

SCHEDULE 5

Regulation 51

Amendments

PART 1

Amendments to the TSE (Scotland) Regulations 2002

1. The TSE (Scotland) Regulations 2002⁽¹⁾ are amended in accordance with this Part.
2. In regulation 3 (interpretation), for the definition of “ABPO approved” in paragraph (1), there is substituted—

““ABPR approved”, in relation to premises, means approved under article 40 of the Animal By-Products (Scotland) Regulations 2003⁽²⁾, and “ABPR approval” shall be construed accordingly;”.
3. At the end of regulation 13 (mammalian meat and bone meal for use in fertilisers on agricultural land), there is inserted—

“(7) In this regulation mammalian meat and bone meal does not include any compost or digestion residues resulting from the treatment of animal by-products in a composting or biogas plant in accordance with the Animal By-Products (Scotland) Regulations 2003.”.
4. In regulations 16(2)(b), 17(3)(a) and (b) and 20(1)(c), for “ABPO approved” or “ABPO approval”, there is respectively substituted “ABPR approved” or “ABPR approval” as the case may be.
5. Immediately after regulation 34, there is inserted—

“Mixing specified risk material with other animal material

34A. Any animal material that comes into contact with, or is mixed with, specified risk material shall be treated as specified risk material.”.

6. For regulation 40 (consignment of specified risk material after removal from carcasses), there is substituted—

“**40.** Once specified risk material has been removed from the carcase and treated in accordance with this Part of these Regulations, including any material treated as if it were specified risk material in accordance with regulation 33(5) or 34(4) above, or, in the case of specified solid waste, recovered from the drainage system, the person responsible for its removal or recovery shall, without unreasonable delay—

 - (a) consign it to be handled in accordance with the Animal By-Products (Scotland) Regulations 2003; or
 - (b) consign it to premises licensed under regulation 56.”.
7. For Schedule 5 (Application of Part IV of the Regulations to scheme animals) there is substituted—

(1) [S.S.I. 2002/255](#), amended by [S.S.I. 2003/198](#).

(2) [S.S.I. 2003/\[\]](#)

“SCHEDULE 5

Regulation 30(4)

Application of part IV of the Regulations to scheme animals

<i>PROVISION OF THE REGULATIONS</i>	<i>EXTENT TO WHICH THE PROVISION APPLIES TO SCHEME ANIMALS</i>
Regulation 34	Not applicable
Regulation 39(6)(b)	Not applicable
Regulation 56	Not applicable”.

PART 2

Consequential Amendments

Animal By-Products (Identification) Regulations 1995

1.—(1) The Animal By-Products (Identification) Regulations 1995⁽³⁾ are amended in accordance with the following provisions of this paragraph.

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

(a) for the definition of “the 1999 Order”, there is substituted—

““the 2003 Regulations” means the Animal By-Products (Scotland) Regulations 2003;”;

(b) for the definition of “approved premises”, there is substituted—

““approved incineration plant” means a plant which is approved as an incineration plant under regulation 14 of the 2003 Regulations;

“approved rendering plant” means a plant which is approved as a category 2 processing plant or category 2 oleochemical plant under regulation 14 of the 2003 Regulations;”;

(c) immediately after the definition of “cold store”, there is inserted—

““the Community Regulation” means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption 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;

(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;

(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;

(3) S.I. 1995/614, amended by S.I. 1995/1955, 1996/3124, 1977/2073 and S.S.I. 2000/62, 2002/283 and 2003/53.

- (d) Commission Decision [2003/320/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the use in feed of used cooking oil;
 - (e) Commission Decision [2003/321/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the processing standards for mammalian blood;
 - (f) 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 plant; and
 - (g) Commission Decision [2003/327/EC](#) on transitional measures under Regulation (EC) No. [1774/2002](#) of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them;”.
- (3) For regulation 4(b), there is substituted—
- “(b) affect the operation of the 2003 Regulations or any order made, or having effect, under the Animal Health Act 1981(4).”
- (4) In regulation 5 (exemptions)—
- (a) for paragraph (1)(e), there is substituted—
- “(e) any animal by-product which—
- (i) is, or is derived from, a product of animal origin regulated by the Community Regulation, and
 - (ii) is transhipped in accordance with regulation 24 of the Products of Animal Origin (Import and Export) Regulations 1996, or regulation 34 of the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002, as the case may be(5); or”; and
- (b) in paragraph (2)(c) and (d), for “the 1999 Order”, there is substituted “the 2003 Regulations”.
- (5) In regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses)—
- (a) in paragraph (2)(b), for sub paragraph (iii), there is substituted—
- “(iii) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is separate from the cold store, cutting premises, game processing facility or slaughterhouse concerned for incineration there.”; and
- (b) for paragraph (4), there is substituted—
- “(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 rendering plant or, as the case may be, approved incineration plant.”.
- (6) In regulation 7 (staining of animal by-products in animal by-products premises) for paragraphs (2) and (3), there is substituted—

(4) 1981 c. 22.

(5) S.I. 1996/3124, amended by S.I. 1997/3023, S.I. 1998/994, 1999/663 and as regards Scotland, S.S.I. 2000/62, 171, 288, 2001/169 and 257 and 2002/87. The provisions of S.I. 1996/3124 which apply to products imported from third countries are disapplied by S.S.I. 2002/445, regulation 63(2) and Schedule 7.

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“(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 an approved rendering plant for rendering there, or to an approved incineration plant which is separate from the animal by-products premises for incineration there.

(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 rendering plant or, as the case may be, approved incineration plant.”.

(7) In regulation 9 (storage and packaging of animal by-products) for paragraph (3), there is substituted—

“(3) No person shall store in any part of any cold store, cutting premises, game processing facility or slaughterhouse any animals by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing—

- (a) in letters at least two centimetres high, the declaration “Not intended for human consumption”;
- (b) in the case of any animal by-product which has been imported into Scotland, the name of the country from which it was so imported;
- (c) in the case of any other animal by-product, the name of the packer and the address at which the animal by-product was packed;
- (d) in the case of any animal by-product which is Category 2 material as defined in Article 2.1(c) of the Community Regulation, in letters at least two centimetres high, the declaration “Category 2 material”; and
- (e) in the case of any animal by-product which is Category 3 material as defined in Article 2.1(d) of the Community Regulation, in letters at least two centimetres high, the declaration “Category 3 material”.”.

(8) In regulation 10 (restriction on movement of animal by-products) for paragraph (2), there is substituted—

“(2) The prohibition contained in paragraph (1) above shall not apply in relation to any animal by-product which has not been stained in accordance with these Regulations because of a permanent or temporary closure of the relevant animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer of the enforcement authority, to other premises for disposal in accordance with the requirements of the Community Regulation.”.

Pollution Prevention and Control (Scotland) Regulations 2000

2. In the definition of “exempt activity” in Section 6.8 of Part 1 of Schedule 1 to the Pollution Prevention and Control (Scotland) Regulations 2000(6)—

(a) for paragraph (iv), there is substituted—

“(iv) any activity carried out in connection with premises used in connection with the business of killing, flaying or cutting up animals the flesh of which is not intended for human consumption except for premises—

- (a) which are hunt kennels or other premises where the flesh is fed to animals;
- (b) used for diagnostic, educational or research purposes; or
- (c) where animals are cut up solely for the purpose of incineration;”;

(b) for paragraph (ix), there is substituted—

(6) S.S.I. 2000/323, as amended by S.S.I. 2002/493 and 2003/146 and 221.

- “(ix) the processing of animal or vegetable matter at premises for feeding a recognised pack of hounds authorised under regulation 26 of the Animal By-Products (Scotland) Regulations 2003.”.

Rendering (Fluid Treatment) (Scotland) Order 2001

3. In the definition of “animal by-products” in article 2 (interpretation) of the Rendering (Fluid Treatment) (Scotland) Order 2001(7), for “the Animal By-Products Order 1999”, there is substituted “Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption (8)”.

Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002

4. In the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002(9)–
- (a) in regulation 2(1) (interpretation), for the definition of “the Animal By-Products Order”, there is substituted–
““the Animal By-Products Regulations” means “the Animal By-Products (Scotland) Regulations 2003(10),”;
 - (b) in each of regulations 21(2)(b), 24(2)(b) and 39(1)(b), for “the Animal By-Products Order”, there is substituted “the Animal By-Products Regulations”; and
 - (c) for paragraph (2) of regulation 29 (disposal of unused catering supplies), there is substituted–
“(2) Any person who introduces into Scotland a product referred to in paragraph (1) or catering waste derived from such a product shall dispose of the same, or ensure that the same is disposed of, without delay in accordance with the Animal By-Products Regulations, by–
 - (a) processing at a processing plant approved in accordance with regulation 14 of those Regulations ;
 - (b) incineration in an incineration or co-incineration plant approved in accordance with regulation 14 of those Regulations; or
 - (c) burning or burial under regulation 30 of those Regulations.”.

Poultry Breeding Flock and Hatcheries and Animal By-Products (Fees) (Scotland) Order 2002

5. In the Poultry Breeding Flock and Hatcheries and Animal By-Products (Fees) (Scotland) Order 2002(11)–
- (a) for article 2 (interpretation), there is substituted–
“2. In this Order, “appropriate instrument” means the Poultry Breeding Flock and Hatcheries Order 1993 or the Animal By-Products (Scotland) Regulations 2003(12).”;
 - (b) in article 3 (fees), each time “appropriate Order” appears, there is substituted “appropriate instrument”; and
 - (c) in the table of fees in the Schedule to that Order–

(7) S.S.I. 2001/189, as amended by S.S.I. 2002/255.

(8) O.J. No. L 273, 10.10.2002, p.1, amended by Commission Regulations (EC) No. 808/2003 (O.J. No. L 117, 13.5.2003, p.1), No. 811/2003 (O.J. No. L 117, 13.5.2003, p.14) and No. 883/2003 (O.J. No. L 117, 13.5.2003, p.22).

(9) S.S.I. 2002/445, as amended by S.S.I. 2002/565 and 2003/165, 225 and 333.

(10) S.S.I. 2003/[].

(11) S.S.I. 2002/529.

(12) S.S.I. 2003/[]

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- (i) in activities 3, 4 and 5, for “the Animal By-Products Order 1999”, there is substituted “the Animal By-Products (Scotland) Regulations 2003”; and
- (ii) in activities 4(b) and 5(b) for “for the purposes of either of those Orders”, there is substituted “for the purposes of either of those instruments”.