

2001 No. 186

FOOD

ANIMALS

ANIMAL HEALTH

Restriction on Pithing Regulations (Northern Ireland) 2001

Made 30th April 2001

Coming into operation—

*(a) in the case of all provisions
other than regulation 3 11th June 2001*

(b) in the case of regulation 3 10th September 2001

The Department of Health, Social Services and Public Safety^(a) and the Department of Agriculture and Rural Development^(b) being Departments designated^(c) for the purposes of section 2(2) of the European Communities Act 1972^(d) in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by that section and of every other power enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Restriction on Pithing Regulations (Northern Ireland) 2001 and shall come into operation—

(a) in the case of all provisions other than regulation 3, on 11th June 2001; and

(b) in the case of regulation 3, on 10th September 2001.

(2) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Restriction on pithing

2.—(1) A person shall not pith any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption.

(2) For the purposes of this regulation—

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1) Article 3(6)
(b) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1) Article 3(4)
(c) S.I. 1972/1811
(d) 1972 c. 68
(e) 1954 c. 33 (N.I.)

- (a) to “pith” an animal is to lacerate, after stunning, its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity; and
 - (b) “sale” includes supply, otherwise than on sale, in the course of a business, whether carried on for profit or not.
- (3) Any person who contravenes paragraph (1) shall be guilty of an offence.

Disposal of illegally pithed animals

3. Where any bovine, ovine or caprine animal has been pithed in contravention of regulation 2(1), all parts of its carcase (except the hide) shall be deemed to be—

- (a) “specified risk material” as defined in Article 2(1) of the Specified Risk Material Order (Northern Ireland) 1997(a); and
- (b) “specified risk material” as defined in regulation 2(1) of the Specified Risk Material Regulations (Northern Ireland) 1997(b).

Amendment to the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996

4. The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996(c) are amended by the insertion of the following regulation immediately after regulation 3 (application and exemptions) –

“Immobilisation after stunning

3A.—(1) Nothing in these Regulations shall be taken as permitting the immobilisation, on or after 11th June 2001, of any bovine, ovine or caprine animal prior to slaughtering it for sale for human or animal consumption.

(2) In paragraph (1)—

- (a) the “immobilisation” of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity; and
- (b) “sale” includes supply, otherwise than on sale, in the course of a business, whether carried on for profit or not.”.

Powers of inspectors

5.—(1) An inspector shall, on producing if so required some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purpose of ascertaining if there is or has been a breach of regulation 2(1).

(a) S.R. 1997 No. 551 as amended by S.R. 2001 No. 1

(b) S.R. 1997 No. 552 as amended by S.R. 2000 No. 295 and S.R. 2001 No. 48

(c) S.R. 1996 No. 558 as amended by S.R. 2000 No. 76, S.R. 2000 No. 78 and S.R. 2001 No. 66

(2) In paragraph (1), “inspector” means a person appointed to be an inspector for the purposes of these Regulations by the Food Standards Agency or, as the case may be, the Department of Agriculture and Rural Development or a district council.

(3) Any person appointed to be an inspector for the purposes of the Diseases of Animals (Northern Ireland) Order 1981(a) by the Department of Agriculture and Rural Development shall be deemed to have been appointed to be an inspector for the purposes of these Regulations by that Department.

Obstruction

6.—(1) A person shall not—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or fail to comply with any notice served on him under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading,

and any person who contravenes this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

7.—(1) A person guilty of an offence consisting of a contravention of regulation 6(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of an offence consisting of a contravention of regulation 2(1) or regulation 6(1)(c) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Enforcement

8. These Regulations shall be enforced by the Food Standards Agency in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(b) and by the Department of Agriculture and Rural Development or the district council in relation to any other premises.

(a) S.I. 1981/1115 (N.I. 22)

(b) S.R. 1997 No. 493 as amended by S.R. 1998 No. 237, S.R. 2000 No. 78, S.R. 2000 No. 191 and S.R. 2000 No. 287

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 30th April 2001.

(L.S.)

W. B. Smith
Senior Officer of the Department
of Health, Social Services and
Public Safety

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th April 2001.

(L.S.)

R. S. Johnston
Senior Officer of the Department
of Agriculture and Rural
Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect to Article 5 of Commission Decision 2000/418/EC (O.J. No. L158, 30.6.2000, p. 70).

These Regulations—

- (a) prohibit the use of the technique known as “pithing” in the slaughter of bovine, ovine or caprine animals for sale (given an extended meaning by regulation 2(2)(b)) for human or animal consumption (*regulation 2(1)*);
- (b) provide that all parts of the carcase (other than the hide) of an illegally pithed animal are deemed to be “specified risk material” for the purposes of the Specified Risk Material Regulations (Northern Ireland) 1997 and the Specified Risk Material Order (Northern Ireland) 1997, as both amended (*regulation 3*);
- (c) make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 as amended (*regulation 4*);
- (d) give powers of entry to persons appointed as inspectors by the relevant enforcement authority (*regulation 5*);
- (e) create offences and penalties (*regulations 2(3), 6 and 7*); and
- (f) specify who is to enforce them (*regulation 8*).

These Regulations (except for regulation 3, which comes into operation on 10th September 2001) come into operation on 11th June 2001.

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