

2001 No. 189

ANIMALS

ANIMAL HEALTH

The Rendering (Fluid Treatment) (Scotland) Order 2001

Made

21st May 2001

Coming into force

31st May 2001

The Scottish Ministers, in exercise of the powers conferred by sections 1(a), 7(1) and 8(1) of the Animal Health Act 1981(a) and all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Rendering (Fluid Treatment) (Scotland) Order 2001 and shall come into force on 31st May 2001.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order—

“animal by-product” means—

(a) animal by-product as defined in the Animal By-Products Order 1999(b); and

(b) specified risk material as defined in the Specified Risk Material Regulations 1997(c);

“fluid” includes any liquid, and any property of, or any organism or substance contained in, any liquid; and

“ruminant related fluid” means fluid arising in relation to the rendering or part rendering of ruminant animal by-products from premises at which such rendering or part rendering is carried out and includes fluid a constituent part of which is ruminant related fluid.

Rendering of ruminant animal by-products and treatment of ruminant related fluid

3.—(1) Subject to paragraph (2) below, no person shall render or part render any ruminant animal by-product on any premises unless that person subjects all the ruminant related fluid arising from the rendering or part rendering to such treatment on the premises as will ensure the ruminant related fluid satisfies the requirements of Schedule 1 to this Order.

(2) The prohibition in paragraph (1) above shall not apply to ruminant related fluid discharged, released, disposed or consigned for disposal—

(a) into a public sewer; or

(b) into controlled waters in compliance with a discharge consent from the Scottish Environment Protection Agency.

(a) 1981 c.22; see section 86(1) for the definition of “the Ministers”. The functions of the Ministers of the Crown were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1999/646, as amended, as regards Scotland, by S.S.I. 2001/171.

(c) S.I. 1997/2965, as amended by S.I. 1997/3062, 1998/2045 (itself amended by S.I. 1998/2431), 1999/539, and as regards Scotland, by S.S.I. 2000/62, 2000/345, 2001/3 and 2001/86.

(3) In this article “controlled waters” has the same meaning as in section 30A(1) of the Control of Pollution Act 1974(a).

Testing of ruminant related fluid

4. No person shall—

- (a) discharge, release or dispose of any ruminant related fluid from any premises; or
- (b) consign any ruminant related fluid for discharge, release or disposal of it from any premises,

unless that person has subjected all the ruminant related fluid to tests in accordance with Schedule 2 to this Order to ensure such fluid satisfies the requirements of article 3(1) above and Schedule 1 to this Order.

Records

5.—(1) Any person who renders or part renders any ruminant animal by-product on any premises shall keep a record of the discharge, release, disposal or consignment for disposal of the ruminant related fluid arising from the rendering or part rendering.

(2) For that purpose the record shall show—

- (a) in respect of ruminant related fluid treated for the purposes of article 3(1) above, the dates and results of the tests referred to in article 4 above as read with Schedule 2 to this Order; and
- (b) in respect of treated and untreated ruminant related fluid—
 - (i) the date and method of the discharge, release, disposal or consignment concerned;
 - (ii) the quantity of the ruminant related fluid concerned and a description of it sufficient to enable an inspect to identify it;
 - (iii) the place of discharge, release or disposal, or premises from which, and destination to which, it is consigned or carried; and
 - (iv) if consigned or carried, the name of the consignee or carrier concerned.

(3) A record required to be kept under paragraph (1) above shall be kept by the renderer for at least 10 years.

(4) Any person who consigns any ruminant related fluid for carriage from any premises for discharge, release, or disposal shall give to the carrier a record containing the following information:—

- (a) the address of the premises from which such fluid is collected;
- (b) the date on which such fluid is collected;
- (c) the quantity and description of such fluid, and whether treated or untreated; and
- (d) the place to which such fluid is to be discharged, released or disposed of.

(5) A carrier receiving a record under paragraph (4) above shall keep it for at least 2 years.

Cleansing and disinfection

6.—(1) This article applies where an inspector has reasonable grounds to suspect that ruminant related fluid or any means of movement, including any vehicle or any container or pipe, by, in or through which, any ruminant related fluid is discharged, released, disposed of or carried from any premises to any place, constitutes a disease risk.

(2) Where an inspector has such a suspicion in respect of any ruminant related fluid or any such means of movement, that inspector may serve a notice on the person in charge of the ruminant related fluid or means of movement.

(3) The notice may—

- (a) specify the method of cleansing and disinfection of any such means of movement;
- (b) specify the method of disposal of any ruminant related fluid, or any fluid or any material or liquid other than ruminant related fluid, remaining in the means of movement by, in

(a) 1974 c.40; section 30A was inserted by the Water Act 1989 (c.15), Schedule 23, paragraph 4 and amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 29(2) and Schedule 24, paragraph 1 and by S.I. 1996/3047, regulation 15.

or through which, the ruminant related fluid was discharged, released, disposed of or carried;

- (c) prohibit the use of such means of movement until an inspector is satisfied that the required cleansing and disinfection has satisfactorily been carried out; and
- (d) require compliance with any provision of this Order within such reasonable period as may be specified in the notice.

Powers of inspectors

7.—(1) An inspector who enters any premises in exercise of the powers under the Animal Health Act 1981 may—

- (a) carry out any inquiries, examinations and tests;
- (b) take any samples; and
- (c) examine and copy any records kept under this Order,

which that inspector believes are necessary to ascertain whether the provisions of this Order have been or are being complied with.

(2) An inspector may, for the purposes of identification, mark anything in relation to which any of the powers in paragraph (1) above have been exercised.

(3) No person shall, or shall attempt to, deface, obliterate or remove any such mark as is referred to in paragraph (2) above.

(4) The occupier of any premises and any employee or agent of that person shall give such reasonable assistance to an inspector as may be required for the purpose of facilitating the exercise of the powers under paragraphs (1) and (2) above and, in particular, shall provide a printout of any records kept in electronic form.

Compliance with notices

8.—(1) Any notice served under article 6(2) above shall be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under article 6(2) above is not complied with, an inspector may arrange for it to be complied with and may recover the expense of such compliance from the person required to comply with the notice.

Enforcement

9. This Order shall be enforced by the local authority.

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st May 2001

SCHEDULE 1

Ruminant related fluid satisfies the requirements of this Schedule if–

- (a) it has a biological oxygen demand of no more than 60 mg/l ascertained by reference to a five day incubation period with attenuated nitrification; and
- (b) it contains a level of suspended solids of no more than 80 mg/l.

SCHEDULE 2

Ruminant related fluid is tested in accordance with this Schedule if–

- (a) the level of suspended solids contained therein are–
 - (i) tested 3 times within a period of 24 hours or are continuously monitored; and
 - (ii) tested once every week by a method which conforms with “Suspended Settleable and Total Dissolved Solids in Waters and Effluents”(a); and
- (b) its biological oxygen demand is tested once every week by a method which conforms with the “5 day Biochemical Oxygen Demand (BOD5)”(b).

(a) This is set out in Methods for the Examination of Waters and Associated Materials HMSO 1980 ISBN 011751957X.

(b) This is set out in Methods for the Examination of Waters and Associated Materials HMSO Second Edition 1988 ISBN 0117522120.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order will apply in addition to the provisions made for rendering and part rendering in the Animal By-Products Order 1999, the Specified Risk Material Regulations 1997 and the Specified Risk Material Order 1997 to make specific provision for ruminant related fluid.

Article 2 of this Order defines ruminant related fluid and article 3 and Schedule 1 make provision in relation to the treatment of ruminant related fluid. Article 4 and Schedule 2 make provision in relation to the testing of ruminant related fluid prior to its discharge, release and disposal.

Article 5 imposes record keeping requirements. Article 6 makes provision for inspectors to enforce requirements in relation to cleansing and disinfection. Article 7 makes further provision in relation to powers of inspectors and article 8 makes provision in relation to compliance with notices served under article 6. Article 9 provides for enforcement of this Order.

Copies of the texts referred to in Schedule 2 can be obtained from the Scottish Environment Protection Agency, Erskine Court, The Castle Business Park, Stirling, FK9 4TR.

A Regulatory Impact Assessment in relation to this Order has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.

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