

SCHEDULE 2

Regulation 27

Consequential Amendments

The Foot-and-Mouth Disease (Wales) Order 2006

1.—(1) The Foot-and-Mouth Disease (Wales) Order 2006(1) is amended as follows.

(2) In article 3(1), after the definition of “public highway” 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, for paragraph (2)(b) substitute “for treatment of such material from a slaughterhouse or border inspection post in accordance with 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 under the authority of a licence granted by the National Assembly.”

(4) In article 27, for paragraph (2)(c) substitute “the National Assembly grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1069/2009 following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.”

(5) In Schedule 4—

(a) for paragraph 20(4), substitute “The occupier of premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with 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.”;

(b) for paragraph 33(4), substitute “The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with 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.”

(6) In Schedule 5—

(a) for paragraph 2, substitute “Hides and skins fall within this paragraph if they comply with the requirements in Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011”;

(b) for paragraph 3, substitute “Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011”;

(c) for paragraph 5, substitute “Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point 2(b)(ii) of Chapter IV of Annex XIII to Regulation No. 142/2011”;

(1) S.I. 2006/179 (W. 30), to which there are amendments not relevant to these Regulations.

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- (d) for paragraph 6, substitute “Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011”;
- (e) for paragraph 7, substitute “Petfood and dog chews fall within this paragraph if they comply with Chapter II of Annex XIII to Regulation (EU) No. 142/2011”; and
- (f) for paragraph 8, substitute “Game trophies of ungulates fall within this paragraph if they comply with the requirements of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011”.

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

2. For paragraph 18(4) of the Schedule to the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006(2) substitute—

- “(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must 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.”

The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

3.—(1) The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(3) is amended as follows.

(2) In article 2—

- (a) for the definition of “bird by-product”, substitute ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”
- (b) after the definition of “protection zone” 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);”;
- (c) after the definition inserted by 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) insert—

- “(c) the following plants if approved under Article 24 of Regulation (EC) No. 1069/2009—
- (i) incineration plants;
 - (ii) co-incineration plants;

(2) S.I. 2006/180 (W. 31), to which there are amendments not relevant to these Regulations.

(3) S.I. 2006/3309 (W. 299), to which there are amendments not relevant to these Regulations.

- (iii) processing plants;
 - (iv) biogas plants;
 - (v) composting plants; and
 - (vi) petfood plants.”
- (4) In article 14—
- (a) for paragraph (2) insert—
 - “(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;
 - (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;

Status: This is the original version (as it was originally made).

- (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) for paragraph (3), substitute “No person is to move any bird by-product referred to in paragraph (2)(a) to (i) unless it has been processed at a processing plant in accordance with Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011;” and
- (c) for paragraph (4), substitute “By-products from poultry referred to in paragraphs (2)(p) and (q), must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011.”

The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006

4.—(1) The Avian Influenza (H5N1 in Wild Birds) (Wales) Order 2006(4) is amended as follows.

(2) In article 2—

- (a) for the definition of “bird by-product”, substitute ““bird by-product” means entire bodies or parts of birds or products of avian origin, not intended for human consumption, included in Articles 8, 9 or 10 of Regulation (EC) No. 1069/2009;”;
- (b) after the definition of “Regulation (EC) No. 853/2004” 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);”;
- (c) after the definition inserted by 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;

(4) S.I. 2006/3310 (W. 300), to which there are amendments not relevant to these Regulations.

- (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;
 - (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 1 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;

Status: This is the original version (as it was originally made).

- (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 1 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) for paragraph 13(3), substitute “A veterinary inspector may not grant or direct the grant of a licence under sub-paragraph (1) for the movement of the by-products listed in sub-paragraph (2)(a) to (i) unless they have also been processed at a processing plant which complies with the requirements of Regulation (EC) No. 1069/2009 and Annex IV to Regulation (EU) No. 142/2011”;
 - (c) for paragraph 13(5), substitute “The bird by-products referred to in sub-paragraph (2)(p) and (q) must be accompanied by the commercial document in accordance with Chapter III of Annex VIII to Regulation (EU) No. 142/2011”;
 - (d) for paragraph 14(a), substitute “the movement is to an establishment for treatment in accordance with Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”;
 - (e) for paragraph 15(a), substitute “it has been treated in accordance with Regulation (EC) No. 1069/2009 and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011”.

The Cattle Identification (Wales) Regulations 2007

5. For paragraph 3(3) of Schedule 3 to the Cattle Identification (Wales) Regulations 2007(5), substitute—

“(3) If the Welsh Ministers do 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 Welsh Ministers) 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 to Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council”.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

6. In Part 2 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(6), under the cross-heading “animal health and welfare” after the entry “Animal By-Products (Enforcement) (England) Regulations 2013” insert “Animal By-Products (Enforcement) (Wales) Regulations 2014”.

(5) S.I. 2007/842 (W. 74), to which there are amendments not relevant to these Regulations.

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

The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008

7.—(1) The Transmissible Spongiform Encephalopathies (Wales) Regulations 2008⁽⁷⁾ are amended as follows.

(2) In regulation 2(1), after the definition of “Regulation (EC) No. 882/2004” insert—

““Regulation (EC) No. 1069/2009” (“*Rheoliad (EC) Rhif 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);”.

(3) For regulation 4(2), substitute “If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1069/2009, and failure to do so is an offence”.

The Animal Gatherings (Wales) Order 2010

8. For article 8(2) of the Animal Gatherings (Wales) Order 2010⁽⁸⁾, insert “This article does not apply to any material required to be disposed of under Regulation (EC) No. 1069/2009 of the European Parliament and of the Council”.

The Environmental Permitting (England and Wales) Regulations 2010

9.—(1) The Environmental Permitting (England and Wales) Regulations 2010⁽⁹⁾ 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);”.

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

⁽⁷⁾ S.I. 2008/3154 (W. 282), to which there are amendments not relevant to these Regulations.

⁽⁸⁾ S.I. 2010/900 (W. 93).

⁽⁹⁾ S.I. 2010/675 amended by S.I. 2010/2172, 2011/988 and 2013/390; there are other amending instruments but none is relevant.