;
 - (g) in the case of minced meat, meat preparations and meat products, they are obtained in accordance with Article 6(3) of the Council Decision; and
 - (h) the goods are despatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(9).
- (4) The prohibitions in paragraph (1) shall not apply in relation to any DBES goods where—
- (a) the DBES eligible animals from which the goods have been derived were slaughtered—
 - (i) in a slaughterhouse approved under regulation 10(3) in accordance with the requirements of that regulation and regulation 4; or
 - (ii) in a slaughterhouse in Great Britain approved under regulation 10 of the Great Britain Regulations and in accordance with the requirements of that regulation and regulation 11 of those Regulations;
 - (b) each stage of the production of those goods which took place in Northern Ireland took place—
 - (i) in a slaughterhouse approved by the Department under regulation 10(3) or an establishment approved by the Department under regulation 12(2) and in accordance with the requirements of regulations 10 to 13 which relate to that stage; and
 - (ii) under the supervision of a veterinary surgeon appointed for the purpose by the Department;
 - (c) each stage of the production of those goods which took place in Great Britain took place—
 - (i) in a slaughterhouse approved by a Minister of the Crown under regulation 10 of the Great Britain Regulations or in an establishment approved by a Minister of the Crown under regulation 12 of those Regulations and in accordance with the requirements of regulations 10 to 13 of those Regulations relating to that stage; and
 - (ii) under the control of a veterinary inspector appointed for the purpose by such a Minister;
 - (d) in the case of fresh meat, no health marks applied to the meat for the purposes of Council Directive [64/433/EEC](#) have been removed and the goods are accompanied by an official certificate issued by the veterinary surgeon or inspector under whose supervision they were produced and which—
 - (i) states that the goods comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision;
 - (ii) identifies the establishments in which they were prepared; and

- (iii) in the “identification of meat” section of the health certificate referred to in Annex IV to Council Directive 64/433/EEC identifies all the labels affixed to the goods and their serial numbers; and
- (iv) bears the words “produced in accordance with Council Decision 98/256/EC”;
- (e) in the case of minced meat, meat preparations, meat products or food for domestic carnivores, the goods are accompanied by an official certificate issued by the veterinary surgeon under whose control they were produced and which—
 - (i) states that the goods comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision;
 - (ii) identifies all the establishments in which they were prepared; and
 - (iii) identifies all the labels affixed to the goods and their serial numbers;
- (f) in the case of fresh meat, they were obtained in accordance with Article 6(2) of the Council Decision;
- (g) in the case of minced meat, meat preparations and meat products, they were obtained in accordance with Article 6(3) of the Council Decision;
- (h) the Commission of the European Communities has carried out the inspections referred to in Article 6(5) of the Council Decision, has set the date referred to in that Article and that date has passed; and
 - (i) the goods are despatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998.

Trade in meat, products, by-products and materials derived from bovine animals slaughtered outside the United Kingdom

5.—(1) A person shall not despatch to a member State or to a third country or bring to any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any foreign origin export eligible goods unless—

- (a) each stage of the preparation of those goods which took place in the United Kingdom took place in an establishment approved—
 - (i) by the Department under regulation 12(2) in accordance with the requirements of that regulation and regulation 13; or
 - (ii) by a Minister of the Crown under regulation 12 of the Great Britain Regulations and in accordance with the requirements of that regulation and regulation 13 of those Regulations;
- (b) each stage of the preparation of those goods which took place in the United Kingdom was under the control of a veterinary surgeon appointed for the purpose by the Department or, in the case of a stage of preparation taking place within Great Britain, under the control of a veterinary inspector appointed for the purpose by a Minister of the Crown;
- (c) the goods are accompanied by an official certificate issued by a veterinary surgeon appointed by the Department or, in the case of goods prepared in Great Britain, by a veterinary inspector appointed by a Minister of the Crown—
 - (i) stating that, as the case may be, they were prepared in an establishment approved by the Department under regulation 12(2) and in accordance with the requirements of that regulation and regulation 13 or in an establishment approved by a Minister of the Crown under regulation 12 of the Great Britain Regulations and in accordance with the requirements of that regulation and regulation 13 of those Regulations;

- (ii) identifying all establishments where they were obtained, processed, handled or stored;
 - (iii) stating that, in respect of the goods, the conditions referred to in Articles 9 to 13 of the Council Decision have been complied with;
 - (iv) identifying all labels, and their serial numbers, which relate to the goods; and
 - (v) in the case of fresh meat, stating that the identity of all labels, and their serial numbers, relating to the goods has been stated in the “Identification of Meat” section of the certificate referred to in Annex IV to Council Directive 64/433 EEC relating to the goods and that the words “produced in accordance with Council Decision [98/256/EC](#)” have been added to that and any other health certificate accompanying the goods;
- (d) in the case of fresh meat, no health marks applied to the goods for the purposes of Council Directive [64/433/EEC](#) have been removed; and
- (e) the goods are despatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998.
- (2) A person shall not despatch from Northern Ireland to a member State or a third country, bring into any place in Northern Ireland for the purposes of such despatch or consign for the purposes of such despatch any foreign origin bovine product unless—
- (a) the by-product comes from or has passed through—
 - (i) an establishment in Northern Ireland approved by the Department under regulation 12(2); or
 - (ii) an establishment in Great Britain approved by the Minister of the Crown under regulation 12 of the Great Britain Regulations;
 - (b) in the case of a by-product referred to in paragraphs (a) or (c) of the definition of “foreign origin bovine by-product” in regulation 2(2), each stage of the preparation of the by-product took place under the supervision of a veterinary surgeon or, in the case of a stage of preparation taking place in Great Britain, under the supervision of a veterinary inspector appointed by a Minister of the Crown;
 - (c) in the case of a by-product referred to in paragraph (b) of the definition of “foreign origin bovine by-product” in regulation 2(2) each stage of the preparation of the by-product took place under the supervision of an inspector appointed by the Department or a person appointed as an inspector by a Minister of the Crown for the purposes of the Great Britain Regulations; and
 - (d) there is a clear indication, either by means of a label affixed to the by-product or on its packaging—
 - (i) of the identity of the establishment at which the goods were produced;
 - (ii) that the by-product was produced in accordance with the Council Decision; and
 - (iii) that the by-product is suitable for use in human food, animal feed, cosmetics or medical or pharmaceutical products.

Registration of establishments for the production of controlled bovine by-products

6.—(1) A person shall not use any premises for the production of a controlled bovine by-product of any type unless those premises are—

- (a) registered by the Department under paragraph (2) for the production of by-products of that type; and

- (b) used in accordance with the requirements imposed in relation to those premises by these regulations.
- (2) For the purposes of paragraph (1), the Department shall register an establishment in respect of such types of controlled bovine by-products as are specified in the registration if, and only if, following an inspection of that establishment by a veterinary inspector, it is satisfied that—
 - (a) any controlled bovine by-products of the type referred to in paragraphs (a) to (c) of the definition of that term in regulation 2(2) produced there are produced in accordance with the appropriate conditions specified in Annex I to the Council Decision;
 - (b) any controlled bovine by-products of the type referred to in paragraphs (d) and (e) of the definition of that term in regulations 2(2) produced there are produced using tallow produced in establishments registered under this paragraph; and
 - (c) no vertebral column from a bovine animal will be used in the production of any controlled bovine by-products on the premises.
- (3) An application for the registration of any establishment under paragraph (2) shall be made in such a form and shall contain such information as the Department may require.
- (4) A person shall not produce—
 - (a) any controlled bovine by-product referred to in paragraphs (a) to (c) of the definition of that term in regulation 2(2) except—
 - (i) under the supervision of a veterinary inspector; and
 - (ii) in an establishment registered under paragraph (2) and which is used for the production of that by-product in accordance with the relevant conditions in Annex 1 to the Council Decision; and
 - (b) any controlled bovine by-product referred to in paragraphs (d) and (e) of the definition of that term in regulation 2(2), otherwise from tallow produced in accordance with Annex 4 of the Council Decision.
- (5) Where in the case of any premises registered under paragraph (2)—
 - (a) any requirement relating to the registration is no longer satisfied; or
 - (b) the operator has failed to give any notice required of him under regulation 7(3); or
 - (c) controlled bovine by-products of the type to which the registration relates are no longer produced there,

the Department may withdraw the registration relating to that establishment and, where it does so, it shall give notice to the operator of the fact and the reason for it.

Requirements imposed on the operator of an establishment registered under regulation 6(2)

7.—(1) The operator of an establishment at which any controlled bovine by-product is produced shall ensure that the establishment, and the suitability of the controlled by-product for use in human food, animal feed, cosmetics or medical or pharmaceutical products, is clearly indicated, either by means of a label affixed to the by-product, or on its packaging or in a document accompanying the by-product.

- (2) The operator of an establishment registered under regulation 6(2) shall ensure that—
 - (a) any person employed by him, or any person invited to the establishment, complies with the provisions of these Regulations relating to the registration and operation of the establishment;
 - (b) at each stage of the production of each type of controlled bovine by-product at the establishment, the provisions of these Regulations relating to the production of controlled bovine by-products of that type at the establishment are complied with there; and

- (c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.
- (3) The operator of an establishment registered under regulation 6(2) shall give the Department written notice of any material change he intends to make—
- (a) to the suppliers of the materials used by him at that establishment in the manufacture of controlled bovine by-products; or
 - (b) to any facilities or processes used at that establishment in the manufacture of such by-products,
- before making any such change.

Production of bovine by-products and consignment and placing on the market of bovine meat, products and certain by-products

8.—(1) A person shall not produce any gelatin or collagen, derived from a bovine animal slaughtered in the United Kingdom, which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products.

(2) A person shall not produce any gelatin or collagen, derived from a bovine animal slaughtered outside the United Kingdom, which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products unless it is produced in accordance with the requirements of regulations 12 and 13 relating to the production of foreign origin by-products consisting of gelatin or collagen in an establishment approved by the Department under regulation 12(2).

(3) A person shall not consign from any place, or bring to any establishment registered under regulation 6(2), material derived from a bovine animal which includes any part of the vertebral column of such an animal unless he ensures that—

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

(4) A person shall not bring to any place in Northern Ireland or consign from any place in Northern Ireland, for the purposes of despatch from Northern Ireland to a member State or a third country, any export eligible goods unless those goods are transported in an officially sealed vehicle the seal of which has not been broken except for the purposes of an official inspection.

(5) A person shall not bring to any place in Northern Ireland or consign from any place in Northern Ireland, for the purposes of despatch to a member State or a third country, any fresh meat which was despatched from a border inspection post, or an establishment, in Great Britain or on the territory of a member State, unless that meat—

- (a) is accompanied by a veterinary certificate issued by an official veterinarian or the certificate issued by the competent authority for that border inspection post; and
- (b) it is transported in an officially sealed vehicle, the seal of which has not been broken except for the purposes of an official inspection.

(6) A person shall not bring to any establishment approved under regulation 12(2) or consign from any place in Northern Ireland to such an establishment any product, by-product or material referred to in paragraph (7) unless the establishment and member State where it was produced are clearly

indicated, either by means of a label affixed to it or on its packaging or in a document accompanying it.

(7) The products, by-products and material referred to in paragraph (6) are—

(a) any gelatin, di-calcium phosphate, tallow, product derived from tallow by saponification, transesterification or hydrolysis, any other tallow product, or any amino acid, peptide or collagen, which is liable to enter the human food or animal feed chain or is destined for use in cosmetics or medical or pharmaceutical products; and

(b) any raw materials for use in the production of any such products,

derived from bovine animals which have been slaughtered outside the United Kingdom.

(8) A person shall not store, sell or otherwise supply, or offer, expose or advertise for sale or supply, or consign or despatch to any other person, any product or by-product referred to in paragraph (9) unless he ensures that—

(a) the establishment at which that product or by-product was produced; and

(b) the unsuitability of that product or by-product for use in human food, animal feed, cosmetics or medical or pharmaceutical products,

is clearly indicated, either by means of a label affixed to the product or by-product or on its packaging or in a document accompanying it.

(9) The products and by-products referred to in paragraph (8) are any gelatin, di-calcium phosphate, collagen, tallow, products derived from tallow by saponification, transesterification or hydrolysis or any other tallow products, produced, otherwise than for human food, animal feed, cosmetics or medical or pharmaceutical products, from raw materials derived from bovine animals slaughtered in the United Kingdom.

(10) A person shall not place on the market in Northern Ireland any fresh meat, minced meat, meat preparations or meat products which bear an additional mark or a mark which corresponds to such a mark prescribed by the Great Britain Regulations, or labelling or packaging which bears such a mark.

Use of controlled bovine by-products and other products

9.—(1) Subject to paragraphs (2) and (3), a person shall not use any—

(a) controlled bovine by-products; or

(b) gelatin or collagen derived from any bovine animal (whether slaughtered in the United Kingdom or elsewhere) which has been produced in the United Kingdom,

in the production of any product which is liable to enter the human food or animal feed chain or is destined for use as or in any cosmetic, medical or pharmaceutical product.

(2) The prohibitions in paragraph (1)(a) shall not apply to the use of a controlled bovine by-product produced in accordance with regulations 6 and 7 or, in the case of a controlled bovine by-product produced in Great Britain, in accordance with regulation 7 and 8 of the Great Britain Regulations.

(3) The prohibitions in paragraph (1)(b) shall not apply to the use of gelatin or collagen produced—

(a) in an establishment approved by the Department under regulation 12(2) and in accordance with the requirements of that regulation and regulation 13 or, in the case of gelatin or collagen produced in Great Britain, in an establishment approved under regulation 12 of the Great Britain Regulations and in accordance with the requirements of that regulation and regulation 13 of those Regulations; or

- (b) before 1st May 1998 in an establishment in the United Kingdom which complied with the conditions for approval under regulation 12(2) at the time of production and which has subsequently been approved in accordance with that provision or regulation 12 of the Great Britain Regulations.

Approval of establishments for the slaughter of DBES eligible animals and ECHS animals

10.—(1) A person shall not use any premises for the slaughter of any ECHS animal from which ECHS goods are intended to be derived unless those premises are approved under paragraph (3) for the slaughter of such animals.

(2) A person shall not use any premises for the slaughter of any DBES eligible animal from which DBES goods are intended to be derived unless—

- (a) those premises are an establishment approved under paragraph (3) for the slaughter of such animals; and
- (b) the date referred to in Article 6(5) of the Council Decision has been set by the Commission of the European Communities and has passed.

(3) The Department shall approve an establishment for the purposes of paragraph (1) or for the purposes of paragraph (2) if, and only if, the establishment is licensed as a slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**10**), and following an inspection of the establishment by a veterinary inspector, it is satisfied that—

- (a) the only animals slaughtered on the premises are—
- (i) in the case of an establishment approved for the purposes of paragraph (1), ECHS animals;
 - (ii) in the case of an establishment approved for the purposes of paragraph (2), DBES eligible animals; or
 - (iii) in the case of an establishment approved for both purposes, ECHS animals or DBES eligible animals;
- (b) there is in operation at the establishment a system which ensures that, on presentation of each animal for slaughter an inspector is able—
- (i) to inspect and identify the animal;
 - (ii) to obtain from the person presenting it positive evidence that it satisfies the relevant requirements of the Council Decision; and
 - (iii) to verify that evidence;
- (c) any bovine product not eligible for despatch abroad has been removed from the establishment and—
- (i) all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product not eligible for despatch abroad have been thoroughly cleaned after the last such use; and
 - (ii) procedures have been put in place to prevent entry on the premises of bovine products which are not eligible for despatch abroad;
- (d) the methods of operation in respect of the slaughter of animals at the establishment comply with the requirements set out in column (1) of Schedule 1 and the Department has determined how those requirements are to apply to operations within the establishment as set out opposite thereto in columns (2) and (3); and

- (e) in respect of the preparation at the establishment of DBES goods or ECHS goods of any type (whether or not from animals slaughtered at the establishment) which are intended for despatch from Northern Ireland to a member State or a third country—
 - (i) the establishment is approved as an export dedicated establishment under regulation 12(2)(a) for the preparation of goods of that type; and
 - (ii) the methods of operation in respect of those goods comply with the requirements set out in column (1) of Schedule 2 and the Department has determined how those requirements are to apply to operations within the establishment as set out opposite thereto in columns (2) and (3).
- (4) An application for the approval of any establishment under paragraph (3) shall be made in such form and shall contain such particulars as the Department may require.
- (5) Where, in relation to any establishment approved under paragraph (3)—
 - (a) any requirement in relation to the approval of the establishment has not been complied with;
 - (b) the operator has failed to give any notice that he was required to give or obtain any agreement that he was required to have under regulation 11(11); or
 - (c) DBES or ECHS animals, as the case may be, are no longer slaughtered there,the Department may withdraw the approval and, where it does so shall give notice to the operator of the establishment of that withdrawal and the reasons for it.

Requirements imposed on the operator of an establishment approved under regulation 10(3)

- 11.—(1) The operator of an establishment approved under regulation 10(3) shall ensure that—
- (a) any person employed by him, and any person invited to the establishment, complies with the requirements of these Regulations relating to the approval of the establishment;
 - (b) each stage of the slaughter of any bovine animal at the slaughterhouse—
 - (i) takes place under official supervision; and
 - (ii) complies with the requirements for the methods of operation of column (1) of Schedule 1 in accordance with the determination made by the Department under regulation 10(3)(d) as to the application of those requirements to the slaughterhouse;
 - (c) each stage of the preparation of any DBES goods or ECHS goods at the slaughterhouse complies with the requirements of the methods of operation for the preparation of such goods set out in column (1) of Schedule 2 in accordance with the determination made by the Department under regulation 10(3)(e)(ii) as to the application of those requirements to the slaughterhouse; and
 - (d) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for the purpose.
- (2) The operator of an establishment approved under regulation 10(3) shall ensure that all DBES goods and ECHS goods prepared there, other than such goods destined for placing on the market in the United Kingdom or food for domestic carnivores (whether or not destined for placing on the market in the United Kingdom), are marked or labelled with an additional mark—
- (a) in the case of fresh meat derived from an animal slaughtered at the establishment, immediately after the meat has been passed fit for human consumption following post-mortem inspection under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997; and

- (b) in the case of any other DBES goods or ECHS goods, before a relevant despatch of the goods from the establishment.
- (3) In paragraph (2)(b), a “relevant despatch” of goods is—
- (a) a despatch of the goods from the establishment for the purposes of a despatch of the goods from Northern Ireland to a member State or a third country;
 - (b) a despatch of the goods from the establishment to any establishment approved under these Regulations for the purpose of a despatch of the goods from that establishment or subsequently from any other establishment, from Great Britain to a member State or a third country; or
 - (c) a despatch of the goods from the establishment to any export dedicated establishment, whether or not for the purposes of despatch from that establishment or subsequently from any other such establishment, from Great Britain to a member State or third country.
- (4) The operator of an establishment approved under regulation 10(3) shall not mark any goods with an additional mark other than those required to be so marked under paragraph (2).
- (5) A person, other than a veterinary inspector or a person acting under his responsibility, shall not—
- (a) apply any additional mark to any goods; or
 - (b) possess or use the instruments or labels intended to be used in connection with any additional mark.
- (6) A person shall not produce, modify, store, sell or otherwise offer, expose or advertise for sale or supply, or deposit with or consign to, any other person for the purposes of sale or supply—
- (a) an instrument intended for the application of any additional mark;
 - (b) any label or packaging bearing any additional mark; or
 - (c) an official seal,
- except in accordance with the instructions of a veterinary inspector.
- (7) The operator of an establishment approved under regulation 10(3) shall ensure that at any time an instrument, label, packaging or official seal referred to in paragraph (6) is delivered to him or to the establishment, or otherwise to his order, he notifies a veterinary inspector of the fact with a view to enabling the inspector, or a person acting under the inspector’s responsibility—
- (a) to put the instrument, label, packaging or seal into a store at the establishment maintained under the responsibility of the inspector; or
 - (b) in the case of an instrument, label or packaging to give instructions for the use thereof at the establishment in connection with any additional mark.
- (8) The operator of an establishment approved under regulation 10(3) shall ensure, in respect of any DBES goods or ECHS goods prepared there which are destined for placing on the market in the United Kingdom and which bear the additional mark, that the mark is removed or cancelled at whichever of the following times is the first to occur, that is to say—
- (a) the time when, for any reason other than the removal of the additional mark, the goods ceased to be eligible for despatch from Northern Ireland to a member State or third country in accordance with these Regulations; or
 - (b) the time when the goods leave the establishment.
- (9) If a bovine animal is slaughtered at an establishment in contravention of any of the requirements of these Regulations and the operator of the establishment becomes aware of the contravention before the carcase of the animal or any meat or product derived from the carcase at the establishment, has been consigned from the establishment for the purposes of despatch abroad, the operators shall ensure that the carcase, meat or product is not so consigned.

(10) If a bovine animal is slaughtered at an establishment in contravention of any of the requirements of these Regulations and the carcase of the animal or any meat or product derived from the carcase at the establishment has already been consigned from the establishment by the time the operator of the establishment becomes aware of the contravention, the operator, immediately after he has become aware of that contravention, shall—

- (a) notify an inspector;
- (b) take such further action as the inspector may require—
 - (i) for the purpose of preventing the despatch abroad of the carcase or any such meat or product; or
 - (ii) where the carcase or any such meat or product has already been despatched abroad, for the purpose of enabling the competent authority of the place of destination to take the measures referred to in paragraph 4 of Annex III to the Council Decision.

(11) The operator of an establishment approved under regulation 10(3) shall give the Department written notice of, and shall obtain its agreement to, any material change he intends to make to any facilities, processes or methods of operation used at the establishment in relation to the slaughter of DBES eligible animals or ECHS animals, before making such a change.

Approval of establishments for the preparation or despatch of foreign origin export eligible goods, DBES goods and ECHS goods and foreign origin bovine by-products

12.—(1) A person shall not use any premises—

- (a) for any steps of the preparation DBES goods or ECHS goods or any foreign origin export eligible goods which are intended for despatch from Northern Ireland to a member State or third country;
- (b) for the production of foreign origin bovine by-products (whether or not those goods are intended for despatch to a member state or third country),

unless those premises are approved under paragraph (2) for the production of, as the case may be, DBES goods, ECHS goods, foreign origin export eligible goods or foreign origin export eligible by-products of that type.

(2) The Department shall for the purposes of paragraph (1) approve an establishment—

- (a) as an export dedicated establishment; or
- (b) as an establishment which is not an export dedicated establishment,

if, and only if, following an inspection of that establishment by a veterinary inspector, it is satisfied that in relation to the establishment, the relevant requirements of paragraph (3) are satisfied.

(3) The requirements referred to in paragraph (2) in relation to any establishment are that—

- (a) the establishment is licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;
- (b) in the case of an export dedicated establishment that it is not used for the preparation of any goods derived from bovine animals other than export eligible goods;
- (c) in the case of an establishment which is not an export dedicated establishment, that it is not used for the preparation (other than cold storage) of any DBES goods or ECHS goods destined for despatch from Northern Ireland to another member State or third country;
- (d) in respect of an export dedicated establishment—
 - (i) that any bovine product not eligible for despatch abroad must have been removed from the establishment; and
 - (ii) all parts of the premises, and equipment on the premises, used for the production, processing, treatment, handling, storage, loading or unloading of any bovine product

not eligible for despatch abroad have been thoroughly cleaned after the last such use and procedures must have been put in place to prevent entry onto the premises of bovine products which are not eligible for despatch abroad;

- (e) in respect of an export dedicated establishment that the methods of operation for the preparation of export eligible goods comply with the requirements set out in column (1) in Schedule 2 and the Department has determined how those requirements are to apply to the establishment as set out opposite thereto in columns (2) and (3);
 - (f) in respect of an establishment which is not an export dedicated establishment, the methods of operation for the preparation of foreign origin export eligible goods comply with the requirements of column (1) of Schedule 3 and the Department has determined how those requirements are to apply to the establishment as set out opposite thereto in columns (2) and (3); and
 - (g) there is in operation a system which ensures that it is possible—
 - (i) to identify the origin of the raw material contained in export eligible goods or foreign origin bovine by-products despatched from that establishment and to trace the raw material through each stage of preparation of goods at the establishment; and
 - (ii) to record all amounts of incoming and outgoing materials and to cross-check consignments entering the establishment against those leaving it.
- (4) An application for the approval of any establishment under paragraph (2) shall be made in such form and shall contain such particulars as the Department may require.
- (5) Where, in relation to any establishment approved under paragraph (2)—
- (a) any requirement of paragraph (3) in relation to the establishment has not been complied with;
 - (b) the operator has failed to give any notice that he was required to give or obtained any agreement he was required to have under regulation 13(14) or (15); or
 - (c) ECHS goods, DBES goods or foreign origin export eligible goods are no longer prepared there,

the Department may withdraw the approval and, where it does so, it shall give notice to the operator of the establishment of that withdrawal and the reason for it.

Requirements imposed on the operator of an establishment approved under regulation 12(2)

- 13.—**(1) The operator of an establishment approved under regulation 12(2) shall ensure that—
- (a) any person employed by him, or any person invited to the establishment, complies with the requirements of these Regulations relating to the approval of the establishment; and
 - (b) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.
- (2) The operator of any establishment approved under regulation 12(2) shall ensure that, in respect of the preparation at the establishment of any export eligible goods—
- (a) each stage of their preparation takes place under official supervision;
 - (b) where the establishment is approved as an export dedicated establishment, the methods of operation for the preparation of export eligible goods comply with the requirements set out in column (1) of Schedule 2 in accordance with the determination made by the Department under regulation 12(3)(e) as to the application of those requirements to the establishment; and

- (c) where the establishment is approved as an establishment other than an export dedicated establishment, the methods of operation for the preparation of foreign origin export eligible goods comply with the requirements of column (1) of Schedule 3 in accordance with the determination made by the Department under regulation 12(3)(f) as to the application of those requirements to the establishment.

(3) The operator of an establishment approved under regulation 12(2) shall ensure that all export eligible goods prepared there, other than—

- (a) foreign origin export eligible goods, DBES goods or ECHS goods destined for placing on the market in the United Kingdom; or
- (b) food for domestic carnivores (whether or not destined for placing on the market in the United Kingdom),

are marked or labelled with an additional mark before a relevant despatch of the goods from the establishment.

(4) In paragraph (3) a “relevant despatch” of goods is—

- (a) a despatch of the goods from the establishment in question for the purpose of a despatch of the goods from Northern Ireland to a member State or a third country;
- (b) a despatch of the goods from the establishment in question to any establishment approved under these Regulations for the purpose of a despatch of the goods from that establishment, or subsequently from any other such establishment, from Northern Ireland to a member State or a third country; or
- (c) a despatch of the goods from the establishment in question to any export dedicated establishment, whether or not for the purpose of despatch from that establishment, or subsequently from any other such establishment, from Northern Ireland to a member State or a third country.

(5) The operator of an establishment approved under regulation 12(2) shall not mark any goods with an additional mark other than those required to be so marked under paragraph (3).

(6) The operator of an establishment approved under regulation 12(2) shall ensure that no products of animal origin derived from DBES eligible animals or ECHS animals, other than export eligible goods, are produced at the establishment.

(7) The operator of an establishment approved under regulation 12(2) shall ensure that all export eligible goods—

- (a) are stored in cold stores in chambers which are not used at the same time for storing any bovine products, by-products or materials which do not comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision and are kept locked, under the seal of a veterinary inspector or a person acting under his authority, when any veterinary inspector or any person acting under the authority of a veterinary inspector is not present; and
- (b) are despatched from the establishment in means of transport, or in a lockable chamber or lockable container, for the purpose of being carried on any means of transport, sealed by a veterinary inspector or a person acting under his responsibility.

(8) The operator of an establishment approved under regulation 12(2) shall ensure that all foreign origin export eligible goods or foreign origin bovine by-products are unloaded, processed or treated, stored, handled, loaded and transported separately, or at different times, from bovine products which do not comply with the conditions set out in Articles 6 and 7 and 9 to 13 of the Council Decision.

(9) The operator of an establishment at which any foreign origin bovine by-products are produced shall ensure that the establishment, and the suitability of the by-products for use in human food, animal feed, cosmetics or medical or pharmaceutical products, is clearly indicated, either by means of a label affixed to the by-product, or on its packaging or in a document accompanying the by-product.

(10) A person, other than a veterinary inspector or a person acting under his responsibility, shall not—

- (a) apply any additional mark on any ECHS goods, DBES goods or relevant goods; or
- (b) possess or use the instruments or labels intended to be used in connection with any additional mark.

(11) A person shall not produce, modify, store, sell or otherwise offer, expose or advertise for sale or supply, or deposit with or consign to, any other person for the purpose of sale or supply—

- (a) an instrument intended for the application of any additional mark;
- (b) any label or packaging bearing any additional mark; or
- (c) an official seal,

except in accordance with the instructions of a veterinary inspector.

(12) The operator of an establishment approved under regulation 12(2) shall ensure that at any time an instrument, label, packaging or official seal referred to in paragraph (11) is delivered to him or to the establishment, or otherwise to his order, he notifies a veterinary inspector of the fact with a view to enabling that inspector, or a person acting under his responsibility—

- (a) to put the instrument, label, packaging or seal into a store at the establishment maintained under the responsibility of the inspector; or
- (b) in the case of the instrument, label or packaging to give instructions for the use thereof at the establishment in connection with any additional mark.

(13) The operator of an establishment approved under regulation 12(2) shall ensure that, in respect of any export eligible goods prepared at that establishment which are destined for placing on the market in the United Kingdom, and which bear any additional mark, that the mark is removed or cancelled at whichever of the following times first occurred, that is to say—

- (a) at the time when, for any reason other than the removal of any additional mark, the goods can no longer be despatched from Northern Ireland to a place outside the United Kingdom in accordance with these Regulations; or
- (b) at the time when the goods leave the establishment.

(14) The operator of an establishment approved under regulation 12(2) shall give the Department written notice of, and shall obtain its agreement to, any material change he intends to make to any of the facilities or processes used at that establishment in the preparation of foreign origin export eligible goods, DBES goods or ECHS goods before making any such change.

(15) The operator of an establishment approved under regulation 12(2) shall give the Department written notice of any material change he intends to make—

- (a) to the suppliers of the materials used by him at the establishment in the manufacture of foreign origin bovine by-products; or
- (b) to any facilities, processes or methods of operation used at that establishment in the production of any foreign origin bovine by-products,

before making any such change.

Fees

14.—(1) The Department may charge an operator of any establishment such reasonable fees as it may determine in respect of any costs reasonably incurred by it or on its behalf in connection with—

- (a) the registration of the establishment pursuant to regulation 6(2);
- (b) the approval of the establishment pursuant to regulations 10(3) or 12(2);
- (c) inspection or supervision of any such establishment under these Regulations; and

- (d) the issue under these Regulations of any certificate, the application of an additional mark or official seal by or on behalf of an inspector and the purchase of labels or instruments by or on behalf of an inspector for the purpose of applying an additional mark or an official seal in relation to any export eligible goods prepared in the establishment.

(2) Where the Department has notified the operator of any establishment of a fee charged for the purposes of these Regulations in respect of that establishment, the operator shall pay to the Department the amount of the fee so charged.

(3) A fee charged to an operator for the purposes of these Regulations shall be recoverable on demand by the Department as a debt from the operator.

Powers to stop and search vehicles and vessels and detain goods

15.—(1) At any time while a vehicle or vessel is—

- (a) within the limits of or entering or leaving a port, or any land adjacent to a port which is occupied wholly or mainly for the purposes of activities carried on at the port;
- (b) at, entering or leaving an aerodrome;
- (c) at, entering or leaving an approved wharf, transit shed, customs warehouse or free zone; or
- (d) in the vicinity of an international border,

an officer or an inspector may, for the purposes of the enforcement of these Regulations, stop and search the vehicle or vessel and may inspect any commercial document or official certificate accompanying any goods carried in that vehicle or vessel.

(2) A person in control of any vehicle or vessel shall stop it when required to do so under paragraph (1).

(3) Where an officer or an inspector has reasonable grounds to suspect that any vehicle or vessel (whether or not in a place referred to in paragraph (1)) is or may be carrying a consignment of any goods which are—

- (a) described in regulation 3(1), 4(1), 8(1), (4), (7) or (9);
- (b) DBES goods;
- (c) ECHS goods;
- (d) foreign origin export eligible goods;
- (e) controlled bovine by-products or foreign origin bovine by-products; or
- (f) any part of the vertebral column of a bovine animal,

and which he reasonably suspects may be illegal, he may search that vehicle or vessel and may inspect any commercial document or official certificate accompanying any goods carried in the vehicle or vessel.

(4) Where an officer or an inspector has stopped and searched a vehicle or vessel under paragraph (1), or has searched a vehicle or vessel under paragraph (3), he may detain for not more than three working days any goods referred to in paragraph (3) found in the vehicle or vessel and which he reasonably suspects may be illegal.

(5) Any goods detained under this regulation shall be dealt with during the period of their detention in such manner as the person seizing or detaining them may direct.

(6) For the purposes of this regulation, goods are “illegal” if—

- (a) they are falsely described on their packaging, wrapping, label or any container in which they are placed, or in any certificate or documentation accompanying them;
- (b) in the case of any goods described in—

- (i) regulation 3(1), 4(1), 8(4) or (7), they were being brought or consigned for despatch in contravention of regulation 3(1), 4(1), 8(4) or (6) respectively, as the case may be;
 - (ii) regulation 8(1), they have been produced in contravention of that provision; or
 - (iii) regulation 8(9), there was a contravention of regulation 8(8) in relation to any of them;
- (c) in the case of DBES goods, or ECHS goods which have undergone a stage of preparation in Northern Ireland, the goods—
- (i) have been prepared in contravention of any provision of these Regulations relating to the goods; or
 - (ii) they are being or have been brought, despatched or consigned otherwise than in accordance with regulation 4(3) (in the case of ECHS goods) or regulation 4(4) (in the case of DBES goods);
- (d) in the case of ECHS goods which have not undergone a stage of preparation in Northern Ireland—
- (i) have been prepared in contravention of any provision of the Great Britain Regulations relating to the goods; or
 - (ii) they are being or have been brought, despatched or consigned in contravention of any provision of the Great Britain Regulations relating to the goods;
- (e) in the case of foreign origin export eligible goods—
- (i) they have been prepared in contravention of any provision of these Regulations relating to the goods; or
 - (ii) they have been or are being brought, despatched or consigned in contravention of regulation 5(1) or 8(5);
- (f) in the case of foreign origin bovine by-products—
- (i) they have been produced in contravention of any provision of these Regulations relating to such by-products; or
 - (ii) they are being or have been brought, despatched or consigned in contravention of regulation 5(2);
- (g) in the case of controlled bovine by-products, they were produced in contravention of regulation 6(1); or
- (h) in the case of the vertebral column of a bovine animal, the goods were not in an impervious container clearly labelled in accordance with regulation 8(3).
- (7) For the purposes of paragraph (1) a “port”, an “aerodrome”, an “approved wharf”, “transit shed”, “customs warehouse” and “free zone” have the meanings respectively consigned to them in the Customs and Excise Management Act 1979⁽¹¹⁾.

Powers of entry

16.—(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 any premises (other than a premises used only as a dwelling) for the purpose of ascertaining whether—

- (a) there is or has been on the premises any contravention of any provisions of these Regulations; or

(b) there is on the premises any evidence of any contravention of any provisions of these Regulations.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in paragraph (1) and either—

(a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise the inspector to enter the premises, if need be by reasonable force.

Seizure of illegal goods

17.—(1) Where an inspector has a reasonable suspicion that a consignment of any—

(a) goods described in regulation 3(1), 4(1), 8(1), (4), (7) or (9);

(b) DBES goods;

(c) ECHS goods;

(d) foreign origin export eligible goods;

(e) controlled bovine by-products or foreign origin bovine by-products; or

(f) any part of the vertebral column of a bovine animal,

is illegal, he may require the person in control of any commercial documentation or official certificate accompanying the consignment to deliver that documentation or certificate, and any copies, to him on demand.

(2) Where an inspector exercises the power conferred on him by paragraph (1) in relation to any consignment or any part of a consignment or where he otherwise suspects that any consignment or part of a consignment mentioned in that paragraph may be illegal, he may—

(a) give notice that, until the notice is withdrawn, the consignment or part may not be removed or may not be removed except to some place specified in the notice;

(b) give notice that that consignment or part must be removed (at the expense of the person who is, or appears to be, in control of it) to such place as may be specified in the notice and kept there at that person's expense until the notice is withdrawn or an order is made under paragraph (5) or (6); or

(c) seize that consignment or part and remove it in order to have it dealt with by a justice of the peace.

(3) Where an inspector exercises the power conferred by paragraph (2) in relation to a consignment or part of a consignment, he shall as soon as is reasonably practicable, and in any event within 21 days, determine whether he is satisfied that the consignment or part is not illegal and—

(a) if he is so satisfied he shall return any certificate or commercial documentation which has been delivered to him, withdraw any notice given pursuant to paragraph (2)(a) relating to the consignment or part and return anything which he has seized and which in the case of food is fit for human consumption; or

(b) if he is not so satisfied, he shall inform the person in charge of the consignment or part of his intention to have it dealt with by a justice of the peace.

(4) Any person who may be liable for prosecution under these Regulations in respect of a consignment or part of a consignment which is intended to be dealt with by a justice of the peace in

pursuance of this regulation shall be entitled to attend before the justice of the peace by whom the matter falls to be dealt with and shall be entitled to be heard and to call witnesses.

(5) 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 or part of a consignment is illegal, he shall, where he is satisfied that there is a relevant risk in respect of the consignment or part if it is returned to the owner, order—

- (a) the consignment or part to be destroyed or otherwise disposed of so as to prevent it from being despatched to another member State or a third country; and
- (b) any expenses reasonably incurred in connection with such destruction or disposal and (where the consignment or part was seized pursuant to paragraph (2)(c)) in connection with storage prior to destruction, to be defrayed by the owner of the consignment.

(6) Where a justice of the peace is satisfied that there is no relevant risk in respect of a consignment or part of a consignment if it is returned to the owner, he shall order the consignment or part to be so returned.

(7) For the purposes of paragraphs (5) and (6), “relevant risk” in respect of a consignment or part of a consignment means the risk that—

- (a) in the case of a consignment of any goods of a kind described in—
 - (i) regulation 3(1), 4(1), 8(4) or (7), the owner will despatch some or all of those goods to another member State or a third country;
 - (ii) regulation 8(1), the owner will produce goods in contravention of that provision; or
 - (iii) regulation 8(9), the owner will contravene regulation 6(8) in relation to any of them;
- (b) in the case of a consignment of foreign origin export eligible goods, DBES goods or ECHS goods or foreign origin bovine by-products, the owner will despatch some or all of those goods to another member State or a third country;
- (c) in the case of a consignment of controlled bovine by-products, the owner will use some or all of those by-products in any product liable to enter the human food chain or animal feed chain or in any cosmetic, medical or pharmaceutical product; or
- (d) in the case of vertebral column of a bovine animal, the owner will consign some or all of that material in contravention of regulation 8(3).

(8) For the purposes of this regulation, a consignment or part of a consignment is “illegal” if—

- (a) it is falsely described on its packaging, wrapping, label or any container in which it is placed, or in any certificate or commercial documentation accompanying it;
- (b) in the case of a consignment of any goods of a kind described in—
 - (i) regulation 3(1), 4(1), 8(4) or (7), it was brought or consigned in contravention of regulation 3(1), 4(1), 8(4) or (6) above respectively, as the case may be;
 - (ii) regulation 8(1), it was produced in contravention of that provision; or
 - (iii) regulation 8(9), there has been a contravention of regulation 8(8) in relation to any of them;
- (c) in the case of a consignment of DBES goods or ECHS goods which have undergone a stage of preparation in Northern Ireland—
 - (i) they were prepared in contravention of any provision of these Regulations relating to the goods; or
 - (ii) they are being or have been brought, despatched or consigned in contravention of (in the case of DBES goods) regulation 4(4) or (in the case of ECHS goods) regulation 4(3);

- (d) in the case of a consignment of DBES goods or ECHS goods which have not undergone a stage of preparation in Northern Ireland—
 - (i) they were prepared in contravention of any provision of the Great Britain Regulations relating to such goods; or
 - (ii) they are or have been brought, despatched or consigned in contravention of any of the provisions of the Great Britain Regulations relating to such goods;
- (e) in the case of a consignment of foreign origin export eligible goods—
 - (i) it contains goods prepared in contravention of any provision of these Regulations relating to such goods; or
 - (ii) it contains goods which are being or have been brought, despatched or consigned in contravention of regulation 5(1) or 8(5);
- (f) in the case of a consignment of controlled bovine by-products, it contains goods produced in contravention of regulation 6 or 7; or
- (g) in the case of vertebral column of a bovine animal, the material is not consigned in an impervious container clearly labelled in accordance with regulation 8(3).

Sampling and other checks and examinations

18.—(1) An inspector shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

- (2) Without prejudice to the generality of paragraph (1) an inspector may—
 - (a) take samples (and, if necessary, send the samples for laboratory testing) from any product or material;
 - (b) examine records, and any information which is contained in a computer, he believes to be relevant to any checks and examinations under these Regulations;
 - (c) seize, detain and require the production of any such records and information which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations;
 - (d) take with him any such other person as he considers necessary to carry out any checks and examinations under these Regulations;
 - (e) require any person who is or appears to be in control of any goods described in regulation 3(1) or 4(1), or any ECHS goods, DBES goods or foreign origin export eligible goods or controlled bovine by-products or foreign origin bovine by-products or any goods, products, by-products or materials of a kind described in regulation 8, to arrange, at his own expense, for those goods, products, by-products or material to be removed from any store, vehicle, vessel, container, packing or wrapping;
 - (f) carry out inspections of any process or operation to which these Regulations relate and anything used for the marking and identification of products, by-products and materials; and
 - (g) take with him a representative of the Commission of the European Communities acting for the purposes of the Commission.

Powers of customs officers to detain vehicles and vessels

19.—(1) An officer may, for the purpose of facilitating the exercise by any inspector of the powers conferred on the inspector by these Regulations, detain any vehicle for such period as may reasonably be necessary for that purpose.

(2) Any vehicle or vessel detained by an officer under this regulation shall be dealt with during the period of its detention in such a manner as the officer may direct.

Suspension notices and orders

20.—(1) If an inspector is satisfied that there is a despatch risk in relation to any consignment or part of a consignment on business premises of any goods, products, by-products or materials of a kind described in regulation 3(1), 4(1) or 8, any controlled bovine by-products or foreign origin bovine by-products or any foreign origin export eligible goods, DBES goods or ECHS goods, he may, by a notice served on the proprietor of the business concerned (a “suspension notice”), suspend the use of the premises for—

- (a) the despatch of those goods, products, by-products or material; and
- (b) the receipt or despatch of any other goods, by-products or material of a similar kind.

(2) If a Magistrates' Court is satisfied, on the application of an inspector, that there is a despatch risk in relation to a consignment or part of a consignment on business premises of any goods, products, by products or materials to which paragraph (1) refers, the Court shall, by an order (a “suspension order”), suspend the use of the premises for—

- (a) the despatch of those goods, products, by-products or materials; and
- (b) the receipt or despatch of any other goods, products, by-products or materials of a similar kind.

(3) An inspector shall not apply for a suspension order in relation to any business premises unless, at least one day before the date of the application, he has served notice on the proprietor of the business concerned of his intention to apply for the order.

(4) As soon as practicable after the service of a suspension notice, an inspector shall affix a copy of the notice in a conspicuous position in the premises to which it relates.

(5) As soon as reasonably practicable after the making of a suspension order in relation to any business premises, an inspector shall—

- (a) serve a copy of the order on the proprietor of the business concerned; and
- (b) affix a copy of the notice in a conspicuous position on the premises.

(6) A suspension notice shall cease to have effect—

- (a) if an application for a suspension order is not made under paragraph (2) within the period of three days beginning with the service of the notice, at the end of that period; and
- (b) if such an application is so made, on the final determination of whether or not to grant that application or the abandonment of the application.

(7) A suspension notice or suspension order relating to any business premises shall cease to have effect on the issue by the Department of a certificate to the effect that it is satisfied that the proprietor of the business concerned has taken sufficient measures to ensure that there is no longer despatch risk in relation to any consignment or part of a consignment on, or likely to be on, the premises.

(8) The Department shall issue a certificate under paragraph (7) within three days of its being satisfied as mentioned in that paragraph; and on an application by the proprietor of any business which would thereby be affected by such a certificate, the Department shall—

- (a) determine, as soon as is reasonably practicable, and in any event within 14 days, whether or not it is so satisfied; and
- (b) if it determines that it is not so satisfied, give notice to the proprietor of the business of the reasons for that determination.

(9) Where a suspension notice is served on the proprietor of a business, the Department shall compensate him in respect of any loss suffered by reason of his complying with the notice unless—

- (a) an application for a suspension order is made under paragraph (2) within the period of three days beginning with the service of the notice; and
- (b) the Court which finally determines the application declares itself satisfied, on the hearing of the application, that there was a despatch risk in relation to any consignment or part of a consignment on the business premises at the time when the notice was served,

and any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by arbitration.

(10) A person shall not contravene any suspension notice or order.

(11) For the purposes of this regulation, “despatch risk” in respect of a consignment or part of a consignment of goods, products, by-products or material on any business premises is the risk that the proprietor of the business will despatch some or all of those goods, products, by-products or material to a member State or third country.

Obstruction

21.—(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

22.—(1) A person shall not slaughter a bovine animal, for the purpose of deriving from the animal any DBES goods or ECHS goods, otherwise than in an establishment approved for the slaughter of—

- (a) in the case of DBES goods, DBES eligible animals; or
- (b) in the case of ECHS goods, ECHS animals,

under regulation 10.

(2) A person shall not slaughter a bovine animal—

- (a) for the purpose of deriving therefrom any DBES goods, unless at the time of slaughter the animal was a DBES eligible animal; or
- (b) for the purpose of deriving therefrom any ECHS goods, unless at the time of slaughter the animal was a ECHS animal.

(3) A person contravening any provision of these Regulations shall be guilty of an offence.

(4) Any person guilty of an offence under these Regulations shall be liable—

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

(5) Article 19 of the Food Safety (Northern Ireland) Order 1991(12) 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

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

apply in any proceedings for an offence under these Regulations, as if, in all of those provisions, the references to “any of the preceding provisions of this Part” were references to these Regulations.

Enforcement

23. These Regulations shall be enforced and executed by the Department or, in relation to its district, by any district council.

Amendments

24. The following paragraph shall be substituted for paragraph (6) at the end of regulation 9 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998 and for 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 Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1999.”.

Revocation of the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998 and savings provisions

25.—(1) The Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998(13) are hereby revoked.

(2) Any registration or approval of premises under the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998 which is in force immediately before the coming into operation of these Regulations shall have effect as if granted under these Regulations.

(3) Any appointment of an inspector or veterinary inspector under the Bovines and Bovine Products (Trade) Regulations (Northern Ireland) 1998 which is in force immediately before the coming into operation of these Regulations shall have effect as if made under these Regulations.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

30th June 1999.

Liam McKibben
Assistant Secretary