

## SCHEDULE 5

### Amendments

## PART 2

### Consequential Amendments

#### *Animal By-Products (Identification) Regulations 1995*

1.—(1) The Animal By-Products (Identification) Regulations 1995(1) 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;

(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;

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(1) 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.

*Status: This is the original version (as it was originally made).*

- (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(2).”
- (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(3); 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–
- “(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.”.

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(2) 1981 c. 22.

(3) 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.

(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.”.