
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 158

AGRICULTURE

Bovine Hides Regulations (Northern Ireland) 1998

Made - - - - - *23rd April 1998*
Coming into operation *1st June 1998*

The Department of Agriculture, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Communities, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Bovine Hides Regulations (Northern Ireland) 1998 and shall come into operation on 1st June 1998.

(2) The Bovine Hides Regulations 1997⁽³⁾ are hereby revoked insofar as they apply in relation to Northern Ireland and accordingly in regulation 2 of those Regulations, in the definition of “the appropriate Minister” paragraph (c) is hereby revoked.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of Agriculture for Northern Ireland;

“approved incinerator” means an incinerator approved by the Department under regulations 5 and 23 of the Specified Risk Material Regulations (Northern Ireland) 1997⁽⁵⁾;

“approved rendering plant” means a rendering plant approved by the Department under regulations 5 and 24 of the Specified Risk Material Regulations (Northern Ireland) 1997 or approved by the Department under regulation 3;

(1) S.I.1972/1811
(2) 1972 c. 68
(3) S.I. 1997/813
(4) 1954 c. 33 (N.I.)
(5) S.R. 1997 No. 552

“authorised officer” means a person appointed by the Department to act as such for the purposes of these Regulations;

“Commission Regulation 716/96” means Commission Regulation (EC) No. 716/96(6) adopting exceptional support measures for the beef market in the United Kingdom, as last amended by Commission Regulation (EC) No. 2423/96(7);

“controlled hide” means the hide of any animal slaughtered in pursuance of either of the schemes on or after the commencement of these Regulations, from the time of its removal from the carcase until it is processed;

“controlled waste” means—

- (a) trimmings, fleshings and by-products derived from a controlled hide;
- (b) where a controlled hide is split before it is tanned, and the split is not tanned, that split; and
- (c) protein or tallow produced by rendering other controlled waste;

“processed”, in relation to a hide, means processed to the wet-tanned stage of the tanning process;

“registered”, in relation to a hide dealer or tannery controller, means registered under regulation 3;

“the schemes” means—

- (a) the scheme introduced by Commission Regulation 716/96, for the purchase of bovine animals aged more than 30 months which do not show clinical signs of bovine spongiform encephalopathy and which were, during a period of 6 months prior to their sale, present on a holding located on the territory of the United Kingdom; and
- (b) the selective cull, as defined in regulation 2 of the Selective Cull (Enforcement of Community Compensation Conditions) Regulations (Northern Ireland) 1996(8);

“scheme animal” means a bovine animal slaughtered under either of the schemes;

“scheme slaughterhouse” means a slaughterhouse where scheme animals are slaughtered.

Registration, approvals and directions

3.—(1) The Department may on application register a person as a hide dealer or tannery controller, if it is satisfied that the person has the necessary facilities to—

- (a) ensure that any controlled hide in his possession is reasonably secure against theft;
- (b) produce the returns required under regulation 7 in a timely fashion and to keep the records required under that regulation in a manner which will facilitate the inspection of those records by an authorised officer in accordance with regulation 9(3)(a); and
- (c) carry out all other functions of a hide dealer or tannery controller (as the case may be) in accordance with these Regulations.

(2) For the purposes of these Regulations, the Department may on application, approve a place as an approved rendering plant if it is satisfied that it has the facilities to—

- (a) process controlled waste without risk to human or animal health;
- (b) process controlled waste separately from all other material without any contamination occurring; and
- (c) satisfy the record keeping requirements imposed under regulation 7(6).

(6) O.J. No. L99, 19.4.96, p. 14

(7) O.J. No. L329, 19.12.96, p. 43

(8) S.R. 1996 No. 595

(3) Any approval or registration 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 or registration was granted if the Department is satisfied that the conditions of these Regulations, or any conditions subject to which such approval or registration was granted, are not being complied with.

(4) Any direction given under these Regulations shall be in writing by means of a notice addressed to each person to whom that direction relates.

General requirements in relation to controlled hides

4.—(1) Except as provided in paragraph (2), a person shall not buy, sell or otherwise deal with a controlled hide unless—

- (a) he is a registered hide dealer or a registered tannery controller;
- (b) he keeps and transports it in a place which is physically separated from any place in which any hide other than a controlled hide is kept or transported; and
- (c) he keeps records of his dealings with that hide in accordance with regulation 7.

(2) The operator of a scheme slaughterhouse may sell a controlled hide.

(3) A person shall not sell or deliver a controlled hide to any person other than a registered hide dealer or a registered tannery controller.

(4) A person shall not remove trimmings or fleshings from a controlled hide, or split a controlled hide, except at a scheme slaughterhouse or a tannery controlled by a registered tannery controller.

Additional requirements in relation to tanneries

5.—(1) A registered tannery controller shall ensure that—

- (a) each controlled hide delivered to him is either processed or treated as controlled waste;
- (b) controlled hides delivered to him are stored and processed separately from any other hides; and
- (c) any place in which, or equipment with which, controlled hides are stored or processed is thoroughly cleansed before it is used to store or process any other hide or other material.

(2) A registered tannery controller shall ensure that all controlled waste is either—

- (a) stained immediately it is removed from the hide, by being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent CI Acid Green (Colour Index No. 44025(9)) in such a way that the colouring is clearly visible over the whole surface of the material; or
- (b) (in the case of trimmings and splits) processed as if it were a controlled hide.

(3) Once controlled waste has been removed from the hide and stained in accordance with paragraph (2)(a), the person responsible for its removal and staining shall—

- (a) ensure that it is placed in an impervious sealed container, the exterior surface of which is clearly marked to show that it contains controlled waste; and
- (b) without unreasonable delay, send it directly to an approved incinerator or an approved rendering plant.

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

Requirements in relation to approved rendering plants and approved incinerators

6.—(1) Any person delivering controlled waste to an approved rendering plant shall state in writing to the operator of the rendering plant concerned the place from which that controlled waste was collected for delivery to that rendering plant.

(2) A person shall not take delivery of controlled waste at a rendering plant, or operate a rendering plant for controlled waste, unless it is an approved rendering plant.

(3) The operator of an approved rendering plant shall ensure that all controlled waste in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.

(4) The operator of an approved rendering plant shall ensure that controlled waste is rendered without undue delay.

(5) After controlled waste has been rendered and separated into protein and tallow, the operator of an approved rendering plant shall ensure that the protein and tallow are placed in separate containers, each labelled “controlled waste” and consigned to a place specified in the approval of the plant or such other place as the Department may direct.

(6) The operator of an approved rendering plant shall ensure that the premises and equipment are kept in a good state of repair and that measuring equipment is calibrated at regular intervals.

(7) Regulation 23(1), (4) and (5) of the Specified Risk Material Regulations (Northern Ireland) 1997 shall apply to the incineration of controlled waste as if it were specified risk material.

Record keeping requirements

7.—(1) A registered hide dealer and a registered tannery controller shall send to the Department, a weekly return in such form and by such means as the Department may direct, setting out the information specified in the Schedule and shall retain a copy of that return.

(2) A person shall not despatch a consignment of controlled hides to any place (including another place under his control) unless the consignment is accompanied by a document in such form as the Department may direct specifying—

- (a) the name and address of the person despatching the consignment;
- (b) the date of despatch;
- (c) the number and weight of the hides despatched; and
- (d) the destination to which they are despatched.

(3) A person shall not transport a consignment of controlled hides, unless it is accompanied by the document described in paragraph (2), completed as required by that paragraph.

(4) A person shall not accept delivery of a consignment of controlled hides unless—

- (a) it is accompanied by the document described in paragraph (2), completed as required by that paragraph;
- (b) he immediately completes that document so that it records his name and address and the date on which he received the consignment; and
- (c) he retains that document.

(5) Any person who consigns controlled waste to an approved rendering plant or an approved incinerator shall keep a record of the weight consigned, the date of consignment and the destination to which it was consigned.

(6) The operator of an approved rendering plant and of an approved incinerator shall record on arrival of controlled waste at the premises—

- (a) the weight of the controlled waste delivered;

- (b) the date of delivery; and
- (c) the place from which it was consigned.

(7) The operator of an approved rendering plant shall keep a record of the weight of protein and of the weight of tallow consigned in accordance with regulation 6(5), and of the date and the point of destination of each consignment.

(8) Any person who is required by this regulation to keep records, or to keep any document or a copy of any return, shall retain that record, document or copy for three calendar years from the end of the calendar year in which the record or document was created or the return completed.

Appointment of authorised officers

8. The Department may appoint any person to be an authorised officer for the purposes of these Regulations and may suspend or revoke such appointment if it appears to the Department that the person so appointed is unfit or unable to carry out the duties of an authorised officer.

Powers of entry and inspection

9.—(1) An authorised officer may, on producing, if required to do so, some duly authenticated document showing his authority, enter upon any land or premises (other than premises used only as a dwelling) at all reasonable hours for the purposes of ascertaining whether there is or has been on the land or premises any contravention of these Regulations; and in this regulation “premises” includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An authorised officer entering upon any land or premises in accordance with paragraph (1) may take with him such other persons acting under his instructions as he considers necessary.

(3) An authorised officer may, for the purpose described in paragraph (1)—

- (a) require a registered hide dealer, a registered tannery controller, the operator of a scheme slaughterhouse, approved rendering plant or an approved incinerator and the owner or occupier of any other place where the hides of bovine animals are kept, to produce for inspection any bill, account, record or other document in his possession or under his control relating to the hides, the animals from which they were derived and any controlled waste and, where any such document is kept by means of a computer, require him to afford the authorised officer access to, and all necessary means to inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with that document;
- (b) make copies of or take copies from any such document so produced; and
- (c) take samples (and, if necessary, send the samples for laboratory testing) from any product or material.

Offences and penalties

10.—(1) It shall be an offence for a person—

- (a) without reasonable excuse to fail to comply with the provisions of regulations 4 to 7;
- (b) intentionally to obstruct an authorised person, or a person acting under his instructions, in the exercise of a power conferred by regulation 9;
- (c) without reasonable excuse to fail to comply with the request made under regulation 9(3) (a); or
- (d) knowingly or recklessly to furnish any information that he is required to provide to the Department under these Regulations which is false or misleading in a material particular.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

11.—(1) Proceedings for an offence under regulation 10 may, subject to paragraph (2), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than four years after the commission of the offence.

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

23rd April 1998.

R. S. Johnston
Assistant Secretary

SCHEDULE

Regulation 7(1)

The information which a registered hide dealer and registered tannery controller is required to provide to the Department every week under regulation 7(1) is as follows:—

- (a) the number of controlled hides in his possession at midnight on the previous Friday;
- (b) the number of hides he received in the 7-day period ending at midnight on that Friday;
- (c) the number of hides he despatched in that period;
- (d) the number of hides which he commenced tanning in that period; and
- (e) the name and address of each person from whom he received hides or to whom he despatched hides, together with the number of hides received from or despatched to (as the case may be) that person.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make further provision for the enforcement of the requirements of Article 1(2) of Commission Regulation (EC) No. 716/96, adopting exceptional support measures for the beef market in the United Kingdom, in so far as those requirements relate to the hides of bovine animals aged more than 30 months which do not show any clinical signs of bovine spongiform encephalopathy. The Regulations also apply to the hides of bovine animals slaughtered under the selective cull as defined in the Selective Cull (Enforcement of Community Compensation) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 595).

The Regulations provide for the registration of hide dealers and tannery controllers and for the approval of rendering plants (regulation 3). General requirements are specified in relation to the purchase or sale of, and other dealings in, hides (regulation 4). The Regulations ensure that, when a hide is processed, any part of it not processed is treated as controlled waste and consigned to an approved incinerator or rendering plant (regulations 5 and 6). Registered hide dealers and tannery controllers are required to submit weekly returns to the Department of Agriculture (regulation 7).

The Regulations provide for the appointment of authorised officers and make provisions in relation to enforcement and penalties (regulations 8 to 11).