

SCHEDULE 5

FEEDINGSTUFFS

PART II

PRODUCTION OF PROTEIN AND FEEDINGSTUFFS

Fishmeal for feeding to non-ruminant farmed animals

1.—(1) Any person producing fishmeal intended for feeding to non-ruminant farmed animals must do so in accordance with point B(a) of Part II of Annex IV of the Community TSE Regulation.

(2) Any person producing feedingstuffs containing fishmeal intended for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point B(c) of that Part, in premises authorised by the Department for the purposes of that point;
- (b) in accordance with point B(c)(i) of that Part, for home compounders registered by the Department for the purposes of that point; or
- (c) in accordance with point B(c)(ii) of that Part, in premises authorised by the Department for the purposes of that point.

(3) Any person packaging such feedingstuffs must label them in accordance with point B(d) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.

(4) Any person transporting such feedingstuffs in bulk must do so in accordance with the first sentence of point B(e) of that Part.

(5) Any person using a vehicle, previously used to transport such feedingstuffs, to transport feedingstuffs for ruminants must comply with the second sentence of point B(e) of that Part.

(6) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point B(f) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to fishmeal and feedingstuffs containing fishmeal

2.—(1) Failure to comply with paragraph 1 is an offence.

(2) It is an offence for a home compounder registered under paragraph 1(2)(b) to—

- (a) keep ruminant animals;
- (b) consign feedingstuffs containing fishmeal (whether complete or partly complete) produced by him from his premises; or
- (c) use feedingstuffs containing fishmeal with a crude protein content of 50% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point B(c)(ii) of Part II of Annex IV of the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are kept in separate facilities in accordance with the first indent of that point;
- (b) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals

3.—(1) Any person producing feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point C(a) of Part II of Annex IV of the Community TSE Regulation, in an establishment authorised by the Department for the purposes of that point;
- (b) in accordance with point C(a)(i) of that Part, for home compounders registered by the Department for the purposes of that point; or
- (c) in accordance with point C(a)(ii) of that Part in an establishment authorised by the Department for the purposes of that point.

(2) Any person packaging such feedingstuffs must label them in accordance with point C(b) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.

(3) Any person transporting such feedingstuffs in bulk must do so in accordance with point C(c) of that Part.

(4) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants must comply with the second sentence of point C(c) of that Part.

(5) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point C(d) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals

4.—(1) Failure to comply with paragraph 3 is an offence.

(2) It is an offence for a home compounder registered under paragraph 3(1)(b) of this Part to—

- (a) keep ruminants;
- (b) consign feedingstuffs containing dicalcium phosphate or tricalcium phosphate (whether complete or partly complete) from his premises; or
- (c) use feedingstuffs containing dicalcium phosphate or tricalcium phosphate with a phosphorus content of 10% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point C(a)(ii) of Part II of Annex IV of the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the first indent of that point;
- (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Blood products and blood meal

5.—(1) Any person who produces—

- (a) blood products, or feedingstuffs containing blood products, intended for feeding to non-ruminant farmed animals; or
- (b) blood meal, or feedingstuffs containing blood meal, intended for feeding to fish,

must ensure that the blood comes from a slaughterhouse that is registered with the Department for the purposes of point D(a) of Part II of Annex IV of the Community TSE Regulation and meets the conditions set out in sub-paragraph (2).

(2) Those conditions are that the slaughterhouse—

- (a) is not used to slaughter ruminants; or
- (b) has in place a control system in accordance with the second paragraph of point D(a) of that Part to ensure that ruminant blood is kept separate from non-ruminant blood and has been authorised for the purpose by the Department.

(3) The occupier of the slaughterhouse must consign the blood in accordance with point D(a) of Part II of Annex IV of the Community TSE Regulation and any transporter must transport it in accordance with that point.

(4) Any person producing blood products or blood meal must do so in accordance with either the first or the second paragraph of point D(b) of that Part.

(5) Any person producing feedingstuffs containing blood products or blood meal must do so—

- (a) in accordance with point D(c) of that Part, in an establishment authorised by the Department for the purposes of that point;
- (b) in accordance with point D(c)(i) of that Part, as a home compounder registered by the Department for the purposes of that point; or
- (c) in accordance with point D(c)(ii) of that Part, in an establishment authorised by the Department for the purposes of that point.

(6) Any person packaging such feedingstuffs must label them in accordance with point D(d) of that Part and any documentation accompanying the feedingstuffs must be in accordance with that point.

(7) Any person transporting such feedingstuffs in bulk must do so in accordance with point D(e) of that Part.

(8) Any person using a vehicle, previously used to transport such feedingstuffs, to transport feedingstuffs for ruminants must comply with the second sentence of point D(e) of that Part.

(9) The occupier of any farm where ruminants are kept shall comply with the first paragraph of point D(f) of that Part unless the Department is satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to feedingstuffs containing blood products or blood meal

6.—(1) Failure to comply with paragraph 5 is an offence.

(2) It is an offence for any person collecting blood in accordance with the second paragraph of point D(a) of Part II of Annex IV of the Community TSE Regulation to—

- (a) slaughter animals otherwise than in accordance with the first indent of that paragraph;
- (b) collect, store, transport or package blood otherwise than in accordance with the second indent of that paragraph; or
- (c) fail to regularly sample and analyse blood in accordance with the third indent of that paragraph.

(3) It is an offence for any person producing blood products or blood meal in accordance with the second paragraph of point D(b) of that Part to—

- (a) fail to ensure that the blood is processed in accordance with the first indent of that paragraph;

- (b) keep raw material and finished product otherwise than in accordance with the second indent of that paragraph; or
 - (c) fail to sample it in accordance with the third indent of that paragraph.
- (4) It is an offence for any person producing feedingstuffs in accordance with point D(c)(ii) of Part II of Annex IV of the Community TSE Regulation to—
- (a) fail to ensure that feedingstuffs are manufactured in accordance with the first indent of that point;
 - (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
 - (c) fail to make and keep a record in accordance with the third indent.
- (5) It is an offence for a home compounder registered under paragraph 5(5)(b) to—
- (a) keep ruminant animals where blood products are used;
 - (b) keep animals, other than fish, where blood meal is used;
 - (c) consign feedingstuffs containing blood products or blood meal (whether complete or partly complete) from his premises; or
 - (d) use feedingstuffs containing blood products or blood meal with a total protein content of 50% or more in the production of complete feedingstuffs.

Change in use of equipment

7. It is an offence to use equipment, used to produce feedingstuffs for non-ruminant animals under paragraphs 1, 3 or 5, for the production of feedingstuffs for ruminant animals unless authorised in writing by an inspector.

Conditions applying to the storage and transport of bulk quantities of protein products and feedingstuffs containing such proteins

- 8.—(1) It is an offence to store or transport—
- (a) bulk processed animal protein (other than fishmeal); or
 - (b) bulk products, including feedingstuffs, organic fertilisers and soil improvers containing such proteins,

except in accordance with point C(a) of Part III of Annex IV of the Community TSE Regulation.

(2) It is an offence to store or transport bulk fishmeal, dicalcium phosphate, tricalcium phosphate, blood products of non-ruminant origin or blood meal of non-ruminant origin except in accordance with point C(b) and C(c) of Part III of Annex IV of the Community TSE Regulation.

(3) In addition to the requirements of sub-paragraphs (1) and (2), it is an offence to transport bulk processed animal protein or any of the materials specified in sub-paragraph (2) unless the transporter is registered with the Department for that purpose.

Conditions applying to the manufacture and transport of feedingstuffs, including petfood

9.—(1) It is an offence to manufacture, store, transport or package feedingstuffs, including petfood, that contain blood products of ruminant origin or processed animal protein, other than fishmeal, except in accordance with point D of Part III of Annex IV of the Community TSE Regulation.

(2) It is an offence to manufacture or transport feedingstuffs, including petfood, containing dicalcium or tricalcium phosphate or blood products of non-ruminant origin except in accordance with point D of that Part.

Export of processed animal protein to third countries

10.—(1) In accordance with point E(1) of Part III of Annex IV of the Community TSE Regulation it is an offence to export to third countries processed animal protein derived from ruminants and anything containing it.

(2) It is an offence to export processed animal protein derived from non-ruminants and anything containing it except in accordance with point E(2) of that Part.

Fertilisers

11.—(1) It is an offence to sell or supply for use as a fertiliser on agricultural land or to possess with the intention of such sale or supply, any—

- (a) mammalian protein, other than ash, derived from animal by-products classified as Category 2 material in Regulation (EC) No. 1774/2002; or
- (b) ash derived from the incineration of animal by-products classified as Category 1 material in that Regulation.

(2) It is an offence to use anything prohibited in sub-paragraph (1) on agricultural land as a fertiliser.

(3) In this paragraph—

- (a) “agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture; and
- (b) “agriculture” includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodland and horticulture (except the propagation of plants and the growing of plants within greenhouses, glass structures or plastic structures).

Record keeping for transport etc. of reject petfood

12.—(1) Any person who supplies, transports or receives any petfood containing animal protein that is not intended for use as petfood shall record—

- (a) the name of the manufacturer;
- (b) the date of supply and receipt;
- (c) the premises of origin and destination;
- (d) the quantity of petfood; and
- (e) the nature of the animal protein contained in the petfood.

(2) He must keep those records for 2 years.

(3) The consignor must ensure that the petfood is labelled with the information referred to in sub-paragraph (1) or is accompanied by documentation that contains that information.

(4) Any person who fails to comply with this paragraph is guilty of an offence.

Cross-contamination of materials originating from premises where processed animal proteins (except fishmeal) are in use

13. It is an offence to supply an ingredient of a feedingstuff if that ingredient is produced on premises where any processed animal protein (except fishmeal) is used in any manufacturing process unless the label or accompanying documentation indicates this.