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STATUTORY INSTRUMENTS

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**1999 No. 646**

**The Animal By-Products Order 1999**

**PART II**

**DISPOSAL OF HIGH RISK AND LOW RISK MATERIAL**

**Scope of Part II**

4. The provisions of this Part shall apply in relation to all high risk and low risk material.

**Commencement Information**

- II** Art. 4 in force at 1.4.1999, see [art. 1](#)

**Restrictions on disposal of animal by-products**

5.—(1) Subject to the following provisions of this article, any person who has in his possession or under his control any animal by-product shall without undue delay consign it for, or dispose of it by—

- (a) rendering or part-rendering in approved premises;
- (b) incineration;
- (c) burning other than in an incinerator, or burying, if—
  - (i) it is in a place where access is difficult; or
  - (ii) the quantity of by-product and the distance to premises in which disposal is otherwise permitted under this article do not justify transporting it;
- (d) use for diagnostic, educational or research purposes;
- (e) in the case of low risk material, production of petfood or pharmaceutical or technical products, or storage for the production of petfood, at premises registered under article 12;
- (f) treatment at an approved knacker's yard, or feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait at premises registered under article 13, provided that the material consigned is—
  - (i) a by-product referred to in paragraph (b), (c) or (g)(i) of the definition of high risk material in article 3(1) (provided that it is not from an animal slaughtered as a result of the presence or suspected presence of a notifiable disease listed in Annex I to Council Directive [82/894/EEC](#) (on the notification of animal diseases within the Community)(**1**)); or
  - (ii) low risk material; or
- (g) export from Great Britain.

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(1) OJNo. L 378, 31.12.82, as amended by Council Regulation (EEC) No. 3768/85 (OJ No. L 362, 31.12.85, p. 8), Commission Decision [89/162/EEC](#) (OJ No. L 61, 4.3.89, p. 48) and Commission Decision [92/450/EEC](#) (OJ No. L 248, 28.8.92, p. 77).

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*Changes to legislation: There are currently no known outstanding effects for the The Animal By-Products Order 1999, PART II. (See end of Document for details)*

(2) If the appropriate Minister serves on the person in charge by any animal by-product a notice certifying that—

- (a) the by-product is from animals infected with, or suspected of being infected with, an epizootic disease and should not be transported because of health risks;
- (b) the by-product contains, or is suspected of containing, residues or pathogens which could constitute a risk to human or animal health and which could survive rendering; or
- (c) there is a lack of capacity at rendering premises or incinerators;

then that person shall, without undue delay, dispose of the by-product by burning or by burial as may be specified in the notice.

(3) No person shall feed to any ruminant animal, pig or poultry, or allow any such animal to have access to, any unrendered animal by-product.

#### Commencement Information

**I2** Art. 5 in force at 1.4.1999, see [art. 1](#)

### Collection and transport of animal by-products

6. Any person collecting or transporting animal by-products shall—

- (a) use adequately covered leak-proof containers or vehicles;
- (b) maintain vehicles, tarpaulins or other covers and reusable containers in a clean condition; and
- (c) where animal by-products derived from animals or fish fit for human consumption are transported in bulk directly to rendering premises, label the container with—
  - (i) the source and description of the animal by-product; and
  - (ii) the words “Not for human consumption” in clearly visible and legible letters at least 2 centimetres high.

#### Commencement Information

**I3** Art. 6 in force at 1.4.1999, see [art. 1](#)

### Approval of premises and equipment for rendering animal by-products

7.—(1) No person shall use any premises or equipment for rendering or part-rendering animal by-products unless the premises, the equipment and the operator of the premises are approved by the appropriate Minister in accordance with this article.

(2) The appropriate Minister shall grant approval under this article for premises and equipment for rendering or part-rendering high risk or low risk material if he is satisfied that—

- (a) the premises comply with the requirements in Schedule 1 and will be maintained and operated in accordance with that Schedule;
- (b) the material will be rendered or part-rendered in accordance with Schedule 2;
- (c) the rendered material has been sampled on a daily basis over a period of 30 days before the approval is granted and the samples taken comply with the microbiological standards in article 3(2), except that this requirement shall not apply when animal by-products—
  - (i) are to be rendered in accordance with Method I of Part II of Schedule 2;

- (ii) are to be part-rendered in accordance with the conditions of the approval; or
  - (iii) are non-mammalian by-products which are to be rendered for the production of swill for feeding to pigs or poultry;
  - (d) the equipment will not be used to render any specified risk material controlled by the Specified Risk Material Regulations 1997 or the Specified Risk Material Order 1997;
  - (e) where appropriate, there will be no cross-contamination between different types of material; and
  - (f) all other conditions of this Order will be complied with.
- (3) The approval shall specify—
- (a) the operator and the address of the premises;
  - (b) the rendering equipment and the method of rendering or part-rendering;
  - (c) whether material may be rendered or part-rendered;
  - (d) the type of material which may be rendered or part-rendered;
  - (e) the parameters to be achieved during rendering or part-rendering; and
  - (f) any other conditions which the appropriate Minister considers necessary to ensure that this Order is complied with.
- (4) While the rendered product is being tested in accordance with paragraph (2)(c) above, the appropriate Minister may grant a provisional approval for rendering the animal by-product, which shall specify how the rendered material shall be disposed of.

**Commencement Information**

**I4** Art. 7 in force at 1.4.1999, see [art. 1](#)

**Operation of approved rendering plants**

**8.—(1)** Any person holding an approval under article 7 shall maintain and operate the premises and equipment in accordance with Schedule 1 and shall render material in accordance with Schedule 2 and the approval.

(2) No person shall render specified risk material controlled by the Specified Risk Material Regulations 1997 or the Specified Risk Material Order 1997 in any equipment approved for rendering animal by-products under article 7.

**Commencement Information**

**I5** Art. 8 in force at 1.4.1999, see [art. 1](#)

**Sampling the rendered product**

**9.—(1)** If rendered material is intended for use in feedingstuffs (other than swill or petfood) then the operator of a rendering plant shall act in accordance with this article.

(2) The operator shall establish and use an identification system which makes it possible to identify each rendered batch.

(3) In the case of rendered material derived from high risk material, the operator shall, once every week—

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- (a) take from the outlet of each cooker in use at the premises a sample of at least 50 grams of freshly rendered proteinaceous material; and
  - (b) send the sample to an approved laboratory for testing for *Clostridium perfringens*.
- (4) In the case of all rendered material, the operator shall, on each day that the material is consigned from the premises—
- (a) take samples of the rendered proteinaceous material using one of the methods specified in Part I of Schedule 3 and aggregate the samples to produce a final sample in accordance with that method; and
  - (b) send the final sample to an approved laboratory for testing for Salmonella and *Enterobacteriaceae*.
- (5) Whenever an operator sends a sample to an approved laboratory, he shall send with the sample the following information in writing—
- (a) the name and address of the premises at which the sample was taken;
  - (b) the date on which the sample was taken; and
  - (c) the identity of the sample.
- (6) No person shall tamper with a sample taken under this article with intent to affect the result of a test.
- (7) If the test demonstrates that the rendered material does not comply with the microbiological standards in article 3(2), then the operator shall—
- (a) immediately notify the appropriate Minister of the full details of the nature of the sample and the lot from which it was derived;
  - (b) ensure that no further rendered material suspected or known to be contaminated is moved from the premises unless—
    - (i) he takes all necessary measures to ensure that it is not used for feedingstuffs; or
    - (ii) it has been re-rendered under the supervision of the appropriate Minister and resampled and re-tested by the appropriate Minister, and the re-testing has shown that the re-rendered material complies with the microbiological standards in article 3(2);
  - (c) establish the causes of failure of compliance;
  - (d) increase the rate of sampling and testing of rendered material; and
  - (e) instigate appropriate decontamination and cleaning procedures within the premises.

#### Commencement Information

**I6** Art. 9 in force at 1.4.1999, see [art. 1](#)

#### Incineration

- 10.** Any person who incinerates animal by-products shall ensure that they are either—
- (a) completely incinerated immediately on arrival; or
  - (b) stored in adequately covered leak-proof containers and completely incinerated without undue delay.

**Commencement Information**

**I7** Art. 10 in force at 1.4.1999, see [art. 1](#)

**Burial of animal by-products**

**11.** Any person burying animal by-products shall—

- (a) sprinkle them with a suitable disinfectant if this will help prevent the spread of disease; and
- (b) bury them in such a way that carnivorous animals cannot gain access to them.

**Commencement Information**

**I8** Art. 11 in force at 1.4.1999, see [art. 1](#)

**Petfood, pharmaceutical and technical premises**

**12.—(1)** No person shall use any premises for the production of petfood or pharmaceutical or technical products from animal by-products unless the premises and the occupier of the premises are registered with the appropriate Minister in accordance with this article.

(2) The appropriate Minister shall register premises under paragraph (1) above if he is satisfied that—

- (a) the premises have adequate facilities for storing and treating the animal by-products without risk to animal health;
- (b) the finished product will not create a risk to animal health; and
- (c) all other provisions of this Order will be complied with.

(3) No person shall use any premises for the collection of animal by-products intended for the production of petfood (other than the premises on which the animal by-products originate or premises registered under paragraph (1) above) unless the premises and the occupier of the premises are registered with the appropriate Minister in accordance with this article.

(4) The appropriate Minister shall maintain a register of premises registered under this article containing the following information—

- (a) the name of the operator;
- (b) the address of the premises; and
- (c) the business carried on at the premises.

(5) No person shall accept any unrendered or part-rendered high risk material into premises registered under this article.

(6) The occupier of premises registered under paragraph (1) above shall ensure that all animal by-products not incorporated into the product, and all waste material arising during production are disposed of in accordance with article 5.

(7) The occupier of premises registered under paragraph (1) above shall ensure that all finished material not used for its intended purpose is disposed of by burial or in accordance with article 5.

(8) The occupier of premises registered under paragraph (3) above shall ensure that all animal by-products not consigned for the production of petfood are disposed of in accordance with article 5.

(9) The appropriate Minister may by notice require the occupier of premises registered under this article to store, process, despatch or dispose of animal by-products as may be specified in the notice.

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**Commencement Information**

**I9** Art. 12 in force at 1.4.1999, see [art. 1](#)

**Registration of premises used for the feeding of animal by-products to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait**

**13.**—(1) No person shall receive or use on any premises any animal by-product for feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait, unless the premises and the occupier of the premises are registered with the appropriate Minister in accordance with this article.

(2) The appropriate Minister shall maintain a register of premises used for the feeding of animal by-products to zoo, circus and fur animals, recognised packs of hounds and maggots farmed for fishing bait containing the following information—

- (a) the name of the operator;
- (b) the address of the premises; and
- (c) the business carried on at the premises.

(3) No person shall accept any animal by-product into premises registered under this article other than material permitted to be consigned there under article 5.

(4) The occupier of premises registered under this article shall ensure that all unused animal by-products and all animal by-products remaining after feeding are disposed of in accordance with article 5.

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**Commencement Information**

**I10** Art. 13 in force at 1.4.1999, see [art. 1](#)

**Approval of knackers' yards**

**14.**—(1) No person shall operate a knacker's yard unless the premises are approved by the appropriate Minister in accordance with this article.

(2) The appropriate Minister shall grant approval under this article if he is satisfied that the premises comply with the conditions in Schedule 4 and that they will be maintained and operated in accordance with this Order and the conditions of the approval.

(3) The appropriate Minister shall not approve a knacker's yard for the production of feedingstuffs for animals whose flesh is not intended for human consumption unless he is satisfied that the premises were used as a knacker's yard for the production of such feedingstuffs on 27th November 1990.

(4) The approval granted under paragraph (1) above shall specify—

- (a) the operator of the premises and the address;
- (b) whether or not the knacker's yard is approved to produce feedingstuffs for animals whose flesh is not intended for human consumption, and if it is, the production method; and
- (c) any other conditions which the appropriate Minister considers necessary to ensure that this Order is complied with.

#### Commencement Information

**III** Art. 14 in force at 1.4.1999, see [art. 1](#)

### Operation of knackers' yards and supply of feedingstuffs from knackers' yards

**15.—(1)** Any person approved under article 14 to operate a knacker's yard shall maintain and operate the premises in accordance with the requirements in Schedule 4 and any additional requirements contained in the approval.

(2) No person shall accept any animal by-product into a knacker's yard other than material permitted to be consigned there under article 5.

(3) No person (whether a knacker or any subsequent supplier) shall supply for use in domestic premises any feedingstuffs derived from mammalian high risk material which has been treated in accordance with sub-paragraph (1)(a) or (b) of paragraph 11 of Schedule 4.

#### Commencement Information

**III2** Art. 15 in force at 1.4.1999, see [art. 1](#)

### Approval and operation of laboratories

**16.—(1)** The appropriate Minister shall approve laboratories under this article to carry out one or more of the tests in this article if he is satisfied that they have the necessary facilities, personnel and operating procedures to do so.

(2) In deciding whether to grant or continue an approval, the appropriate Minister may require the laboratory to successfully undertake any quality control tests as he shall reasonably think fit.

(3) The operator of a laboratory approved under this article carrying out tests on material submitted to him in accordance with this Order shall do so in accordance with this article.

(4) A test for *Clostridium perfringens* shall be carried out in accordance with the method in Part II of Schedule 3 or (if specified in the approval) with a method which conforms with ISO 7937/1985 (BS 5763: Part 9: 1986 (1998) (Enumeration of *Clostridium perfringens*))(2).

(5) A test for Salmonella shall be carried out in accordance with one of the methods in Part III of Schedule 3 or (if specified in the approval) with a method which conforms with—

(a) ISO 6579/1993 (BS 5763: Part 4: 1993) (Detection of Salmonella)(3);

(b) BS EN-12824: 1998 (Horizontal method for the detection of Salmonella)(4); or

(c) NMKL 71: 1993(5).

(6) A test for *Enterobacteriaceae* shall be carried out in accordance with the method in Part IV of Schedule 3 or (if specified in the approval) with a method which conforms with ISO 7402/1993 (BS 5763: Part 10: 1993) (Enumeration of *Enterobacteriaceae*)(6).

(7) The operator of a laboratory approved under this article shall forthwith notify the appropriate Minister for the rendering plant, and the operator of the rendering plant, in the event of tests establishing that the material does not comply with the microbiological standards in article 3(2).

(2) Published by the British Standards Institute, British Standards House, 389 Chiswick High Road, London W4 4AL.

(3) Published by the British Standards Institute; see above.

(4) Published by the British Standards Institute; see above.

(5) Published by the Nordic Committee on Food Analysis, National Veterinary Institute, Department of Food and Hygiene, PO Box 8156, N-0033, Oslo, Norway.

(6) Published by the British Standards Institute; see above.

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(8) The operator of a laboratory approved under this article shall notify the appropriate Minister for the laboratory on the last day of every month of the number, type and results of tests carried out.

#### **Commencement Information**

**I13** Art. 16 in force at 1.4.1999, see [art. 1](#)

#### **Records for animal by-products**

**17.**—(1) Any person consigning animal by-products or part-rendered material from any premises shall keep a record of each consignment showing—

- (a) the date on which the material was taken from the premises;
- (b) the quantity and description of the material;
- (c) the destination to which it was consigned; and
- (d) the name of the haulier transporting it.

(2) Any person transporting animal by-products or part-rendered material shall, at the time of collection, record—

- (a) the address of the premises from which the material was collected;
- (b) the date on which the material was collected;
- (c) the quantity and description of the material; and
- (d) the destination to which it is to be taken.

(3) Any person receiving animal by-products or part-rendered material shall keep a record of incoming consignments showing—

- (a) the date on which the material arrived;
- (b) the address of the premises from which the material was consigned;
- (c) the quantity and description of the material; and
- (d) the name and address of the haulier who transported it.

(4) In addition to the records required to be kept by him under paragraph (3) (and, in the case of consignment from the premises of unrendered material, paragraph (1)), the occupier of rendering premises (other than part-rendering premises) shall keep a record for all animal by-products (including part-rendered material) rendered of—

- (a) the weight rendered and the date of rendering;
- (b) the temperature achieved by the by-products;
- (c) in a batch system, the time for which the by-products were rendered;
- (d) if appropriate, the particle size to which the by-products were reduced before rendering;
- (e) if appropriate, the pressure to which the by-products were subjected during rendering;
- (f) if appropriate, the feed rate of the by-products;
- (g) if appropriate, the fat re-cycling rate;
- (h) the quantity and description of rendered material produced;
- (i) the results of all tests of samples submitted to an approved laboratory in accordance with article 9 and any action taken under that article after a sample has been shown not to comply with the microbiological standards specified in article 3(2); and
- (j) in the case of all rendered material—



- (i) the method of disposal;
- (ii) the quantity disposed of;
- (iii) the date of disposal;
- (iv) the name of the haulier; and
- (v) the address of the disposal premises.

(5) In addition to the records required to be kept by him under paragraph (3) (and, in the case of consignment from the premises of unrendered or part-rendered material, paragraph (1)), the occupier of part-rendering premises shall keep a record for all animal by-products part-rendered of—

- (a) the weight part-rendered and the date of part-rendering; and
- (b) the quantity and description of part-rendered material produced.

(6) In addition to the records required to be kept by him under paragraph (3) (and, in the case of consignment from the premises of unused animal by-products and animal by-products remaining after feeding, paragraph (1)), the occupier of any premises registered under article 13 (zoo animals, etc.) shall keep records of the use to which the animal by-products were put.

(7) In addition to the records required to be kept by him under paragraph (3) (and, in the case of consignment from the premises of untreated material, paragraph (1)), the occupier of a knacker's yard shall keep a record of—

- (a) the quantity of animal by-products treated in accordance with paragraph 11 of Schedule 4 (treatment of by-products for the production of feedingstuffs), and the date and method of treatment;
- (b) in the case of the supply of mammalian high risk material which has been sterilised or denatured in accordance with paragraph 11(1)(a) or (b) of Schedule 4—
  - (i) the name and address of each person buying the feedingstuffs;
  - (ii) the premises to which the feedingstuffs are to be taken for use;
  - (iii) the quantity sold; and
  - (iv) the date on which the material was sold.

#### Commencement Information

**I14** Art. 17 in force at 1.4.1999, see [art. 1](#)

#### Records for approved laboratories

**18.** The operator of a laboratory approved under article 16 shall record—

- (a) the name and address of the premises at which the sample was taken;
- (b) the date on which the sample was taken;
- (c) the identity of the sample;
- (d) the date on which the sample was received at the laboratory;
- (e) the date on which the sample was tested at the laboratory; and
- (f) the result of the test.

#### Commencement Information

**I15** Art. 18 in force at 1.4.1999, see [art. 1](#)

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