

2014 No. 184

ANIMALS

ANIMAL HEALTH

**The Animal By-Products (Enforcement) (Amendment)
Regulations (Northern Ireland) 2014**

Made - - - - *25th June 2014*

Coming into operation - *31st July 2014*

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(a).

The Department of Agriculture and Rural Development is a Department designated for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is necessary for the reference to the Commission Regulation (EU) No. 142/2011 (implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive)(c) to be construed as a reference to that instrument as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 31st July 2014.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

(a) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(b) S. I. 1999/2027
(c) O.J. No L 54, 26.02.2011, p.1-254
(d) 1954 c.33 (N.I.)

Amendment of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011

3.—(1) The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011(a) shall be amended in accordance with paragraph (2).

(2) After regulation 10 (Placing on the market in relation to Article 36 of the EU Control Regulation), insert—

“PART IIA

STAINING

Staining

10A.—(1) This regulation applies to the operators of—

- (a) slaughterhouses;
- (b) cutting plants;
- (c) game-handling establishments; and
- (d) cold stores.

(2) In this part—

- (a) the terms “slaughterhouse”, “cutting plant” and “game-handling establishment” have the meanings given to them in regulation 5(6) of the Food Hygiene Regulations (Northern Ireland) 2006(b);
- (b) “cold store” means any other premises used for the storage, under temperature-controlled conditions, of fresh meat intended for sale for human consumption; and
- (c) “scientific purposes” means diagnostic, educational or research purposes.

(3) Operators must, subject to paragraph (5), without undue delay, stain the following animal by-products in accordance with paragraph (4)—

- (a) animal by-products defined by the following articles of the EU Control Regulation—
 - (i) Article 8(c);
 - (ii) Article 8(d);
 - (iii) Article 9(c); or
 - (iv) Article 9(d);
- (b) whole poultry bodies where the animals are dead on arrival at the slaughterhouse;
- (c) bodies or parts of animals which are unfit for human consumption because they show signs of disease communicable to humans or animals;
- (d) bodies or parts of animals which are unfit for human consumption because they have not been presented for either ante or post mortem inspection and the resulting animal by-product is not defined in Article 10 of the EU Control Regulation;
- (e) bodies or parts of animals which have been contaminated with any substance which may pose a threat to public or animal health; and
- (f) Category 3 material that has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health.

(4) Operators must—

(a) S.R. 2011 No. 124

(b) S.R. 2006 No. 3

- (a) stain materials listed in paragraph (3) with a colouring agent and using a solution of such strength that the staining is clearly visible and remains visible after the animal by-product has been chilled or frozen;
 - (b) apply a stain to the whole surface of the animal by-product, whether by immersing the by-product in the stain, spraying it with the solution or applying the solution to the by-product by any other equally effective means;
 - (c) in the case of an animal by-product not falling within sub-paragraph (d) and weighing more than 20 kg, apply the stain after its surface has been opened by multiple and deep incisions; and
 - (d) in the case of an animal by-product comprising a whole poultry body, whether or not it has been eviscerated or de-feathered, apply the stain after the surface of the body has been opened by multiple and deep incisions.
- (5) Operators need not stain pursuant to paragraph (3)—
- (a) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by or on behalf of the surgeon;
 - (b) any animal by-product which is mixed with green offal in a container containing mainly green offal for disposal in accordance with the EU Control Regulation;
 - (c) any animal by-product which is intended for use for scientific purposes and which, pending such use or removal to premises for such use in accordance with the EU Control Regulation, is placed in a room and in a receptacle designed for the purpose of holding animal by-products and bearing a notice that its contents are intended for use for scientific purposes;
 - (d) any animal by-product which is moved immediately after generation to a processing or incineration establishment or plant approved under the EU Control Regulation via a sealed and leak-proof pipe; or
 - (e) a whole animal body, except a whole poultry body.
- (6) No one may export stained material of the type referred to in paragraph (3) to another member State of the European Union unless that member State agrees to import the material.
- (7) In paragraph 5(b) of this regulation “green offal” means the stomach and intestines of an animal and the contents of the digestive tract.”.

Revocation

4. The Animal By-Products (Identification) Regulations (Northern Ireland) 1999^(a) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 25th June 2014.



Geraldine Fee
A senior officer of the Department of Agriculture and Rural Development

^(a) S.R. 1999 No. 418

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011 (S.R. 2011 No. 124).

The Regulations—

- (a) require the immediate staining of certain animal by-products at a slaughterhouse, cutting plant, game handling establishment or cold store; and
- (b) revoke the Animal By-Products (Identification) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 418).

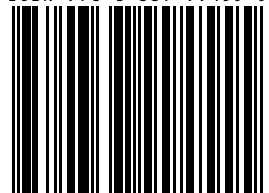
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