

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2002 No. 255**

**The TSE (Scotland) Regulations 2002**

**Part III**

**Animal feeding**

*Processed animal protein*

**Feeding of processed animal protein to farmed animals**

**14.**—(1) Subject to paragraph (2) below, no person shall feed any processed animal protein to a farmed animal.

(2) The prohibition in paragraph (1) above shall not apply to—

(a) the feeding to farmed animals (other than ruminants) of fishmeal—

(i) produced in Scotland in premises approved under regulation 16 below, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations;

(ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex;

(iii) produced in another member State in premises approved by the competent authority of that member State in accordance with Annex I to the Commission Decision, which are used in accordance with the conditions of the approval, and transported and intermediately stored in accordance with the conditions specified in that Annex; or

(iv) produced in a third country which—

— before being sold or supplied in Scotland, has been analysed in accordance with Commission Directive [98/88/EC](#)(1);

— is transported directly from the border inspection post in accordance with the conditions specified in paragraphs 4 and 5 of Schedule 2 to these Regulations; and

— is not intermediately stored otherwise than in accordance with the conditions of paragraph 3 of that Schedule;

(b) the feeding to farmed animals of gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#)(2) concerning additives in feedingstuffs;

---

(1) O.J. No. L 318, 27.11.1988, p.45.

(2) O.J. No. L 270, 14.12.1970, p.1, as last amended by Directive [1999/70/EC](#) (O.J. No. L 80, 25.3.1999, p.20).

- (c) the feeding to farmed animals (other than ruminants) of dicalcium phosphate—
  - (i) produced in Scotland in premises approved and used as mentioned in regulation 17(1) and (3) below;
  - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
  - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval;
- (d) the feeding to farmed animals (other than ruminants) of hydrolysed protein—
  - (i) produced in Scotland in premises approved and used as mentioned in regulation 17(2) and (3) below;
  - (ii) produced in another part of the United Kingdom in premises approved by the competent authority of that part in accordance with the Commission Decision and used in accordance with that approval; or
  - (iii) produced in another member State in premises approved by the competent authority of that member State in accordance with the Commission Decision and used in accordance with that approval; or
- (e) the feeding to farmed animals of milk and milk products.

#### **Sale or supply of processed animal protein intended for the feeding of farmed animals**

**15.**—(1) Subject to paragraph (2) below, no person shall sell or supply any processed animal protein intended for the feeding of any farmed animal.

- (2) The prohibitions in paragraph (1) above shall not apply to the sale or supply of—
  - (a) fishmeal referred to in regulation 14(2)(a) above for feeding to farmed animals (other than ruminants);
  - (b) gelatin derived from non-ruminant animals for coating additives within the meaning of Council Directive [70/524/EEC](#) concerning additives in feedingstuffs;
  - (c) dicalcium phosphate referred to in regulation 14(2)(c) above for feeding to farmed animals (other than ruminants);
  - (d) hydrolysed protein referred to in regulation 14(2)(d) above for feeding to farmed animals (other than ruminants); or
  - (e) milk and milk products.

#### **Production of fishmeal for feeding to farmed animals other than ruminants**

**16.**—(1) No person shall use any premises for the production of fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are approved for that purpose by the Scottish Ministers under this regulation; and
- (b) fishmeal produced at the premises—
  - (i) is not transported from the premises otherwise than in accordance with the conditions specified in paragraphs 1 and 2 of Schedule 2 to these Regulations; and
  - (ii) is not intermediately stored otherwise than in accordance with the conditions specified in paragraph 3 of that Schedule.

(2) On an application made to them under this regulation for the approval of premises for the production of fishmeal for feeding to farmed animals other than ruminants, the Scottish Ministers shall approve the premises for this purpose if, following an inspection of the premises by a veterinary inspector, they are satisfied that—

- (a) the premises will be dedicated only to fishmeal production;
- (b) the premises are ABPO approved; and
- (c) the occupier of the premises will be able to ensure that fishmeal is transported from the premises and intermediately stored in accordance with the conditions specified in paragraphs 1, 2 and 3 of Schedule 2 to these Regulations.

(3) The person carrying on any business at premises approved under this regulation shall ensure that—

- (a) the production of fishmeal at the premises is in accordance with the approval and in compliance with the provisions of this regulation subject to which the approval is granted;
- (b) any person employed by that person, and any person invited to the premises, complies with those provisions; and
- (c) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable that inspector or person to carry out functions under these Regulations in relation to the premises and that the inspector or person is given such reasonable assistance and access to such records (including any records held in electronic form) as may at any reasonable time be required for that purpose.

#### **Production of dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants**

17.—(1) No person shall use any premises for the production of dicalcium phosphate for feeding to farmed animals other than ruminants unless—

- (a) the premises—
  - (i) are approved for that purpose by the Scottish Ministers under this regulation; and
  - (ii) are used for that purpose in accordance with the conditions specified in Schedule 3 to these Regulations; and
- (b) transport of dicalcium phosphate to the premises is in accordance with the conditions specified in paragraph 4 of that Schedule.

(2) No person shall use any premises for the production of hydrolysed protein for feeding to farmed animals other than ruminants unless—

- (a) the premises—
  - (i) are approved for that purpose by the Scottish Ministers under this regulation; and
  - (ii) are used for that purpose in accordance with the conditions specified in Schedule 4 to these Regulations; and
- (b) transport of hydrolysed protein to the premises is in accordance with the conditions specified in paragraph 3 of that Schedule.

(3) On an application made to them under this regulation for the approval of premises for the production of dicalcium phosphate or hydrolysed protein, the Scottish Ministers shall approve the premises for the production concerned if, following an inspection of the premises by a veterinary inspector, they are satisfied that—

- (a) the premises are ABPO approved;
- (b) the occupier of the premises will be able to maintain and use the premises in accordance with the ABPO approval;

- (c) in respect of an application for approval of the premises for production of dicalcium phosphate, the occupier of the premises will be able to comply with the conditions specified in Schedule 3 to these Regulations; and
  - (d) in respect of an application for approval of the premises for production of hydrolysed protein, the occupier of the premises will be able to comply with the conditions specified in Schedule 4 to these Regulations.
- (4) The occupier of premises approved under this regulation shall ensure that—
- (a) in respect of the production of dicalcium phosphate at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 3 to these Regulations subject to which the approval is granted;
  - (b) in respect of the production of hydrolysed protein at the premises, the production is in accordance with the approval and complies with the provisions of this regulation and Schedule 4 to these Regulations subject to which the approval is granted;
  - (c) any person employed by that occupier, and any person invited to the premises, complies with those provisions; and
  - (d) any inspector, and any person acting under the authority of an inspector, is provided with adequate facilities so as to enable that inspector or person to carry out functions under these Regulations in relation to the premises and that the inspector or person is given such reasonable assistance and access to such records (including any records held in electronic form) as may at any reasonable time be required for that purpose.

### **Transport and storage of processed animal protein**

**18.**—(1) No person shall transport from or to any premises, or store in bulk at any premises, any processed animal protein the sale or supply of which is prohibited by regulation 15 above, unless—

- (a) the premises are not used for the preparation of feedingstuffs for ruminant animals; and
- (b) both that person and the premises are registered for the purpose of the Commission Decision by the Scottish Ministers.

(2) The Scottish Ministers shall register premises under this regulation where the occupier declares that the premises are capable of being used in accordance with the Commission Decision.

(3) Where a vehicle used for the transport of any dicalcium phosphate or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other products, the person using the vehicle for the transport of such dicalcium phosphate or hydrolysed protein shall ensure the vehicle is thoroughly cleaned and inspected before and after the transport of such dicalcium phosphate or hydrolysed protein.