
STATUTORY INSTRUMENTS

2005 No. 2347

The Animal By-Products Regulations 2005

PART 1

Introduction

Title, extent and commencement

1. These Regulations may be cited as the Animal By-Products Regulations 2005; they apply in England and come into force on 28th September 2005.

Interpretation

2.—(1) In these Regulations—

“the Community Regulation” means Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽¹⁾ as amended by and as read with—

- (a) Commission Regulation (EC) No. 808/2003 amending Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽²⁾;
- (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures⁽³⁾;
- (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs⁽⁴⁾;
- (d) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants⁽⁵⁾;
- (e) Commission Decision 2004/407/EC on transitional sanitary and certification rules under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards import from certain third countries of photographic gelatine⁽⁶⁾;

(1) OJ No. L273, 10.10.2002, p.1.

(2) OJ No. L117, 13.5.2003, p. 1.

(3) OJ No. L117, 13.5.2003, p. 14.

(4) OJ No. L117, 13.5.2003, p. 22.

(5) OJ No. L117, 13.5.2003, p. 42.

(6) OJ No. L 151, 30.4.2004, p. 11 as corrected by a Corrigendum published in the Official Journal at OJ No. L208, 10.6.2004, p. 9 and as further corrected by a Corrigendum published in the Official Journal at OJ No. L 396, 31.12.2004, p. 63.

- (f) Commission Regulation (EC) No. 668/2004 amending certain Annexes to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council, as regards the importation from third countries of animal by-products(7);
- (g) Commission Regulation (EC) No. 878/2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes(8);
- (h) Commission Regulation (EC) No. 79/2005 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use of milk, milk-based products and milk-derived products, defined as Category 3 material in that Regulation(9).
- (i) Commission Regulation (EC) No. 92/2005 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats(10);
- (j) Commission Regulation (EC) No. 93/2005 amending Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards processing of animal by-products of fish origin and commercial documents for the transportation of animal by-products(11);

“inspector” means a person appointed by the Secretary of State or a local authority to be an inspector for the purposes of these Regulations;

“local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994(12), a unitary authority for that local government area, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county; or
 - (iii) in each London borough, the council of that borough;
 - (iv) in the City of London, the Common Council.

(2) Category 1 material, Category 2 material and Category 3 material comprise the animal by-products set out in Articles 4, 5 and 6 respectively of the Community Regulation, and other expressions defined in the Community Regulation have the same meaning in these Regulations.

Approvals, etc.

3. Any approval, authorisation, registration, instruction, notice or recognition issued under these Regulations or the Community Regulation must be in writing, and may be made subject to such conditions as are necessary to—

- (a) ensure that the provisions of the Community Regulation and these Regulations are complied with; or
- (b) protect public and animal health.

(7) OJ No. L112, 19.4.2004, p. 1.

(8) OJ No. L162, 30.4.2004, p. 62.

(9) OJ No. L16, 20.1.2005, p. 46.

(10) OJ No. L19, 21.1.2005, p. 27.

(11) OJ No. L19, 21.1.2005, p. 34.

(12) S.I.1994/867 to which there are amendments not relevant to these Regulations.

