
 S T A T U T O R Y I N S T R U M E N T S

1973 No. 1936

ANIMALS

The Diseases of Animals (Waste Food) Order 1973

<i>Made</i> - - -	16th November 1973
<i>Coming into Operation</i> <i>Articles 1, 2 and 11</i>	3rd December 1973
<i>Article 4</i>	1st February 1974
<i>Remainder</i>	1st July 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of powers conferred by sections 1(1), 20 and 85(1) of the Diseases of Animals Act 1950(a) and now vested in them(b), and all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This order, which may be cited as the Diseases of Animals (Waste Food) Order 1973, applies to Great Britain and shall come into operation as to articles 1, 2 and 11 on 3rd December 1973, as to article 4 on 1st February 1974 and as to the remainder on 1st July 1974.

2.—(1) In this order unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

“animal” means any kind of mammal except man, and any kind of four-footed beast which is not a mammal;

“approved disinfectant” has the meaning assigned by the Diseases of Animals (Approved Disinfectants) Order 1972(c);

“issuing authority” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;

“livestock” means cattle, sheep, pigs and goats;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“poultry” means live birds of the following species, that is to say all species of fowls, turkeys, geese, ducks, guinea fowls, pigeons, pheasants, partridges, and quails;

“processed” in relation to waste food means treated so that all of the waste food being treated was maintained for at least 60 minutes at a temperature of not less than 100°C (212°F) or treated by an alternative process which has been authorised in writing by the Minister or the Secretary of State; and the expressions “processing” and “unprocessed” shall be construed accordingly;

“waste food” means—

(a) any meat, bones, blood, offal or other part of the carcase of any

(a) 1950 c. 36.

(b) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958 (1955 I, p. 1184)).

(c) S.I. 1972/1413 (1972 III, p. 4281).

livestock or of any poultry, or product derived therefrom or hatchery waste or eggs or egg shells; or

- (b) any broken or waste foodstuffs (including table or kitchen refuse, scraps or waste) which contain or have been in contact with any meat, bones, blood, offal or with any other part of the carcass of any livestock or of any poultry;

but does not include meal manufactured from protein originating from livestock or poultry.

(2) Other expressions used in this order have, insofar as the content admits, the same meanings as in the Diseases of Animals Act 1950.

(3) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the order hereby revoked were Acts of Parliament.

Prohibitions relating to unprocessed waste food etc.

3.—(1) Subject to paragraph (4) of this article, no person shall have in his possession on any premises for the purpose of feeding to any livestock or poultry on such premises any unprocessed waste food unless he is the holder of a licence issued under the provisions of article 7 of this order.

(2) Subject to paragraph (4) of this article (but without prejudice to the provisions of article 4 of this order) no person shall feed or cause or permit to be fed to any livestock or poultry—

(a) any waste food, or

(b) any other feedingstuffs for livestock or poultry which have been in contact with unprocessed waste food,

unless such waste food or other feedingstuffs have first been processed by means of plant and equipment the operation of which is licensed under the provisions of a licence granted under article 7 of this order.

(3) Without prejudice to the provisions of article 4 of this order, no person shall feed or cause or permit to be fed to any livestock or poultry any processed waste food which has been in contact with unprocessed waste food until such processed waste food has been processed again.

(4) The prohibitions contained in paragraphs (1) and (2) of this article shall not apply to the possession by any person of waste food originating solely from his own household, or to the feeding or causing or permitting to be fed such waste food to livestock or poultry belonging to him provided such waste food has been processed.

Prohibition on feeding waste food from ships, aircraft etc.

4. Notwithstanding any provisions contained in article 3 of this order, no person shall in any circumstances feed or cause or permit to be fed to any animal or to any poultry or other birds any waste food removed from any ship, aircraft, hovercraft or road or other vehicle (being waste food which was or which originated from stores for the consumption of passengers, crew, animals, poultry or other birds carried on such ship, aircraft, hovercraft, road or other vehicle and imported into Great Britain) or any other waste food which has been in contact with imported waste food of the aforesaid description.

Restrictions on disposal of unprocessed waste food

5.—(1) No person having possession, charge or control of any unprocessed waste food intended for feeding to livestock or poultry shall move or cause or

permit to be moved any such waste food from the premises where it is except to premises in respect of which a licence has been issued to the occupier under the provisions of article 7 or article 8 of this order.

(2) No person shall permit any unprocessed waste food intended for feeding to livestock or poultry to be moved onto premises which he occupies unless he is the holder in respect of the premises to which such waste food is moved of a licence issued under the provisions of article 7 or article 8 of this order:

Provided always that nothing contained in the foregoing provisions of this article shall apply to the movement of any waste food to other premises for the purpose of manufacture into meal.

Restrictions on access to unprocessed waste food

6.—(1) No person having possession, charge or control of any unprocessed waste food intended for feeding to livestock or poultry shall cause or permit any such waste food to come into contact with any other food intended for feeding to livestock or poultry or with anything intended to be used for or about livestock or poultry.

(2) No person having possession, charge or control of any unprocessed waste food shall—

- (a) permit any livestock, or any poultry under his control, to have access to such waste food;
- (b) in the case of unprocessed waste food intended for feeding to livestock or poultry, permit any livestock, poultry, dogs or cats to have access to such waste food.

Licensing of plant and equipment

7. A licence authorising the operation of plant and equipment for processing waste food may be granted by the issuing authority only to the occupier of premises which conform to the specifications set out in Part I of Schedule 1 to this order, or which are approved by the Minister or the Secretary of State as being of a standard substantially equivalent to those specifications, and shall contain the conditions and requirements set out in Part II of Schedule 1 to this order, or such substantially equivalent conditions and requirements as may be approved by the Minister or Secretary of State as appropriate.

Licensing of holding premises

8. A licence authorising the reception of waste food intended for feeding to livestock or poultry may be granted under this article by the issuing authority only to the occupier of premises (hereinafter referred to as "holding premises") which conform to the specifications set out in Part I of Schedule 2 to this order or which are approved by the Minister or the Secretary of State as being of a standard substantially equivalent to those specifications and shall contain the conditions and requirements set out in Part II of Schedule 2 to this order or such substantially equivalent conditions and requirements as may be approved by the Minister or the Secretary of State as appropriate.

Restrictions on movement of waste food by road

9.—(1) No person shall use or cause or permit to be used any road vehicle for the carriage of unprocessed waste food intended for feeding to livestock or poultry unless such vehicle is drip-proof, is covered and enclosed by material capable of being thoroughly disinfected and is so constructed as to prevent spillage of any waste food out of the vehicle.

(2) No person shall—

- (a) place or convey any livestock, poultry, feedingstuffs for livestock or poultry (other than waste food) or anything intended to be used for or about livestock or poultry in any road vehicle which also contains in any part thereof processed waste food or unprocessed waste food intended for feeding to livestock or poultry;
- (b) place or convey any unprocessed waste food in any road vehicle which also contains in any part thereof processed waste food.

(3) The person in charge of any road vehicle who uses or causes to be used that vehicle for the conveyance of unprocessed waste food intended for feeding to livestock or poultry shall, as soon as practicable after each occasion on which it is so used, and before any further use is made of such vehicle for the carriage of any animal or bird or of any thing (including unprocessed waste food), thoroughly cleanse and disinfect such vehicle with an approved disinfectant.

(4) No person shall cause or permit any road vehicle which he knows or has reasonable grounds for believing has contained unprocessed waste food intended for feeding to livestock or poultry to enter any premises where livestock or poultry are kept before it has been thoroughly cleansed and disinfected with an approved disinfectant.

Prohibition on distribution of processed waste food

10. No person shall move or cause or permit to be moved any processed waste food intended for feeding to livestock or poultry from the premises on which processing has taken place except to other premises occupied by the holder of the licence granted under article 7 of this order in respect of the premises at which the processing has taken place unless such movement is made in accordance with the conditions and requirements of an authority in writing issued by the Minister or the Secretary of State.

Applications for licences

11. An application for a licence to be granted pursuant to the provisions of article 7 or article 8 of this order shall be made in writing to the veterinary inspector appointed for the time being to receive such applications for the area in which the premises are situated.

Exemption

12. The Minister as respects England and Wales or the Secretary of State as respects Scotland, may, if he thinks fit, and subject to such conditions for preventing the spread of disease as he may think expedient, issue a certificate exempting any person from all or any of the provisions of this order.

Offences

13. If any person acting under the authority of any licence, authority or certificate granted under this order contravenes or fails to comply with any requirement or condition of any such licence, authority or certificate he shall be guilty of an offence against the Diseases of Animals Act 1950.

Enforcement

14. The provisions of this order shall, except where it is otherwise provided, be executed and enforced by the local authority.

Revocation

15. The Diseases of Animals (Waste Foods) Order 1957(a) is hereby revoked.

Amendment

16. For the definitions of "poultry" and "waste food" set out in article 1(2) of the Movement of Pigs (Waste Food Precautions) Order 1973(b) there shall be substituted respectively the definitions of "poultry" and "waste food" set out in article 2(1) of this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th November 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

16th November 1973.

Article 7

SCHEDULE 1

CONSTRUCTIONAL SPECIFICATIONS AND OPERATING CONDITIONS FOR
PROCESSING PREMISES

PART I

CONSTRUCTIONAL SPECIFICATIONS

1. The processing premises must be physically separate from any premises where animals and poultry are kept and must have a separate entrance.
2. The premises must be constructed in such manner that they do not permit access to and can be maintained free from livestock, poultry, dogs and cats.
3. The processing premises must contain two areas which must be used solely and separately for the following purposes:—
 - (a) One area for the reception and storage of unprocessed waste food hereinafter referred to as the "reception area";
 - (b) One area for the handling of processed waste food hereinafter referred to as the "clean area".

In addition, if the reception area is not of adequate size to permit the cleansing and disinfection of lorries within it, there must be provided an area solely and separately for the following purpose:—

An area adjoining the reception area enclosed and of adequate size for the cleansing and disinfection of vehicles hereinafter to be referred to as the "disinfection area".

4. The entire floor area of the reception area, the clean area and disinfection area must be concreted over and rendered impervious.

(a) S.I. 1957/628 (1957 I, p. 148).

(b) S.I. 1973/690 (1973 I, p. 2293).

5. The reception area and the clean area must be fully enclosed and roofed. They must be constructed of durable materials and be bird and rat proof. The walls and doors to a height of 1800 millimetres nominal (6 feet) must be of solid construction and either constructed of an impervious material or rendered impervious on interior surfaces. Doors to the reception area must be of sufficient height and width to permit the entrance of a vehicle for unloading and the reception area must be of sufficient size to permit unloading from the delivery vehicle and containers. Construction of the doorways must be such that seepage is prevented.

6. The reception area must be separated from the clean area by means of a solid brick or solid block wall with no apertures, or by such other means as will ensure that there is no direct movement of personnel or anything between the two areas except waste food through the processing plant.

7. The processing plant must be constructed and placed so as to allow it to be loaded from the reception area and discharged into the clean area.

8. There must be at all times a means acceptable to the issuing authority of showing that the waste food being processed has reached the required temperature.

9. The reception area and the disinfection area must have separate surface drainage from the clean area so that flow or seepage into the clean area cannot occur.

10. Drainage from the premises as a whole must be conducted away in such a manner as to be inaccessible to livestock and poultry. Adequate gulleys having substantial covers with apertures not exceeding 9 millimetres in width must be provided for such drainage.

11. The premises must have an adequate water supply under pressure sufficient for the operation and cleansing of the premises, all the equipment therein and all vehicles and equipment used for transporting waste food to or from the premises.

PART II

CONDITIONS TO BE CONTAINED IN A LICENCE FOR PROCESSING PREMISES

1. The premises to which the licence relates must be delineated in the licence.
2. The premises to which the licence relates must be used solely for the purpose for which it is licensed.
3. The licensee must at all times maintain the premises rodent free and in a good state of repair and the plant and equipment in a serviceable condition.
4. The licensee must ensure that no livestock or poultry, dogs or cats are at any time permitted on the premises.
5. The whole premises must be securely closed when no one is in attendance.
6. The licensee must ensure that all unprocessed waste food brought onto the premises is unloaded and stored within the reception part, the entrance to which must be securely closed when no one is in attendance.
7. The plant and equipment used for processing waste food must, in the opinion of the issuing authority, be adequate for processing in accordance with the requirements of this order.
8. The licensee must ensure that processed waste food is removed from the premises only from the clean area.
9. The licensee shall not permit waste food to remain in the reception area in an unprocessed state for more than 48 hours before being processed.
10. The licensee must ensure that the premises are cleansed at the end of each day on which processing of waste food has taken place.

11. The licensee must ensure that the inside surfaces of any vehicle owned or controlled by him which has been used for transporting unprocessed waste food and any other part of such a vehicle which has been soiled with unprocessed waste food are cleansed and disinfected with an approved disinfectant as soon as possible after the completion of unloading.

12. The licensee must ensure that any container which has contained unprocessed waste food is cleansed within the reception area after use and in no circumstances taken into the clean area or used for the carriage of processed waste food.

13. The licensee must ensure that no equipment (other than a container to which paragraph 12 applies) which has been used in connection with unprocessed waste food is moved from the reception area or the disinfection area unless it has been cleansed and disinfected with an approved disinfectant. Such equipment may not be taken into the clean area or used in connection with processed waste food.

14. The licensee must ensure that any floor sweepings or other waste collected in the clean area are processed again before coming into contact with livestock or poultry or are disposed of effectively.

15. The licensee and his employees must not leave the reception and disinfection areas without first washing their hands, cleansing and disinfecting their footwear and changing or cleansing and disinfecting their outer clothing.

16. The licensee must record the source and distribution of waste food and retain such records for three months.

17. The licensee must at all reasonable times permit an inspector or other officer of the issuing authority to enter the premises and to examine or test any plant, equipment, tool, vehicle, records or other thing thereon, and to take samples of any waste food found thereon.

18. If an inspector of the issuing authority has reasonable grounds for suspecting that the processing premises authorised by a licence granted under the order or its contents or the operation of any plant and equipment is such as to constitute the risk of the spread of disease, he may serve upon the licensee a notice requiring cleansing and disinfection of such processing premises, plant, equipment, vehicles, tools or other thing as necessary at the licensee's expense. Such notice may specify the method of cleansing and disinfection to be adopted, and the date by which such cleansing and disinfection is to be completed, and may prohibit forthwith the movement of waste food onto the premises until such time as the required cleansing and disinfection has been satisfactorily completed and may specify the method of disposal of any waste food remaining on the processing premises.

19. These conditions may be extended or additional conditions may be included at the discretion of the issuing authority.

20. The licence shall be valid for such period not exceeding one year from the date of its granting as may be specified therein but may be previously revoked or suspended by the issuing authority in the event of the licensee failing to comply with one or more of the conditions of the licence or with the requirements of a notice issued under the provisions of paragraph 18 above.

Article 8

SCHEDULE 2

CONSTRUCTIONAL SPECIFICATIONS AND OPERATING CONDITIONS FOR HOLDING PREMISES

PART I

CONSTRUCTIONAL SPECIFICATIONS

1. The holding premises must be physically separate from premises where livestock and poultry are kept and have no direct access to such premises.

2. The holding premises must be constructed in such a manner that they do not permit entry to and can be maintained free from livestock, poultry, dogs and cats.

3. The holding premises must be fully enclosed and roofed. They must be constructed of durable materials and be bird and rat proof. The walls and doors to a minimum height of 1800 millimetres nominal (6 feet) shall be of solid construction and either constructed of impervious material or rendered impervious on interior surfaces. The floor area contained between the walls must be concreted and rendered impervious. Doors must be of sufficient height and width to permit the entrance of a vehicle for unloading. Construction of the doorways must be such that seepage is prevented.

4. The holding premises must be of sufficient size to permit unloading of containers and the cleansing and disinfection of delivery vehicles within it.

5. Drainage from the premises as a whole must be conducted away in such a manner as to be inaccessible to livestock and poultry. Adequate gulleys, having substantial covers, with apertures not exceeding 9 millimetres in width must be provided for such drainage.

6. The premises must have an adequate water supply under pressure sufficient for the operation and cleansing of the premises, all the equipment therein, and all the vehicles, containers and equipment used for transporting waste food to or from the premises.

PART II

CONDITIONS TO BE CONTAINED IN A LICENCE FOR HOLDING PREMISES

1. The holding premises to which the licence relates must be delineated in the licence.

2. The premises to which the licence relates must be used solely for the purpose for which it is licensed.

3. The licensee must ensure that the holding premises are kept rodent free and in a good state of cleanliness and repair.

4. The licensee must ensure that no livestock, poultry, dogs or cats are at any time permitted on the holding premises.

5. The licensee must ensure that the holding premises are securely closed at all times when no one is in attendance.

6. The licensee must ensure that all waste food brought onto the holding premises is unloaded and stored within the holding premises.

7. The licensee must ensure that the inside surfaces of any vehicle owned or controlled by him which has been used for transporting waste food and any other part of such a vehicle which has been soiled with waste food is cleansed and disinfected with an approved disinfectant as soon as possible after the completion of unloading.

8. The licensee must ensure that any receptacle which has contained unprocessed waste food is cleansed within the holding premises after use.

9. The licensee and his employees must not leave the premises without first washing their hands, cleansing and disinfecting their footwear and changing or cleansing and disinfecting their outer clothing.

10. The licensee must record the source and distribution of waste food and shall retain such records for three months.

11. The licensee must at all reasonable times permit an inspector or other officer of the issuing authority to enter the holding premises and to examine or test any equipment, tool, vehicle, records or other thing thereon, and to take samples of any waste food found thereon.

12. If an inspector of the issuing authority has reasonable grounds for suspecting that any holding premises authorised by a licence granted under the order or its contents is such as to constitute the risk of the spread of disease, he may serve upon the licensee a notice requiring cleansing and disinfection of such holding premises, equipment, vehicles, tools or other things as necessary at the licensee's expense. Such notice may specify the method of cleansing and disinfection to be adopted, and the date by which such cleansing and disinfection is to be completed, and may prohibit forthwith the movement of waste food onto the holding premises until such time as the cleansing and disinfection required has been satisfactorily completed and may specify the method of disposal of any waste food remaining on the holding premises.

13. These conditions may be extended or additional conditions may be added at the discretion of the issuing authority.

14. The licence shall be valid for such period not exceeding one year from the date of issue as may be specified therein but may be previously revoked or suspended by the Minister or the Secretary of State in the event of the licensee failing to comply with one or more of the conditions of the licence or with the requirements of a notice issued under the provisions of paragraph 12 above.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and re-enacts, with amendments, the Diseases of Animals (Waste Foods) Order 1957.

The definition of waste food is extended to comprise—

- (a) meat, or any other part of the carcase of any livestock or poultry, or any product derived therefrom or hatchery waste, eggs or egg shells, or
- (b) broken or waste foodstuffs which contain or have been in contact with meat or any other part of the carcase of any livestock or poultry.

Meal manufactured from protein originating from livestock or poultry is, however, excluded from the definition of waste food.

The principal requirements of the Order are:—

(1) A prohibition on the possession of waste food which has not been processed as required by the Order on any premises for the purpose of feeding to livestock or poultry on those premises, unless a licence granted under Article 7 of the Order is held, or the feeding to livestock or poultry of waste food, or any feedingstuffs which have been in contact with waste food, unless such waste food or such feedingstuffs have first been processed by means of plant and equipment operated under a licence granted under Article 7. (Article 3.)

(These prohibitions do not, however, apply to the possession by any person of waste food originating from his own household, or to the use of such waste food provided it has first been processed as required by the Order.)

(2) A complete prohibition is imposed upon the feeding to any animal, poultry or other birds of any waste food brought into Great Britain as part of the stores on a ship, aircraft etc. or of any other waste food which has been in contact with such imported stores. (Article 4.)

(3) Restrictions are placed upon the movement of unprocessed waste food intended for livestock or poultry except onto premises in respect of which a licence is held under Article 7 or Article 8 (except in the case of waste food intended for manufacture into meal) and upon access to or contact with unprocessed waste food. (Articles 5 and 6.)

Restrictions are also imposed in respect of movement of waste food by road, and as to the distribution of processed waste food. (Articles 9 and 10.)

The Schedules to the Order set out specifications for premises on which processing of waste food is licensed or on which unprocessed waste food may be collected for further distribution, and also operating conditions required at premises of both types.

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