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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 171**

**ANIMALS**

**ANIMAL HEALTH**

**The Animal By-Products Amendment (Scotland) Order 2001**

*Made* - - - - *3rd May 2001*

*Coming into force* - - *24th May 2001*

The Scottish Ministers, in exercise of the powers conferred by section 1 of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Animal By-Products Amendment (Scotland) Order 2001 and shall come into force on 24th May 2001.

(2) This Order extends to Scotland only.

**Amendment of the Animal By-Products Order 1999**

2.—(1) The Animal By-Products Order 1999(2) shall be amended in accordance with the following paragraphs of this article.

(2) In paragraph (1) of article 3—

(a) after the definition of “knacker’s yard”, there shall be inserted the following definition:—

““livestock” means—

(a) any creature, including fish, kept for the production of food, wool, skin or fur, and any creature, other than a dog, kept for use in the farming of land; and

(b) any ruminant animal, pig, poultry or equine animal;”;

(b) after the definition of “pharmaceutical or technical products”, there shall be inserted the following definition:—

““used cooking oil” means catering waste consisting of oils and fats from food-processing and the by-products of such oils and fats (other than any such oils and fats derived in any way from ruminant bones) where these are collected from food

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(1) 1981 c. 22. See section 86(1) for the definition of “the Ministers”. The functions of the Ministers of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I.1999/646.

businesses (as such term is defined in Article 2 of Council Directive 93/43/EC on the hygiene of foodstuffs)(3).”; and

- (c) the definition of “swill” shall be omitted.
- (3) In article 7–
  - (a) the word “or” shall be inserted after the words “Schedule 2;” in paragraph (2)(c)(i) and omitted where it appears at the end of paragraph 2(c)(ii); and
  - (b) paragraph (2)(c)(iii) shall be omitted.
- (4) In paragraph (1) of article 9 the words “swill or” shall be omitted.
- (5) For articles 19 to 26, there shall be substituted–

“19.—(1) No person shall feed to any livestock, or allow any livestock to have access to, any catering waste to which this article applies, or any feedingstuffs which have been in contact with it.

(2) No person shall bring catering waste to which this article applies, onto any premises where any livestock are kept.

(3) This article applies to catering waste (other than used cooking oil) whether processed or unprocessed which–

- (a) contains or has been in contact with animal carcasses, parts of animal carcasses (including blood) or products of animal origin (other than milk or milk products, eggs, rennet gelatin or melted fat which have been incorporated into another product); or
- (b) originates from any premises where any animal carcasses, parts of animal carcasses or products of animal origin (with the exceptions referred to in sub paragraph (a) above) are handled or where foodstuffs, containing or coming into contact with any of the same, are prepared or produced.

20. No person shall feed to any livestock, or allow any livestock to have access to, any catering waste imported into Great Britain and originally intended for consumption on the means of transport in which it was imported, or any feedingstuffs which have been in contact with it.”.

(6) In paragraph 4 of Schedule 1, the words “, except in the case of premises” to the end of the paragraph shall be omitted.

(7) In paragraph 14 of Schedule 1, the words “Subject to sub-paragraph (2) below” in sub paragraph (1) and the whole of sub-paragraph (2) shall be omitted.

(8) Paragraph 5 of Part I of Schedule 2 shall be omitted.

(9) Schedule 5 shall be omitted.

Pentland House,  
Edinburgh  
3rd May 2001

ROSS FINNIE  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

This Order, which extends to Scotland only, amends the Animal By-Products Order 1999, so as to prohibit the feeding to livestock of certain categories of catering waste, whether processed or unprocessed. It also removes the possibility of non-mammalian animal by products being rendered for the production of swill for feeding to pigs or poultry.

The Order has been notified in draft to the European Commission as a technical standard, in accordance with article 8 of Directive [1998/34/EC](#) of the European Parliament and of the Council (O.J. No. L 204, 21.7.98, p.37), as amended by Directive [1998/48/EC](#) of the European Parliament and of the Council (O.J. No. L 217, 5.8.98, p.18), which lays down a procedure for the provision of information in the field of technical standards and regulations.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from SERAD, Livestock Animal Health and Welfare Branch, Room 358d, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.