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STATUTORY INSTRUMENTS

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**2002 No. 3231**

**FOOD, ENGLAND**

**The Animal By-Products (Identification)  
(Amendment) (England) (No. 2) Regulations 2002**

<i>Made</i>	- - - -	<i>22nd December</i> 2002
<i>Laid before Parliament</i>		<i>30th December 2002</i>
<i>Coming into force</i>	- -	<i>1st April 2003</i>

The Secretary of State in exercise of the powers conferred on him 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) (No. 2) Regulations 2002; they extend to England only and come into force on 1st April 2003.

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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.

## **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.

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

(a) for the definition of “the 1992 Order” there shall be substituted the following definition—

““the 1999 Order” means the Animal By-Products Order 1999<sup>(5)</sup>”;

(b) the following definition is inserted between the definition of “animal by-products premises” and the definition of “carcase”—

““approved premises” means premises which are approved under article 7 of the 1999 Order.”; and

(c) the definition of “sterilised” is revoked.

(3) In paragraph (1) of regulation 3 (meaning of “animal by-product”) the word “direct” is revoked.

(4) In paragraph (a) of regulation 4 (scope) the words “sterilisation or” are revoked.

(5) In each of sub-paragraphs (c) and (d) of paragraph (2) of regulation 5 (exemptions) for the expression “the 1992 Order” there is substituted the expression “the 1999 Order”.

(6) In regulation 6 (sterilisation and staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses)—

(a) in the heading the words “sterilisation and” are revoked;

(b) in paragraph (1) the words “sterilised or” are revoked;

(c) paragraph (2)(a) is revoked;

(d) in paragraph (2)(b)—

(i) the word “or”, where it appears at the end of division (i), is revoked, and

(ii) after division (ii) there is inserted the following division—

“(iii) is immediately moved, in the manner specified in paragraph (4), to approved premises for rendering there, or to premises which are adequately separated from the cold store, cutting premises, game processing facility or slaughterhouse concerned for incineration there in accordance with article 10 of the 1999 Order.”;

(e) paragraph 2(c) is revoked;

(f) in paragraph (3)—

(i) the phrase “paragraph (2)(b) above” is substituted for the phrase “paragraph (2)(a) or (b) above”, and

(ii) the phrase “sterilised or, as the case may be,” is revoked; and

(g) for paragraph (4) there is substituted the following paragraph—

“(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold-store, cutting premises, game processing facility or slaughterhouse concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by-product is to be incinerated.”.

(7) In regulation 7 (sterilisation and staining of animal by-products in animal by-products premises)—

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(4) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656 and S.I. 2002/1619.

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

- (a) in the heading the words “sterilisation and” are revoked;
- (b) in paragraph (1)—
  - (i) the phrase “paragraphs (2) and (3)” is substituted for the phrase “paragraph (2)”, and
  - (ii) the words “sterilised or” are revoked; and
- (c) for paragraphs (2) and (3) there are substituted the following paragraphs—
  - “(2) The duty imposed by paragraph (1) shall not apply in relation to any animal by-product which is immediately moved, in the manner specified in paragraph (3), to approved premises for rendering there, or to premises which are adequately separated from the animal by-products premises concerned for incineration there in accordance with article 10 of the 1999 Order.
  - (3) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the animal by-products premises concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by-product is to be incinerated.”
- (8) In paragraph (1) of regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) the phrase “sterilised or” is revoked.
- (9) In each of paragraphs (1) and (3) of regulation 9 (storage and packaging of animal by-products) the word “unsterilised” is revoked.
- (10) In each of paragraphs (1) and (2) of regulation 10 (restriction on movement of animal by-products) the phrase “sterilised or” is revoked.

Signed by authority of the Secretary of State for Health

22nd December 2002

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

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

1. 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. Those Regulations (“the 1995 Regulations”) extend to the whole of Great Britain and currently make provision for the sterilisation or staining of animal by-products and for the control of the movement of such by-products.

2. The effect of the amendments made to the 1995 Regulations by paragraphs (2)(c), (4), (6)(a), (b), (c), (e) and (f), (7)(a) and (b)(ii), (8), (9) and (10) of regulation 2 of these Regulations is that animal by-products may no longer be sterilised. Staining is now required in all cases, except where specified in regulation 5(2), 6(2) or 7(2) of the 1995 Regulations. The effect of the amendments made to regulations 6(2) and 7(2) of the 1995 Regulations by paragraphs (6)(d) and (g) and (7)(b)(i) and (c) respectively of regulation 2 of these Regulations is that staining is not required where an animal by-product is immediately moved in the manner specified in regulation 6(4) or, as the case may be, 7(3) of the 1995 Regulations to premises approved under article 7 of the Animal By-Products Order 1999 (S.I. 1999/646, as amended) for rendering there or to other premises for incineration there in accordance with article 10 of that Order.

3. Regulation 2(2)(a) of these Regulations amends the interpretation provision of the 1995 Regulations by substituting for the definition denoting the Animal By-Products Order 1992 a new definition denoting the Animal By-Products Order 1999, regulation 2(2)(b) of these Regulations inserts a definition of “approved premises” into that interpretation provision and regulation 2(5) of these Regulations substitutes references to the definition denoting the Animal By-Products Order 1999 for the references to the definition denoting the Animal By-Products Order 1992 in regulation 5(2)(c) and (d) of the 1995 Regulations.

4. A minor amendment is also made by regulation 2(3) of these Regulations to the definition of “animal by-product” in relation 3(1) of the 1995 Regulations.

5. 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.