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STATUTORY INSTRUMENTS

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**2002 No. 1619**

**FOOD, ENGLAND**

**The Animal By-Products (Identification)  
(Amendment) (England) Regulations 2002**

<i>Made</i>	- - - -	<i>17th June 2002</i>
<i>Laid before Parliament</i>		<i>24th June 2002</i>
<i>Coming into force</i>	- -	<i>15th July 2002</i>

The Secretary of State in exercise of the powers conferred by sections 16(1)(c), (d) and (f), 26(3) and 48(1) of and paragraph 3 of Schedule 1 to the Food Safety Act 1990<sup>(1)</sup> and now vested in him<sup>(2)</sup> and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(3)</sup> and in accordance with section 48(4) and (4B) of that Act makes the following Regulations:

**Title, extent and commencement**

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) (England) Regulations 2002; they extend to England only and come into force on 15th July 2002.

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

2.—(1) In so far as they extend to England, the Animal By-Products (Identification) Regulations 1995<sup>(4)</sup> are amended in accordance with the following paragraphs of this regulation.

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- (1) 1990 c. 16.
- (2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraph 21 of that Schedule amends section 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the 1999 Act, and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46), as read with section 40(2) of the 1999 Act. Regulation 13(4) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656) expressly authorises the Secretary of State to amend existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the 1990 Act.
- (3) OJ No. L31, 1.2.2002, p.1.
- (4) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073 and S.I. 2000/656.

- (2) In paragraph (1) of regulation 2 (interpretation)—
- (a) in the definition of “animal by-products premises”, the words “ cold store, cutting premises,” are inserted before the word “slaughterhouse ”;
  - (b) the following definitions are inserted between the definition of “carcase ” and the definition of “enforcement authority”—
 

““cold store” means any premises licensed as such under the Hygiene Regulations;  
“cutting premises” means any premises licensed as such under the Hygiene Regulations;”;
  - (c) in the definition of “game processing facility”, the words “cold store, cutting premises or” are inserted before the word “slaughterhouse ”;
  - (d) in the definition of “occupier”, the words “cold store, cutting premises,” are inserted before the word “slaughterhouse”;
  - (e) the following definition is inserted between the definition of “scientific purposes” and the definition of “specified bovine offal”—
 

““slaughterhouse” means any premises licensed as such under the Hygiene Regulations;”;
  - (f) the following definition is substituted for the definition of “stained ”—
 

““stained” means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(5), 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 carcase, whether or not it has been eviscerated or defeathered, that the solution has been so applied after the surface of the carcase has been opened by multiple and deep incisions.”.
- (3) The following paragraph is substituted for regulation 4 (scope)—

**“Scope**

**4. Nothing in these Regulations shall—**

- (a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire carcase, except an entire poultry carcase 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(6);

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

(6) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/225, S.I. 2000/656, S.I. 2000/2215 and S.I. 2001/3399.

(b) affect the operation of any order made, or having effect, under the Animal Health Act 1981(7).”.

(4) The following sub-paragraph is substituted for sub-paragraph (a) of paragraph 2 of regulation 5 (exemptions)—

- “(a) poultry heads and feet which—
- (i) have been subjected to a post-mortem veterinary inspection, and
  - (ii) during the course of the inspection did not show gross pathological lesions indicating disease communicable to man or animals;”.

(5) In paragraph (2)(c) of regulation 5, the words “cold store, cutting premises,” are inserted before the word “slaughterhouse”.

(6) The following regulation is substituted for regulation 6 (sterilisation and staining of animal by-products in slaughterhouses or game processing facilities)—

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

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting premises, game processing facility or slaughterhouse 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 in relation 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, game processing facility or slaughterhouse 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(8), 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, game processing facility or slaughterhouse 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, game processing facility or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle or

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(7) 1981 c. 22.

(8) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074, S.I. 2000/225, S.I. 2000/656, S.I. 2000/2215, S.I. 2001/1512, S.I. 2001/1739, S.I. 2001/1771, S.I. 2001/2601, S.I. 2001/3451 and S.I. 2002/118.

container in accordance with paragraph (2)(a) or (b) above is sterilised or, as the case may be, stained, and removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse as soon as is reasonably practicable.

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

(7) The following regulation is substituted for regulation 8 (freezing of animal by-products in any slaughterhouse, game processing facility or animal by-products premises)—

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

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse 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 animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse in accordance with regulation 10(2).”.

(8) The following regulation is substituted for regulation 9 (storage and packaging of animal by-products)—

**“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 any cold store, cutting premises, game processing facility or slaughterhouse 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 that is high risk material as defined in article 3(1) of the Animal By-Products Order 1999<sup>(9)</sup>) 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; and
- (b) (in the case of any animal by-product that is low risk material as defined in article 3(1) of the Animal By-Products Order 1999) there is affixed to the receptacle a

(9) S.I. 1999/646, amended by S.I. 2001/1704.

conspicuously visible and legible notice containing the declaration “ Low risk animal by-product” in letters at least two cm high.”.

(9) The following regulation is substituted for regulation 10 (restriction on movement of animal by-products)—

**“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 animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse 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 animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse, 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 Animal By-Products Order 1999.”.

Signed by authority of the Secretary of State for Health

17th June 2002

*Hazel Blears*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Animal By-Products (Identification) Regulations 1995 (S.I. [1995/614](#), as already amended) in so far as they extend to England. The 1995 Regulations extend to the whole of Great Britain.

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 “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 “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 requirement as to staining or sterilisation imposed by regulations 6 and 7 which is contained in regulation 5(2)(a) and which operates in favour of poultry by-products is removed and replaced with an exemption which operates in favour of poultry heads and feet which have been subjected to a post-mortem veterinary inspection and which, during the course of the inspection, did not show gross pathological lesions indicating disease communicable to man or animals (*regulation 2(4)*);
- (d) the exemption from the requirement as to staining or sterilisation imposed by regulations 6 and 7 which is contained in regulation 5(2)(c) and which operates in favour of green offal intended to be removed from animal by-products premises, game processing facilities and slaughterhouses is extended to apply in favour of cold stores and cutting premises also (*regulation 2(5)*);
- (e) 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 in relation to cold stores and cutting premises also (*regulation 2(6)*);
- (f) 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 in relation to cold stores and cutting premises also (*regulation 2(7)*);

- (g) 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(8)*); and
- (h) 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 in relation to cold stores and cutting premises also (*regulation 2(9)*).

A regulatory impact assessment has been prepared in respect of these Regulations. A copy of it has been placed in the library of each House of Parliament. Further copies of the assessment can be obtained from the Meat Hygiene Division (White Meat Branch) of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.