

1995 No. 457

## FOOD

**The Specified Bovine Offal (Treatment and Disposal)  
Regulations (Northern Ireland) 1995***Made* . . . . . 11th December 1995*Coming into operation* . . . . . 21st December 1995

The Department of Agriculture, in exercise of the powers conferred by Articles 15(1) and (2)(g), (h) and (i) of the Food (Northern Ireland) Order 1989(a) and now vested in it(b) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 72(2) of that Order, with such organisations that appear to it to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations, which relate to material which may contain the agent causing bovine spongiform encephalopathy and which implement paragraph 3(a) of Article 3 of Commission Decision 94/474/EC (concerning certain protection measures relating to bovine spongiform encephalopathy and repealing Decision 89/469/EEC and 90/200/EEC(c)) may be cited as the Specified Bovine Offal (Treatment and Disposal) Regulations (Northern Ireland) 1995 and shall come into operation on 21st December 1995.

*Interpretation*

- 2.—(1) In these Regulations, unless the context otherwise requires—
- “approved” means approved by the Department;
  - “Department” means the Department of Agriculture for Northern Ireland;
  - “feedingstuff” includes petfood;
  - “intestines” means that part of the digestive tract of a bovine animal from the junction of the abomasum and the duodenum to (and including) the rectum;
  - “processed” means processed in accordance with the provisions of Article 6 of the SBO Order;
  - “the SBO Order” means the Specified Bovine Offal Order (Northern Ireland) 1995(d);
  - “sell” includes have in possession for sale or offer or expose for sale;

---

(a) S.I. 1989/846 (N.I. 6)

(b) S.R. 1990 No. 394

(c) O.J. No. L194, 29.7.1994, p. 96

(d) S.R. 1995 No. 458

“skull” does not include the bones of the lower mandible, those of the hyoid apparatus or those anterior to a transverse section formed between the posterior molars of the upper jaw and a point 30 millimetres anterior to both orbits;

“slaughterhouse” means any building, premises or place for slaughtering animals the flesh of which is intended for sale for human consumption;

“specified bovine offal” means—

- (a) the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal six months old or over which has died or been slaughtered in the United Kingdom;
- (b) the thymus and intestines of a bovine animal aged two months or over but less than six months which has died or been slaughtered in the United Kingdom;
- (c) the thymus and intestines of a bovine animal under two months old which has been slaughtered in the United Kingdom for human consumption;

and includes anything left attached to such organ after dissection of the carcass and any animal matter which comes into contact with the organ after it has been removed from the carcass, but does not include the whole carcass;

“stain” means treat (either by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(a)) in such a way that the colouring is clearly visible over the whole surface of the offal;

“tallow” means fat derived from animal tissues by a process of cooking.

(2) Any reference to a head means the head of a bovine animal aged six months or over.

(3) For the purposes of these Regulations the supply of food or feedingstuffs otherwise than by sale at, in or from any place where food or feedingstuffs are supplied in the course of a business, shall be deemed to be a sale.

### *Approvals*

3.—(1) The Department may, on application, approve any premises for the purposes of these Regulations if it is satisfied that such premises are properly equipped to carry out the functions to which the approval relates and comply with the requirements of these Regulations.

(2) Any approval granted under these Regulations shall be in writing and may be made subject to conditions and be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval was granted if the Department is satisfied that the conditions of these Regulations, or any additional conditions in the approval are not being complied with.

---

(a) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB

*Specified bovine offal for human consumption*

4.—(1) A person shall not sell any specified bovine offal, or any food containing specified bovine offal, for human consumption.

(2) A person shall not use any specified bovine offal in the preparation of food for sale for human consumption.

(3) A person shall not sell any specified bovine offal for use in the preparation of food for human consumption.

(4) For the purposes of this regulation “specified bovine offal” includes anything derived from it.

*Initial treatment of specified bovine offal at a slaughterhouse*

5.—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but brought immediately to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that all specified bovine offal and, in the case of an animal six months old or over, the head are separated from the rest of the carcase.

(2) Subject to the following provisions of this regulation, the occupier shall ensure that specified bovine offal other than that associated with a head from which meat is to be removed for human consumption is forthwith, and in any event before it is frozen, stained.

(3) The occupier shall ensure that the specified bovine offal does not come into contact with any other animal material while in the slaughterhouse and that it is disposed of in accordance with these Regulations.

(4) Material which is not specified bovine offal may be separated from intestines which have been removed from the carcase before the intestines are stained.

(5) Subject to paragraph (6), the occupier shall ensure that, where a head is removed in accordance with paragraph (1), it is either—

(a) stained and consigned as specified bovine offal in accordance with Article 9 of the SBO Order and disposed of in accordance with the provisions of these Regulations; or

(b) kept separate from all other animal material other than unstained bovine heads and sent to an approved head boning plant in accordance with regulation 10.

(6) Paragraph (5) shall not apply in the case of meat (other than brains and eyes) or bones (other than bones forming the skull) removed from the head on the premises without disturbing the skull.

(7) In the case of specified bovine offal which is intended to be analysed under regulation 14, the specified bovine offal shall not be stained until after the completion of such examination.

(8) The requirement to stain specified bovine offal shall not apply in the case of specified bovine offal which is intended to be used for non-food or non-feedingstuff purposes in accordance with Article 8 of the SBO Order.

*Initial treatment of specified bovine offal other than at a slaughterhouse.*

6.—(1) Subject to the provisions of this regulation, when specified bovine offal is removed from the carcass of a bovine animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified bovine offal is removed shall ensure that it is forthwith, and in any event before it is frozen, stained.

(2) The occupier shall ensure that the specified bovine offal does not come into contact with any other animal material while on the premises and that it is consigned in accordance with Article 9 of the SBO Order and disposed of in accordance with the provisions of these Regulations.

(3) In the case of specified bovine offal which is intended to be analysed under regulation 14, the specified bovine offal shall not be stained until after the completion of such examination.

(4) The requirement to stain specified bovine offal shall not apply in the case of specified bovine offal which is intended to be used for non-food or non-feedingstuff purposes in accordance with Article 8 of the SBO Order.

*Exceptions from the requirement to stain specified bovine offal*

7.—(1) The requirements in regulations 5 and 6 to stain the specified bovine offal shall not apply if the specified bovine offal is to be sent to a veterinary or medical school, laboratory, hospital or similar institution for instructional, diagnostic or research purposes, provided that the specified bovine offal is stored separately from all other animal materials and is clearly identified as specified bovine offal.

(2) A person shall not transport specified bovine offal to premises specified in paragraph 7(1) unless the specified bovine offal is in a container marked with the following—

- (a) the words “specified bovine offal”;
- (b) the place of destination; and
- (c) the name of the person to whom it is being sent.

(3) Any person delivering specified bovine offal to such premises shall state in writing to the occupier of the premises the place from which the specified bovine offal was collected for delivery.

(4) When the specified bovine offal is no longer needed the person to whom it was consigned shall ensure that any residual specified bovine offal is buried or effectively destroyed.

*Prohibition on the removal of the brain and eyes of a bovine animal*

8.—(1) A person shall not remove the brain or eyes from the head of a bovine animal except—

- (a) for the purposes of veterinary or scientific examination; and
- (b) in a part of the premises kept free at all times from food intended for human consumption; and
- (c) after the removal from the head of any meat or bones intended for human consumption,

and after such examination the skull, eyes and brain shall be consigned in accordance with Article 9 of the SBO Order and disposed of as specified bovine offal in accordance with the provisions of these Regulations.

(2) The prohibition in paragraph (1) shall not apply to the removal of the eyeballs of bovine animals at the place of slaughter by a veterinary inspector or other authorised officer of the Department for the purposes of retina testing.

#### *Prohibition on the removal of the spinal cord of a bovine animal*

9.—(1) A person shall not remove the spinal cord from the vertebral column of a bovine animal aged six months or over except in a slaughterhouse or for the purposes of veterinary or scientific examination.

(2) If the spinal cord is removed in a slaughterhouse, it shall be disposed of as specified bovine offal in accordance with the provisions of these Regulations.

(3) If the spinal cord is removed at any premises other than a slaughterhouse for the purposes of veterinary or scientific examination, after such examination both the spinal cord and vertebral column shall be disposed of as specified bovine offal in accordance with the provisions of these Regulations.

#### *Head boning plants*

10.—(1) Any person delivering bovine heads to an approved head boning plant shall state in writing to the operator of the head boning plant concerned the name and address of the place from which those heads were collected for delivery to that head boning plant.

(2) A person shall not take delivery of bovine heads at a head boning plant or operate a head boning plant unless it has been approved by the Department and is suitably equipped and operated so as to remove meat and any other bones from the head in such a way as the skull is not disturbed.

(3) Once meat and bones have been removed the operator of such a head boning plant shall ensure that all the specified bovine offal is kept separate from all other animal material and stained in accordance with the provisions of regulation 5.

(4) A person shall not remove specified bovine offal from such a head boning plant except to—

- (a) an institution of the kind described in regulation 7 subject to the qualifications therein described; or
- (b) premises approved under regulation 11 or Article 6 or 8 of the SBO Order.

#### *Approved incinerators*

11.—(1) Any person delivering specified bovine offal to an approved incinerator shall state in writing to the operator of the incinerator the place from which that specified bovine offal was collected for delivery to that incinerator.

(2) A person shall not operate an incinerator for incinerating specified bovine offal unless the incinerator has been approved by the Department as an incinerator for the incineration of specified bovine offal in accordance with paragraph (3) and dispose of the ash in such a way that it does not pose a risk to human or animal health. In particular, the incinerator shall be equipped with a refractory lining and be heated by fuel conveyed into the incinerator during incineration by mechanically forced draught.

(3) An operator of such an incinerator shall incinerate all specified bovine offal delivered to him to the standard specified in the approval and in such a way that all moisture is removed, the material is reduced to ash and the ash is disposed of in accordance with the terms of the approval.

(4) A person shall not remove specified bovine offal from such an incinerator unless it has been completely incinerated.

#### *Disposal of processed specified bovine offal*

**12.** After the specified bovine offal has been processed and separated into protein and tallow in a rendering plant licensed under Article 6(1) of the SBO Order the operator of the rendering plant shall ensure that—

- (a) all protein shall be placed in a container labelled “specified bovine offal” and shall be disposed of—
  - (i) by burial at a landfill site for which there exists a disposal licence granted under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978(a); or
  - (ii) as specified in a licence issued under Article 8(1) of the SBO Order; or
  - (iii) sent to an approved incinerator for incineration; and
- (b) all tallow shall be placed in a container labelled “specified bovine offal” and—
  - (i) disposed of by burial at a landfill site for which there exists a disposal licence granted under Article 7 of the Pollution Control and Local Government (Northern Ireland) Order 1978; or
  - (ii) sent for purposes not connected with the preparation of food or feedingstuffs; or
  - (iii) sent for treatment by thermal hydrolysis at hyperbaric pressure.

#### *Powers to give directions*

**13.—**(1) In the event that the Department is satisfied that, for reasons of mechanical breakdown of equipment or otherwise, specified bovine offal cannot be disposed of in accordance with the provisions of these Regulations, it may give written directions to the owner or person in control of the specified bovine offal for its disposal in a safe manner.

(2) In the event of any person not complying with such directions, the Department may make arrangements for the disposal of the specified bovine offal at the expense of the owner.

---

(a) S.I. 1978/1049 (N.I. 19)

*Samples*

14. Where an authorised officer has reasonable grounds for supposing that any of the provisions of these Regulations are not being complied with he may take such samples from any carcase or part of a carcase, or from any tallow, protein, offal, food or feedingstuffs as he considers necessary to establish whether or not an offence has taken place and shall submit any such samples to be analysed by the public analyst for the district in which the sample was procured.

*Storage*

15.—(1) Subject to paragraph (2), a person shall not store specified bovine offal in the same room as food.

(2) The requirement in paragraph (1) shall not apply where an officer of the relevant district council has approved the storage of specified bovine offal in the same room as food on being satisfied that the arrangements for storage will ensure the adequate separation of the specified bovine offal from the food.

*Offences*

16. A person who contravenes these Regulations or any directions given under these Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum.

*Transitional provisions*

17. Any requirement under these Regulations relating to an approval shall not operate until three months after the coming into operation of these Regulations.

*Revocation*

18. The Bovine Offal (Prohibition) Regulations (Northern Ireland) 1990(a) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 11th December 1995.

(L.S.)

*P. T. Toal*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations control the sale and use of specified bovine offal for human consumption (regulation 4) and regulate the initial treatment of specified bovine offal in a slaughterhouse or elsewhere (regulations 5 and 6). Exceptions from the staining requirement are provided (regulation 7). The Regulations also prohibit the removal of the brain, eyes or spinal cord of a bovine animal, subject to certain exceptions (regulations 8 and 9).

The Regulations control head boning plants and incinerators by requiring these to be approved and by regulating the way in which they deal with specified bovine offal (regulations 10-12). Controls are also placed upon veterinary or laboratory premises (regulation 7) and there are provisions on giving directions, sampling and storage (regulations 13-15).

Any person who contravenes any provision of the Regulations shall be guilty of an offence against the Food (Northern Ireland) Order 1989 (regulation 16). The penalty, on summary conviction, is a fine not exceeding the statutory maximum (currently £5,000). In any proceedings for an offence under these Regulations it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.