

**2003 No. 504**

**FOOD**

**Animal By-Products (Identification) (Amendment No. 2)  
Regulations (Northern Ireland) 2003**

*Made* - - - - - *4th December 2003*

*Coming into operation* *4th December 2003*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred on it by Articles 15(1)(c), (d) and (f), 25(3) and 47(2) of, and paragraph 3 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991<sup>(b)</sup> and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(c)</sup> and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Animal By-Products (Identification) (Amendment No. 2) Regulations (Northern Ireland) 2003 and shall come into operation on 4th December 2003.

**Amendments to the Animal By-Products (Identification) Regulations (Northern Ireland) 1999**

**2.** The Animal By-Products (Identification) Regulations (Northern Ireland) 1999<sup>(d)</sup> are amended in accordance with regulations 3 to 8.

**3.** In regulation 2 (interpretation) –

(a) for the definition of “the 2002 Order” there shall be substituted the following definition –

“the 2003 Regulations” means the Animal By-Products Regulations (Northern Ireland) 2003<sup>(e)</sup>”;

(b) for the definition of “approved premises” there shall be substituted the following definitions –

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(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3  
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Regulation 13(4) of S.R. 2000 No. 78 expressly authorises the Department of Health, Social Services and Public Safety to amend or revoke existing Regulations made or having effect as if made by the Department of Agriculture and Rural Development (whether with others or not) under the Food Safety (Northern Ireland) Order 1991  
(c) O.J. No. L31, 1.2.2002, p. 1  
(d) S.R.1999 No. 418, as amended by S.R. 2000 No. 78, S.R.2002 No. 238 and S.R. 2003 No. 9  
(e) S.R. 2003 No. 495

“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;”;

and

- (c) immediately after the definition of “cold store” there shall be inserted the following definition –

“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(a) 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);
- (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);
- (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);
- (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);
- (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(f);
- (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 plants(g);
- (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(h);”.

#### 4. In regulation 5 (exemptions) –

- (a) for paragraph (1)(e) there shall be substituted the following provision –

“(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 23 of the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998(i); or”;

- (b) in paragraph (2) –

- (i) “and sterilisation” shall be omitted, and
- (ii) in each of sub-paragraphs (d) and (e), for “the 2002 Order” there shall be substituted “the 2003 Regulations”.

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(a) O.J. No. L273, 10.10.2002, p. 1

(b) O.J. No. L117, 13.5.2003, p. 1

(c) O.J. No. L117, 13.5.2003, p. 14

(d) O.J. No. L117, 13.5.2003, p. 22

(e) O.J. No. L117, 13.5.2003, p. 24

(f) O.J. No. L117, 13.5.2003, p. 30

(g) O.J. No. L117, 13.5.2003, p. 42

(h) O.J. No. L117, 13.5.2003, p. 44

(i) S.R. 1998 No. 45; the relevant amending Regulations are S.R. 1998 No. 207. The provisions of S.R. 1998 No. 45 which apply to products imported from third countries are disapplied by S.R. 2002 No. 340

**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 head (iii), there shall be substituted the following head –

“(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 adequately separated from the cold store, cutting premises, game processing facility or slaughter-house concerned, for incineration there.”; and

(b) for paragraph (4) there shall be substituted the following paragraph –

“(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 slaughter-house 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 shall be substituted the following paragraphs –

“(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 adequately separated from the animal by-products premises concerned 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.”.

**7.** In regulation 9 (storage and packaging of animal by-products), for paragraph (3) there shall be substituted the following paragraph –

“(3) A person shall not store in any part of any cold store, cutting premises, game processing facility or slaughter-house any animal 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 imported animal by-product, 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 shall be substituted the following paragraph –

“(2) The prohibition contained in paragraph (1) 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 slaughter-house, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer, to other premises for disposal in accordance with the requirements of the Community Regulation.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 4th December 2003.

(L.S.)

*Deirdre Kenny*

A Senior Officer of the Department of Health, Social Services and Public Safety

## EXPLANATORY NOTE

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

These Regulations, which amend the Animal By-Products (Identification) Regulations (Northern Ireland) 1999, as already amended (“the 1999 Regulations”), consist very largely of provisions which are consequential on 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 (“the Community Regulation”) and on the Regulations which provide for the enforcement of that Regulation, namely the Animal By-Products Regulations (Northern Ireland) 2003.

These Regulations amend the 1999 Regulations by –

- (a) in regulation 2 (interpretation), substituting for the definition of “the 2002 Order” a definition of “the 2003 Regulations”, substituting for the definition of “approved premises” definitions of “approved incineration plant” and “approved rendering plant”, and adding a definition of “the Community Regulation” (*regulation 3*);
- (b) in regulation 5 (exemptions) –
  - (i) substituting a revised paragraph (1)(e) (which specifies a particular category of animal by-product to which the 1999 Regulations do not apply) (*regulation 4(a)*), and
  - (ii) in paragraph (2), deleting certain words the need to delete which was overlooked in an earlier amendment to the 1999 Regulations, and substituting for the references to “the 2002 Order” references to “the 2003 Regulations” (*regulation 4(b)*);
- (c) in regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses), substituting revised versions of paragraphs (2)(b)(iii) and (4) (which, read together, specify a category of animal by-product to which the duty of occupiers of cold stores, cutting premises, game processing facilities and slaughterhouses to stain animal by-products which is imposed by paragraph (1) of that regulation does not apply) (*regulation 5*);
- (d) in regulation 7 (staining of animal by-products in animal by-products premises), substituting revised versions of paragraphs (2) and (3) (which, read together, specify a category of animal by-product to which the duty of occupiers of animal by-products premises to stain animal by-products which is imposed by paragraph (1) of that regulation does not apply) (*regulation 6*);
- (e) in regulation 9 (storage and packaging of animal by-products), substituting a revised version of paragraph (3) (which provides that animal by-products may not be stored in cold stores, cutting premises, game processing facilities or slaughterhouses if specified conditions are not met) (*regulation 7*); and
- (f) in regulation 10 (restriction on movement of animal by-products), substituting a revised version of paragraph (2) (which specifies a category of animal by-product to which the prohibition on moving animal by-products from animal by-products premises, cold stores, cutting premises, game processing facilities or slaughterhouses without first staining them, which is imposed by paragraph (1) of that regulation, does not apply) (*regulation 8*).

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