

## SCHEDULE 2

Regulation 27

### Consequential Amendments

#### **The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**

1. In regulation 2 of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 <sup>M1</sup>—

- (a) in paragraph (1)(i), for “Article 7(1) or 7(2)” substitute “ Article 21(1) to (3) ”; and
- (b) in paragraph (2), for the definition of “the Community Regulation” substitute—  
““the Community Regulation” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

#### **Marginal Citations**

**M1** S.I. 1991/1624 amended by S.I. 2006/937; there are other amending instruments but none is relevant.

#### **The Foot-and-Mouth Disease (England) Order 2006**

2.—(1) The Foot-and-Mouth Disease (England) Order 2006 <sup>M2</sup> is amended as follows.

(2) In article 2(1), after the definition of “raw milk” insert—

““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) In article 26, in paragraph (2)(b) for “point 5 of Section II in Part A of Chapter III of Annex VIII to 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, as amended,” substitute “ Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 ”.

(4) In article 27(2)(c) for “Regulation (EC) No. 1774/2002, as amended” substitute “ Regulation (EC) No. 1069/2009 ”.

(5) In Schedule 5—

(a) in paragraph 20(4), for “point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 ”; and

(b) in paragraph 33(4), for “point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 ”.

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(6) In Schedule 6—

- (a) in paragraph 2, for “article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011 ”;
- (b) in paragraph 3, for “article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011 ”;
- (c) in paragraph 5, for “point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ point 2(b)(ii) of Chapter IV of Annex XIII to Regulation (EU) No. 142/2011 ”;
- (d) in paragraph 6, for “point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended” substitute “ point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011 ”;
- (e) in paragraph 7, for “points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Chapter II of Annex XIII to Regulation (EU) No. 142/2011 ”; and
- (f) in paragraph 8, for “points A(1), (3), or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended” substitute “ Chapter VI of Annex XIII to Regulation (EU) No. 142/2011 ”.

**Marginal Citations**

**M2** S.I. 2006/182, amended by S.I. 2009/2713; there are other amending instruments but none is relevant.

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006**

3. For paragraph 18(4) of the Schedule to the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006 <sup>M3</sup> substitute—

“(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with—

- (a) Articles 15 and 32 of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; and
- (b) Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council.”.

**Marginal Citations**

**M3** S.I. 2006/183; to which there are amendments not relevant to these Regulations.

**The Avian Influenza (H5N1 in Poultry) (England) Order 2006**

4.—(1) The Avian Influenza (H5N1 in Poultry) (England) Order 2006 <sup>M4</sup> is amended as follows.

(2) In article 2—

- (a) in the definition of “bird by-product”, for the words “Articles 4, 5 or 6 of Regulation (EC) No 1774/2002” substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009”;
- (b) for the definition of “Regulation (EC) No. 1774/2002” substitute—

““Regulation (EC) No 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”;

(c) after the definition inserted by sub-paragraph (b) insert—

““Regulation (EU) No 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.

(3) In article 3(6), for sub-paragraph (c) substitute—

“(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—

- (i) incineration plants;
- (ii) co-incineration plants;
- (iii) processing plants;
- (iv) biogas plants;
- (v) composting plants;
- (vi) petfood plants.”.

(4) In article 14—

(a) for paragraph (2) substitute—

“(2) But a veterinary inspector or an inspector acting under the direction of a veterinary inspector may licence the movement of any of the following bird by-products—

- (a) processed animal protein within the meaning of paragraph 5 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
- (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
- (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
- (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
- (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

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- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
  - (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
  - (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
  - (k) raw petfood within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
  - (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
  - (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
  - (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
  - (o) those by-products which are transported to designated plants within article 3(6) (c) for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
  - (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
  - (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
  - (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus.”;
- (b) in paragraph (3), for “Annex V to Regulation (EC) No. 1774/2002” substitute “ Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011 ”; and
- (c) in paragraph (4), for “Chapter X of Annex II to Regulation (EC) No. 1774/2002” substitute “ Chapter III of Annex VIII to Regulation (EU) No. 142/2011 ”.

#### Marginal Citations

M4 S.I. 2006/3247.

### The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006

5.—(1) The Avian Influenza (H5N1 in Wild Birds) (England) Order 2006 <sup>M5</sup> is amended as follows.

(2) In article 2—

- (a) in the definition of “bird by-product” for the words “Articles 4, 5 or 6 of Regulation (EC) No. 1774/2002” substitute Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009”;
  - (b) for the definition of “Regulation (EC) No. 1774/2002” substitute—  
““Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”;
  - (c) after the definition inserted by sub-paragraph (b) insert—  
““Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;”.
- (3) In article 13(1), for sub-paragraph (c) substitute—
- “(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—
    - (i) incineration plants;
    - (ii) co-incineration plants;
    - (iii) processing plants;
    - (iv) biogas plants;
    - (v) composting plants;
    - (vi) petfood plants”.
- (4) In Schedule 1—
- (a) in paragraph 13, for sub-paragraph (2) substitute—  
“(2) A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) unless it is for a movement of—
    - (a) processed animal protein within the meaning of paragraph 5 of Annex 1 to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 1 of Chapter II of Annex X to that Regulation;
    - (b) blood products within the meaning of paragraph 4 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 2 of Chapter II of Annex X to that Regulation;
    - (c) rendered fats within the meaning of paragraph 8 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph B of Section 3 of Chapter II of Annex X to that Regulation;
    - (d) gelatine within the meaning of paragraph 12 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
    - (e) hydrolysed protein within the meaning of paragraph 14 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 5 of Chapter II of Annex X to that Regulation;
    - (f) dicalcium phosphate which complies with the requirements of paragraph B of Section 6 of Chapter II of Annex X to Regulation (EU) No. 142/2011;

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- (g) tricalcium phosphate which complies with the requirements of paragraph B of Section 7 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (h) collagen within the meaning of paragraph 11 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of paragraph B of Section 8 of Chapter II of Annex X to that Regulation;
- (i) egg products which comply with the requirements of paragraph B of Section 9 of Chapter II of Annex X to Regulation (EU) No. 142/2011;
- (j) processed pet food within the meaning of paragraph 20 of Annex I to Regulation (EU) No. 142/2011 which complies with the requirements of Chapter II of Annex XIII to that Regulation;
- (k) raw pet food within the meaning of paragraph 21 of Annex I to Regulation (EU) No. 142/2011 which complies with Chapter II of Annex XIII;
- (l) dogchews within the meaning of paragraph 17 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of Chapter II of Annex XIII to that Regulation;
- (m) processed manure and processed manure products which comply with the requirements of Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011;
- (n) game trophies having undergone a complete taxidermy treatment ensuring their preservation at ambient temperatures within the meaning of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011;
- (o) those by-products which are transported to designated plants within article 13(1)(c), processing plants for disposal, treatment, transformation or use which ensures inactivation of the avian influenza virus;
- (p) those products which are transported to users or collection centres authorised and registered in accordance with Article 23 of Regulation (EU) No. 142/2011 for the feeding of animals after they have been treated by a method approved by the competent authority which ensures inactivation of the avian influenza virus;
- (q) untreated feathers or parts of untreated feathers produced from poultry within the meaning of paragraph 30 of Annex I to Regulation (EU) No. 142/2011 which comply with the requirements of paragraph A of Chapter VII of Annex XIII to that Regulation;
- (r) poultry feathers, feathers from wild game birds or parts of such feathers which have been treated with a steam current or by another method which ensures inactivation of the avian influenza virus”;
- (b) in paragraph 13(3), for “Annex V to Regulation (EC) No. 1774/2002” substitute “ Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011 ”;
- (c) in paragraph 13(5), for “Chapter X of Annex II to Regulation (EC) No. 1774/2002” substitute “ Chapter III of Annex VIII to Regulation (EU) No. 142/2011 ”;
- (d) in paragraph 14(a), for “Regulation (EC) No. 1774/2002” substitute “ Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 ”;
- (e) in paragraph 15(a), for “Regulation (EC) No. 1774/2002” substitute “ Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 ”.

#### Marginal Citations

M5 S.I. 2006/3249.

### **The Cattle Identification Regulations 2007**

6. For paragraph 3(3) of Schedule 3 to the Cattle Identification Regulations 2007<sup>M6</sup>, substitute—
- “(3) If the Secretary of State does not provide a replacement, the animal to which it relates must not be moved off a holding except (under the authority of a licence granted by the Secretary of State) to—
- (a) a plant approved under Article 24(1)(a), (b), (c) or (h) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council; or
  - (b) a registered collection centre which complies with Section 1 of Chapter II of Annex VI of Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council”.

#### **Marginal Citations**

**M6** S.I. 2007/529 to which there are amendments not relevant to these Regulations.

### **The Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

7. In Part 2 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007<sup>M7</sup>, under the cross-heading “animal health and welfare”—
- (a) omit the entry “Animal By-Products Regulations 2005”; and
  - (b) after the entry “Veterinary Medicines Regulations 2008” insert “ Animal By-Products (Enforcement) (England) Regulations 2013 ”.

#### **Marginal Citations**

**M7** S.I. 2007/3544, amended by S.I. 2009/ 2981; there are other amending instruments but none is relevant.

### **The Animal Gatherings Order 2010**

8. In article 8(2) of the Animal Gatherings Order 2010<sup>M8</sup>, for “Animal By-Products Regulations 2005” substitute “ Regulation (EC) No. 1069/2009 of the European Parliament and of the Council ”.

#### **Marginal Citations**

**M8** S.I. 2010/460.

### **The Environmental Permitting (England and Wales) Regulations 2010**

- 9.—(1) The Environmental Permitting (England and Wales) Regulations 2010<sup>M9</sup> are amended as follows.

- (2) In regulation 2(1)—
- (a) omit the definition “the Animal By-Products Regulations”; and
  - (b) after the definition of “regulated facility” insert—  
““Regulation (EC) No 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);”.

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(3) In Section 6.8 of Chapter 6 of Schedule 1, omit paragraph 1(g) and (i).

**Marginal Citations**

**M9** [S.I. 2010/675](#) amended by [S.I. 2010/2172](#), 2011/988 and 2013/390; there are other amending instruments but none is relevant.

**The Transmissible Spongiform Encephalopathies (England) Regulations 2010**

**<sup>F1</sup>10.** .....

**F1** [Sch. 2 para. 10](#) omitted (19.7.2018) by virtue of [The Transmissible Spongiform Encephalopathies \(England\) Regulations 2018 \(S.I. 2018/731\)](#), regs. 1(1), **21(2)(c)**



**Changes to legislation:**

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