

2002 No. 283

FOOD

The Animal By-Products (Identification) Amendment
(Scotland) Regulations 2002

Made 7th June 2002

Laid before the Scottish Parliament 10th June 2002

Coming into force 1st July 2002

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(c), (d) and (f) and (3), 26(3) and 48(1) of, and paragraph 3 of Schedule 1 to, the Food Safety Act 1990(a) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal By-Products (Identification) Amendment (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations shall extend to Scotland only.

Amendments to the Animal By-Products (Identification) Regulations 1995

2.—(1) The Animal By-Products (Identification) Regulations 1995(d) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

- (a) for the definition of “the 1992 Order”, there shall be substituted—
““the 1999 Order” means the Animal By-Products Order 1999(e);”;
- (b) in the definition of “animal by-products premises”, “cold store, cutting premises,” shall be inserted before “slaughterhouse”;
- (c) the following definitions shall be inserted after the definition of “carcase”:-
““cold store” means any premises licensed as such under the Hygiene Regulations;
“cutting premises” means any premises licensed as such under the Hygiene Regulations;”;
- (d) in the definition of “game processing facility”, “cold store, cutting premises or” shall be inserted before “slaughterhouse”; and

(a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(c) Section 48(4B) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(d) S.I. 1995/614, amended by S.I. 1995/1955, 1996/3124, 1997/2073 and S.S.I. 2000/62.

(e) S.I. 1999/646, amended by S.S.I. 2001/171.

- (e) in the definition of “occupier”, “cold store, cutting premises,” shall be inserted before “slaughterhouse”;
 - (f) the following definition shall be inserted after the definition of “scientific purposes”:-
 ““slaughterhouse” means any premises licensed as such under the Hygiene Regulations;”;
 - (g) the definition of “specified bovine offal” shall be omitted; and
 - (h) for the definition of “stained”, there shall be substituted-
 “stained” means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(f), which solution is of such a strength that the colouring on the animal by-product is clearly visible; and in this definition, “treated” means-
 - (a) that the solution has been applied to the whole surface of the animal by-product, whether by immersing the animal by-product in the solution, spraying the animal by-product with the solution or applying the solution to the animal by-product by any other equally effective means;
 - (b) in the case of an animal by-product not falling within paragraph (c) below and weighing not less than 25 kg, that the solution has been so applied after the surface of the animal by-product has been opened by multiple and deep incisions; and
 - (c) in the case of an animal by-product comprising an entire poultry carcass, whether or not it has been eviscerated or de-feathered, that the solution has been so applied after the surface of the carcass has been opened by multiple and deep incisions.”.
- (3) For regulation 4 (scope) there shall be substituted-

“Scope

- 4.** Nothing in these Regulations shall-
- (a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire carcass, except an entire poultry carcass which is dead on arrival at a slaughterhouse or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughterhouse in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(g);
 - (b) affect the operation of any order made, or having effect, under the Animal Health Act 1981(h).”.
- (4) In regulation 5 (exemptions)-
- (a) for paragraph (1)(f) there shall be substituted-
 “(f) specified risk material controlled by the TSE (Scotland) Regulations 2002(i).”;
 - (b) for paragraph (2)(a) there shall be substituted-
 “(a) poultry heads and feet which-
 - (i) have been subjected to a post-mortem veterinary inspection; and
 - (ii) during the course of that inspection did not show gross pathological lesions indicating disease communicable to man or animals;”;
 - (c) in paragraph (2)(c), “cold store, cutting premises,” shall be inserted before “slaughterhouse”; and
 - (d) in paragraphs (2)(c) and (d), for “the 1992 Order” there shall be substituted “the 1999 Order”.

(f) The Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(g) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205, 1997/1729 and S.S.I. 2000/62, 171 and 288 and 2002/87 and 234.

(h) 1981 c.22.

(i) S.S.I. 2002/255.

(5) For regulation 6 (sterilisation and staining of animal by-products in slaughterhouses or game processing facilities), there shall be substituted—

“Sterilisation and staining of animal by-products in cold stores, cutting premises, slaughterhouses and farmed game processing facilities

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting premises, slaughterhouse or farmed game processing facility to ensure that any animal by-product is sterilised or stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply to any animal by-product—

(a) which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation and bearing a notice that its contents are to be sterilised on the premises and which is then sterilised there;

(b) which—

(i) (in the case of an animal by-product other than a poultry by-product) is immediately moved to accommodation in the relevant cutting premises, slaughterhouse or game processing facility and placed in a receptacle as mentioned in paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995(j), and which is stained there; or

(ii) (in the case of a poultry by-product) is immediately moved to accommodation in the relevant cold store, cutting premises or slaughterhouse and placed in a container as mentioned in paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 and which is stained there; or

(c) which is intended to be removed from the relevant cold store, cutting premises, slaughterhouse or game processing facility in accordance with regulation 10(2), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(3) The occupier of any cold store, cutting premises, slaughterhouse or game processing facility shall ensure that any animal by-product which is placed in a receptacle or container in accordance with paragraph (2)(a) or (b) above is sterilised or, as the case may be, stained, and removed from the cold store, cutting premises, slaughterhouse or game processing facility as soon as is reasonably practicable.

(4) The occupier of any cold store, cutting premises, slaughterhouse or game processing facility shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2)(c) above is removed from the cold store, cutting premises, slaughterhouse or game processing facility in accordance with regulation 10(2) as soon as is reasonably practicable.”.

(6) For regulation 8 (freezing of animal by-products in any slaughterhouse, game processing facility or animal by-products premises), there shall be substituted—

“Freezing of animal by-products in any cold store, cutting premises, slaughterhouse, game processing facility or animal by-products premises

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any cold store, cutting premises, slaughterhouse, game processing facility or animal by-products premises unless it has been sterilised or stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant cold store, cutting premises, slaughterhouse, game processing facility or animal by-products premises in accordance with regulation 10(2).”.

(7) For regulation 9 (storage and packaging of animal by-products), there shall be substituted—

(j) S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I. 2000/62, 171, 288 and 2001/160, 358, 394 and 429 and 2002/35 and 234.

“Storage and packaging of animal by-products

9.—(1) Subject to paragraph (2) below, no person shall store any unsterilised animal by-product in the same room as any product which is intended for human consumption.

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

- (a) an animal by-product, other than a poultry by-product, which is stored and dealt with in accordance with paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995; or
- (b) a poultry by-product which is stored and dealt with in accordance with paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

(3) No person shall store in any part of a cold store, cutting premises, slaughterhouse or game processing facility any unsterilised animal by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing the declaration “Not intended for human consumption” in letters at least two cm high, the name of the packer and the address at which the animal by-product was packed or, in the case of any imported animal by-product, the name of the country from which it was imported into Great Britain and—

- (a) (in the case of any animal by-product which is high risk material as defined in article 3(1) of the 1999 Order) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration “High risk animal by-product” in letters at least two cm high”; or
- (b) (in the case of any animal by-product which is low risk material as defined in Article 3(1) of the 1999 Order) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration “Low risk animal by-product” in letters at least two cm high.”.

(8) For regulation 10 (restriction on movement of animal by-products), there shall be substituted—

“Restriction on movement of animal by-products

10.—(1) Subject to paragraph (2) below, no person shall move or cause to be moved any animal by-product from any cold store, cutting premises, slaughterhouse, game processing facility or animal by-products premises unless it has been sterilised or stained in accordance with these Regulations.

(2) The prohibition contained in paragraph (1) above shall not apply in relation to any animal by-product which has not been sterilised or stained in accordance with these Regulations because of a permanent or temporary closure of the relevant cold store, cutting premises, slaughterhouse, game processing facility or animal by-products premises, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer of the enforcement authority, to other premises for incineration or burial in accordance with the provisions of the 1999 Order.”.

MARY MULLIGAN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th June 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Animal By-Products (Identification) Regulations 1995.

The substantive amendments made by these Regulations to the 1995 Regulations are as follows:–

- (a) in paragraph 1 of regulation 2 (interpretation)–
 - the definition of the Animal By-Products Order is updated;
 - the definition of “animal by-product premises” is amended to exclude cold stores and cutting premises;
 - the definition of “game processing facility” is amended to exclude cold stores and cutting premises;
 - the definition of “occupier” is extended to include the occupier of a cold store or cutting premises;
 - the definition of “specified bovine offal” is removed;
 - the definition of “stained” is amended so as to provide that, in the case of animal by-products comprising entire poultry carcasses, it means that the stain solution has been applied after the surface of the carcass has been opened by multiple and deep incisions; and
 - definitions are inserted of the phrases “cold store”, “cutting premises” and “slaughterhouse” (regulation 2(2));
- (b) regulation 4 (scope) is replaced with a provision which provides that the only whole carcasses which have to be sterilised or stained are whole poultry carcasses which are dead on arrival at a slaughterhouse or which are rejected following pre-slaughter or post-mortem health inspections carried out at such premises (regulation 2(3));
- (c) the exemption from the application of the Regulations which was contained in regulation 5(1)(f) in favour of specified bovine offal is extended to cover specified risk material controlled by the TSE (Scotland) Regulations 2002 (regulation 2(4)(a));
- (d) the exemption from the application of the Regulations which is contained in regulation 5(2)(a) and which operates in favour of poultry by-products is removed (regulation 2(4)(b));
- (e) the exemption from the application of the Regulations which is contained in regulation 5(2)(c) and which operates in favour of the removal of green offal from animal by-products premises, game processing facilities and slaughterhouses is extended to apply also in favour of cold stores and cutting premises (regulation 2(4)(c));
- (f) references to the Animal By-Products Order are amended to refer to the new definition (regulation 2(4)(d));
- (g) regulation 6 (which currently imposes requirements with respect to the sterilisation and staining of animal by-products in slaughterhouses and game processing facilities only) is replaced with a provision which applies also in relation to cold stores and cutting premises (regulation 2(5));
- (h) regulation 8 (which currently imposes requirements in relation to freezing animal by-products in animal by-products premises, game processing facilities and slaughterhouses only) is replaced with a provision which applies also in relation to cold stores and cutting premises (regulation 2(6));
- (i) regulation 9 (which currently imposes requirements in relation to the storage and packaging of animal by-products) is replaced with a provision which imposes requirements with respect to the storage of unsterilised animal by-products in the same room as products intended for human consumption and in cold stores, cutting premises, game processing facilities and slaughterhouses (regulation 2(7)); and
- (j) regulation 10 (which currently imposes restrictions on the movement of animal by-products from animal by-products premises, game processing facilities and slaughterhouses only) is replaced with a provision which applies also in relation to cold stores and cutting premises (regulation 2(8)).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effects which these Regulations would have on business costs, has been prepared in respect of these Regulations and a copy of it has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Meat Policy Branch of the Food Standards Agency Scotland, 6th floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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