STATUTORY RULES OF NORTHERN IRELAND

2015 No. 332

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

Made - - - - 15th September 2015

Coming into operation 14th October 2015

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**1**).

The Department of Agriculture and Rural Development is a Department designated for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**2**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is expedient for the reference to the Regulation (EU) No. 142/2011 (implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive)(**3**) to be construed as a reference to that instrument as amended from time to time.

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015 and shall come into operation on 14th October 2015.

(**1**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**2**) S.I. 1999/2027
(**3**) O.J. No L 54, 26.02.2011, p 1, last amended by Commission Regulation (EU) No 9/2015 (OJ No L 3, 7.1.2015, p10)

Interpretation

2.—(1) In these Regulations—

"the Department" means the Department of Agriculture and Rural Development;

"EU Control Regulation" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation)(**4**);

"EU Implementing Regulation" means Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive as amended from time to time;

"animal by-product requirement" means any requirement in Part 3 and any requirement in Column 2 of the Schedule to these Regulations as read with the provisions in Column 3 to that Schedule;

"authorised person" has the meaning given in regulation 23;

"competent authority" has the meaning given in regulation 3;

"enforcement authority" has the meaning given in regulation 22;

"premises" includes—

(a) any land, building (including any domestic premises), shed, or pen;

(b) any receptacle or container;

(c) any ship; or

(d) a vehicle of any description;

"ship" includes a hovercraft, submersible craft or any other floating craft but not a vessel which—

(a) permanently rests on or is permanently attached to the seabed; or

(b) is an installation within section 16 of the Energy Act 2008(**5**).

(2) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or in the EU Implementing Regulation.

(3) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**6**).

(4) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**4**) O.J. No L300, 14.11.2009, p1, last amended by Council Regulation (EU) No 1385/2013 (OJ No L 354, 28.12.2013, p.86)
(**5**) 2008 c. 32 (as amended)
(**6**) 2000 c.7, amended by the Communications Act 2003 (c.21), sections 406 and 411(2) and (3) and Schedule 17, paragraph 158
(**7**) 1954 c. 33 (N.I.)

PART 2

THE COMPETENT AUTHORITY AND MISCELLANEOUS PROVISIONS

The competent authority

3. The Department is the competent authority for the purposes of the EU Control Regulation and the EU Implementing Regulation.

Access in relation to prohibitions in Article 11(1) of the EU Control Regulation

4. In relation to a prohibition on feeding in Article 11(1) of the EU Control Regulation, the requirements of regulations 5 and 6 apply.

5.—(1) Animal by-products, including catering waste, shall not be brought on to any premises where farmed animals have access to the animal by-products.

(2) Paragraph (1) does not apply to derived products, except for—

(a) products derived from catering waste; or

(b) meat and bone meal derived from Category 2 material and processed animal proteins intended to be used as or in organic fertilisers and soil improvers that do not comply with the requirements of Article 32(1)(d) (placing on the market and use) of the EU Control Regulation.

6. A body or part of a body of any farmed animal that has not been slaughtered for human consumption shall be held, pending consignment or disposal, in accordance with the EU Control Regulation as read with the EU Implementing Regulation, in such manner as to ensure that any animal or bird will not have access to it.

Use of organic fertilisers and soil improvers and additional waiting period for pigs in relation to the prohibition in Article 11(1)(c) of the EU Control Regulation

7.—(1) Where organic fertilisers or soil improvers have been applied to land, in addition to the minimum waiting period that applies to farmed animals, pigs are prohibited during the additional waiting period, (resulting in a total period of 60 days from such application) from—

(a) having access to such land; or

(b) being fed cut herbage from such land.

(2) Paragraph 1 does not apply to the following organic fertilisers or soil improvers—

(a) manure;

(b) milk;

(c) milk-based products;

(d) milk derived products;

(e) colostrum;

(f) colostrum products; or

(g) digestive tract content.

(3) In this regulation—

(a) "the minimum waiting period" is the period of 21 days commencing from the date of application of organic fertilisers or soil improvers to land as provided in Article 11(1)(c) of the EU Control Regulation, as read with Article 5(2) of, and Chapter II of Annex II to, the EU Implementing Regulation;

(b) "the additional waiting period" is the period of 39 days commencing on the expiration of the minimum waiting period.

Collection centres for feeding in relation to Article 18(1) of the EU Control Regulation

8. In relation to Article 18(1) of the EU Control Regulation, and in accordance with Article 13 of the EU Implementing Regulation as read with paragraph 3 of Section 1 of Chapter II Annex VI to that Regulation, a processing plant for Category 2 material is authorised as a collection centre for Category 2 material for the purposes of Article 18(1) of the EU Control Regulation on condition that it is approved for that purpose under Article 24 of the EU Control Regulation.

Remote areas for the purposes of Article 19(1)(b) of the EU Control Regulation

9. For the purposes of applying Article 19(1)(b) of the EU Control Regulation—

(a) the Copeland Islands; and

(b) Rathlin Island

are categorised as remote areas.

Placing on the market in relation to Article 36 of the EU Control Regulation

10. In relation to Article 36 of the EU Control Regulation, and in accordance with Article 24(4) of the EU Implementing Regulation as read with point B of Chapter VII to Annex XIII of that Regulation, the placing on the market of untreated wool and hair from farms or from establishments or plants is authorised without restrictions except where they present a risk of any disease communicable through those products to humans or animals.

Reporting of test results

11. Operators must report to the Department the results of any tests carried out pursuant to any of the following Articles of the EU Implementing Regulation which fail to meet the standards required by those Articles—

(a) Article 10(1) (requirements for the transforming of animal by-products and derived products into biogas and composting);

(b) Article 21(1) (processing and placing on the market of animal by-products and derived products for feeding to farmed animals);

(c) Article 22(1) (placing on the market and use of organic fertilisers and soil improvers); and

(d) Article 24(3) (pet food and other derived products).

PART 3

STAINING

Staining

12.—(1) This regulation applies to the operators of—

(a) slaughterhouses;

(b) cutting plants;

(c) game handling establishments; and

(d) cold stores.

(2) In this Part—

(a) the terms "slaughterhouse", "cutting plant" and "game-handling establishment" have the meanings given to them in regulation 5(6) of the Food Hygiene Regulations (Northern Ireland)(**8**);

(b) "cold store" means any other premises used for storage, under temperature-controlled conditions, of fresh meat intended for sale for human consumption; and

(c) "scientific purposes" means diagnostic, educational or research purposes.

(3) Operators must, subject to paragraph (5), without undue delay, stain the following animal by-products in accordance with paragraph (4)—

(a) animal by-products defined by any of the following Articles of the EU Control Regulation—

(i) Article 8(c);

(ii) Article 8(d);

(iii) Article 9(c); or

(iv) Article 9(d);

(b) whole poultry bodies where the animals are dead on arrival at the slaughterhouse;

(c) bodies or parts of animals which are unfit for human consumption because they show signs of disease communicable to humans or animals;

(d) bodies or parts of animals which are unfit for human consumption because they have not been presented for either ante or post mortem inspection and the resulting animal by-product is not defined in Article 10 of the EU Control Regulation;

(e) bodies or parts of animals which have been contaminated with any substance which may pose a threat to public or animal health; and

(f) Category 3 material that has changed through decomposition or spoilage so as to present an unacceptable risk to public of animal health.

(4) Operators must—

(a) stain materials listed in paragraph (3) with a colouring agent and using a solution of such strength that the staining is clearly visible and remains visible after the animal by-product has been chilled or frozen;

(b) apply a stain to the whole surface of the animal by-product, whether by immersing the by-product in the stain, spraying it with the solution or applying the solution to the by-product by any other equally effective means;

(c) in the case of an animal by-product not falling within sub-paragraph (d) and weighing more than 20kg, apply the stain after its surface has been opened by multiple and deep incisions; and

(d) in the case of an animal by-product comprising a whole poultry body, whether or not it has been eviscerated or de-feathered, apply the stain after the surface of the body has been opened by multiple and deep incisions.

(5) Operators need not stain pursuant to paragraph (3)—

(a) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by or on behalf of the surgeon;

(b) any animal by-product which is mixed with green offal in a container containing mainly green offal for disposal in accordance with the EU Control Regulation;

(**8**) S.R. 2006 No. 3

(c) any animal by-product which is intended for use for scientific purposes and which, pending such use or removal to premises for such use in accordance with the EU control Regulation, is placed in a room and in a receptacle designed for the purpose of holding animal by-products and bearing a notice that its contents are intended for use for scientific purposes;

(d) any animal by-product which is moved immediately after generation to a processing or incineration establishment or plant approved under the EU Control Regulation via a sealed and leak-proof pipe; or

(e) a whole animal body, except a whole poultry body.

(6) No one may export stained material of the type referred to in paragraph (3) to another member State of the European Union unless that member State agrees to import the material.

(7) In paragraph 5(b) "green offal" means the stomach and intestines of an animal and the contents of the digestive tract.

PART 4

REGISTRATION AND APPROVAL

Procedure for registration of plants and establishments

13. A notification shall be made in writing to the Department, where it is made in relation to Articles 23(1) and 23(2)of the EU Control Regulation—

(a) with a view to registration in accordance with Article 23(1); or

(b) to inform the Department of changes in accordance with Article 23(2).

Notifications of the Department in respect of registration

14.—(1) The Department shall give notice in writing to—

(a) the operator who has notified in accordance with regulation 13 of—

(i) the registration of such an operator; or

(ii) the decision not to register;

(b) a registered operator of—

(i) a prohibition made under Article 46(2) of the EU Control Regulation (prohibition on operations);

(ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up to date information);

(iii) the amendment of the registration or the ending of the registration where an operator has notified the Department of the closure of an establishment in accordance with Article 23(2) (up to date information) of the EU Control Regulation.

(2) Any notice served or decision made under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with; and

(b) protect public and animal health.

Approval

15. Operators to whom Article 24(1) of the EU Control Regulation applies, shall apply in writing to the Department to be—

(a) approved; or

(b) where Article 33 of the EU Implementing Regulation applies, re-approved.

Notification in respect of decisions on approval

16.—(1) The Department shall give notice in writing to—

(a) the applicant for approval of the—

(i) grant of approval in accordance with Articles 24 and 44 of the EU Control Regulation;

(ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with Article 44; or

(iii) refusal to grant approval in accordance with initial application or extension;

(b) where conditional approval has been granted in accordance with Articles 24 and 44 of the EU Control Regulation, the operator of the plant or establishment subject to such approval, of the—

(i) grant of full approval;

(ii) extension of such approval;

(iii) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;

(iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation ;

(v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;

(vi) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or

(vii) refusal to extend or grant full approval;

(c) the operator of an approved plant or establishment of the—

(i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation (suspension, withdrawal);

(ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;

(iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or

(iv) withdrawal of such approval in accordance Article 46(1)(b) of the EU Control Regulation.

(2) Any notice served or decision made under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

(a) ensure that the provisions of the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with; and

(b) protect public and animal health.

Reasons for decisions

17.—(1) Where a decision is made by the Department as provided in paragraph (2), the Department shall give reasons in writing for that decision.

(2) Paragraph (1) applies to a decision made—

(a) in respect of registration, under regulation 14(1)(a)(ii)(not to register) or regulation 14(1)(b) (prohibition, imposition of requirement, amendment or ending of registration);

(b) in respect of an application of approval, under regulation 16(1)(a)(ii) (conditional approval), regulation 16(1)(a)(iii) (refusal) or regulation 16(1)(b)(iv) (suspension);

(c) in respect of conditional approval, under regulation 16(1)(b)(v) (withdrawal) or regulation 16(1)(b)(vii) (refusal);

(d) in respect of the suspension or withdrawal of full approval, under regulation 16(1)(c)(ii)(suspension) or regulation 16(1)(c)(iv)(withdrawal);

(e) in respect of the imposition of conditions, under regulation 16(1)(b)(iii) or regulation 16(1)(c)(i);

(f) in respect of a prohibition, under regulation 16(1)(b)(vi) or regulation 16(1)(c)(iii).

Appeals

18.—(1) Where the Department has made a notification referred to in regulation 17(2), a person may appeal against it by making written representations to a person appointed for the purpose by the Department within 21 days of the issuing of notification of that decision.

(2) The Department may also make written representations to the appointed person concerning the decision.

(3) The appointed person shall then report in writing to the Department.

(4) The Department shall give to the appellant written notification of the final determination of the Department and the reasons for it.

(5) A person who is aggrieved by the final determination of the Department under paragraph (4) may, within 21 days of the issuing of notification of the determination, appeal against that determination to a court of summary jurisdiction.

PART 5

OFFENCES AND PENALTIES

Offences

19. A person who fails to comply with an animal by-product requirement commits an offence.

Obstruction

20.—(1) A person is guilty of an offence if that person—

(a) intentionally obstructs an authorised person;

(b) without reasonable cause, fails to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;

(c) knowingly or recklessly gives false or misleading information to an authorised person; or

(d) fails to produce a record or document when required to do so by an authorised person.

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

Penalties

21. A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

PART 6

ENFORCEMENT

Enforcement authority

22. These Regulations shall be enforced by the Department, the Department of the Environment or a district council within its district.

Authorised person

23.—(1) An enforcement authority may authorise in writing such persons as the authority considers appropriate to act for the purpose of enforcing these Regulations.

(2) In these Regulations, a person authorised under paragraph (1) is an "authorised person".

Powers of authorised person

24. An authorised person may, on production, if so required, of his authority, exercise any of the powers specified in regulation 25 and regulation 27 for the purposes of enforcing these Regulations and ensuring the EU Control Regulation and EU Implementing Regulation are complied with.

Powers of entry and additional powers

25.—(1) An authorised person has the power to enter premises at all reasonable hours.

(2) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling house unless a right of entry is conferred by a warrant granted under regulation 26.

(3) An authorised person may where exercising the power under paragraph (1)—

(a) be accompanied by such other persons as the authorised person considers necessary;

(b) take any equipment or materials required for any purpose for which the power of entry is being exercised;

(c) make such examination and investigation as may in the circumstances be necessary;

(d) direct that the premises, or part of them, are left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);

(e) take such measurements and photographs and make such recordings as are considered necessary for the purpose of any examination or investigation under sub-paragraph (c);

(f) in the case of any article or substance found in or on any premises—

(i) take samples;

(ii) test or subject it to any process, where it appears that it has or is likely to cause harm to human health or to the health of animals or plants;

(iii) take possession of it and retain it for so long as is necessary for any of the following purposes—

(aa) to examine it and to exercise the power within paragraph (ii);

(bb) to ensure that it is not tampered with before examination of it is completed; or

(cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;

(iv) dispose of it, where it appears that it has or is likely to cause harm to human health or to the health of animals or plants.

(g) require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in, the records;

(h) require any person to afford such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred by this regulation; or

(i) mark any animal or animal by-product as the authorised person considers necessary.

(4) Where an authorised person proposes to exercise the power in paragraph (3)(f)(ii) in the case of any article or substance found in or on any premises, the authorised person shall—

(a) if so requested by a person who at the time is present and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power, to be done in that person's presence;

(b) consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which is proposed under that power.

(5) Where an authorised person in respect of the power in paragraph (3)(f)(iii)—

(a) proposes to exercise that power, the authorised person shall before taking possession, if it is practicable to do so, take a sample of the article or substance and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it; or

(b) exercises that power, the authorised person shall leave a notice giving particulars of the article or substance sufficient to identify it and stating that possession has been taken under that power, such notice to be left either—

(i) with a responsible person; or

(ii) if that is impracticable, fixed in a conspicuous place at those premises.

(6) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) Nothing in this regulation compels the production by any person of a document which that person would be entitled to withhold production of on the grounds of legal professional privilege on an order for discovery in an action in the High Court.

(8) Nothing in paragraph (3)(g) shall be construed as requiring any person to answer any question if to do so might incriminate them.

Warrant

26.—(1) If, in relation to the power to enter premises under regulation 25, a lay magistrate, on sworn complaint in writing—

(a) is satisfied that there are reasonable grounds to believe that any information or material relevant to the examination or investigation under regulation 25(3)(c) is on any such premises; and

(b) is also satisfied that—

(i) admission to such premises has been, or is likely to be, refused, and that notice of intention to apply for a warrant has been given to the occupier; or

(ii) the application for admission, or the giving of such a notice would defeat the object of the entry, or that the case is one of urgency, or that such premises are unoccupied or the occupier is temporarily absent,

the lay magistrate may by warrant under the lay magistrate's hand, which continues in force for a period of one month, authorise an authorised person to enter the premises, if need be by force.

(2) Where an authorised person has been authorised under paragraph (1) to enter by warrant, the authorised person has the powers conferred by regulation 25(3).

Notices served by an authorised person

27.—(1) An authorised person may serve a notice in accordance with paragraph (2) where that person—

(a) considers that there is a contravention of, or failure to comply with an animal by-product requirement; or

(b) reasonably suspects that as a result of such contravention or failure to comply, premises constitute a risk to human or animal health.

(2) An authorised person may serve a notice on the occupier of any premises, or the person considered to be in charge of or responsible for the premises or considered responsible for any animal by-product—

(a) requiring the disposal, and, where applicable, storage pending such disposal of—

(i) animal by-products and derived products;

(ii) material in premises to which paragraph (1)(b) applies;

(b) requiring the cleansing and disinfection of premises to which paragraph (1)(b) applies, and where applicable, specifying the method for such cleansing and disinfection;

(c) prohibiting animal by-products and derived products being—

(i) moved in or brought on to premises;

(ii) moved in or brought on to premises unless in accordance with conditions specified in the notice;

(iii) moved in or brought on to premises referred to in paragraph (1)(b) until the satisfactory completion of cleansing and disinfection in accordance with a notice as provided in sub-paragraph (b).

(3) A notice served under paragraph (2) shall be complied with at the expense of the person on whom the notice is served, and if it is not complied with, an authorised person may arrange for it to be complied with at the expense of that person.

(4) Paragraph (1) does not apply where Article 46(1)(a) or (b) (suspensions, withdrawals and prohibitions on operations) of the EU Control Regulation applies.

(5) Any person on whom a notice is served who contravenes or fails to comply with the provisions of that notice is guilty of an offence.

Power to share information for enforcement purposes

28.—(1) This regulation applies to information received by an enforcement authority or an authorised person in the course of enforcing these Regulations.

(2) That enforcement authority or authorised person may disclose the information to—

(a) an enforcement authority;

(b) an authorised person; or

(c) any comparable enforcement authority or authorised person appointed elsewhere within the United Kingdom to enforce the EU Control Regulation and the EU Implementing Regulation for the purposes of their enforcement role.

(3) For the purposes of this regulation, "enforcement authority" includes the Food Standards Agency.

PART 7

SMALL QUANTITIES, AMENDMENT AND REVOCATIONS

Small quantities

29.—(1) The collection, transport and disposal of Category 3 material in Article 10(f) of the EU Control Regulation, is authorised under Article 19(1)(d) of that Regulation, where the requirements of paragraph (2) are satisfied.

(2) The requirements are—

(a) the material satisfies paragraphs (a) to (c) of Chapter IV of Annex VI to, the EU Implementing Regulation; and

(b) the means of disposal for such material, in addition to the means in Article 14 of the EU Control Regulation, are disposal—

(i) in an authorised landfill without prior processing; or

(ii) where Article 21 of the EU Control Regulation is satisfied, to a biogas or composting plant for transformation in accordance with an authorisation under paragraph 2 of Section 2 of Chapter III of Annex V to the EU Implementing Regulation.

Amendment and Revocations

30.—(1) In regulation 12(2) of the Cattle Identification (No2) Regulations (Northern Ireland) 1998(**9**) for the words "the Animal By-Products Regulations (Northern Ireland) 1993(**10**)" substitute "the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015".

(2) The following instruments are revoked—

(a) The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011(**11**)

(b) The Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2011(**12**); and

(**9**) S.R. 1998 No.279 as amended by S.R. 2012 No.416
(**10**) S.R. 1993 No.192 as amended by S.R. 1998 No.108 and revoked by S.R. 2002 No.210
(**11**) S.R. 2011 No. 124
(**12**) S.R. 2011 No. 258

(c) The Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2014(**13**).

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 15th September 2015

L.S.

Geraldine Fee
A senior officer of the Department of Agriculture
and Rural Development

(**13**) S.R. 2014 No. 184

SCHEDULE Regulation 2

ANIMAL BY-PRODUCT REQUIREMENTS

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
1. General Obligation	Article 4(1) or (2) of the EU Control Regulation	Article 5(1) and (2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain)
2. Compliance with general animal health restrictions	Article 6(1) of the EU Control Regulation	Article 6(1) of the EU Control Regulation and Article 4 of the EU Implementing Regulation (serious transmissible diseases)
3. Compliance with restrictions on use for feeding purposes	Article 11 of the EU Control Regulation	Regulations 4 to 6 (access) and regulation 7 of these Regulations (subject to regulation 7(2)) (additional waiting period for pigs) Article 11(2) of the EU Control Regulation; as read with Article 5(1) of the EU Implementing Regulation (restrictions on use in respect of Article 11(1)(a) of the EU Control Regulation) and Article 5(2) of that Regulation (restrictions on use in respect of Article 11(1)(c) of the EU Control Regulation)
4. Restriction on access to bodies	Articles 12, 13 and 21(1) of the EU Control Regulation	Regulation 6 of these Regulations
5. Disposal and use of Category 1 material	Article 12 of the EU Control Regulation as read with— the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(2)); Article 16(d) (disposal and use in accordance with Article 19);	Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 16(e) (disposal and use in accordance with Article 20)	
	Article 7 of the EU Implementing Regulation	Article 15(1)(d) of the EU Control Regulation as read with Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 12(a) or (b) of the EU Control Regulation)
		Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items)
		Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal)
		Article 20(11) of the EU Control Regulation (supplementary measures) as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)
6. Disposal and use of Category 2 material	Article 13 of the EU Control Regulation, as read with— Article 15(2)(b) of the EU Control Regulation; and the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(1)); Article 16(d) (disposal and use in accordance with Article 19);	Article 15(1)(b) of the EU Control Regulation and Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments and Article 9(b) of that Regulation (standard processing methods) Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in respect of Article 13(e) or (f) of the EU Control Regulation) Article 15(1)(d) of the EU Control Regulation and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 13(a) or (b) of the EU Control Regulation) Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 16(e) (disposal and use in accordance with Article 20); Article 16(f) (disposal and use of for the preparation and application of bio-dynamic preparations); Article 16(h) (disposal and use as a result of surgery on a farm)	Regulation (special rules on trade samples and display items) Article 18(3) of the EU Control Regulation as read with Article 13(1) of the EU Implementing Regulation (special feeding rules) and regulation 8 of these Regulations (collection centres) Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal) Article 20(11) of the EU Control Regulation as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods)
7. Disposal and use of Category 3 material	Article 14 of the EU Control Regulation, as read with— the following provisions of Article 16 (derogations) of that Regulation— Article 16(b) (disposal and use in accordance with Article 17); Article 16(c) (disposal and use in accordance with Article 18(1)); Article 16(d) (disposal and use in accordance with Article 19); Article 16(e) (disposal and use in accordance with Article 20); Article 16(f) ; (disposal and use of for the preparation and application of bio-dynamic preparations);	Article 15(1)(b) of the EU Control Regulation as read with Article 8(1) of the EU Implementing Regulation (requirements for processing plants and other establishments) and Article 9(b) of that Regulation (standard processing methods) Article 15(1)(c) of the EU Control Regulation and Article 10(1) of the EU Implementing Regulation (requirements regarding transformation into biogas and composting in respect of Article 14(f) or (g) of the EU Control Regulation) Article 15(1)(d) of the EU Control Regulation and Article 6(3) to (5) of the EU Implementing Regulation (disposal by incineration in respect of Article 14(a) or (b) of the EU Control Regulation) Article 17(2) of the EU Control Regulation as read with Article 11(2) of the EU Implementing Regulation (special rules on research and diagnostic samples) and Article 12(2) of that Regulation (special rules on trade samples and display items) Article 18(3) of the EU Control Regulation as read with Article 13(2) of the EU Implementing Regulation (special feeding rules)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 16(g) (use for feeding); Article 16(h) (disposal and use as a result of surgery on a farm) and Article 7 of the EU Implementing Regulation	Article 19(4) of the EU Control Regulation as read with Article 15 of the EU Implementing Regulation (collection, transport and disposal) Article 20(11) (supplementary measures) of the EU Control Regulation as read with Article 9(c) of the EU Implementing Regulation (alternative processing methods) Article 20(d) of the EU Implementing Regulation (requirements concerning certain registered establishments and plants handling animal by-products and derived products) as read with regulation 29 of these Regulations (small quantities)
8. Collection and identification as regards category and transport	Article 21(1) to (4) of the EU Control Regulation	Article 21(5) to (6) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
9. Traceability	Article 22(1) to (2) of the EU Control Regulation	Article 22(3) of the EU Control Regulation as read with Article 17 of the EU Implementing Regulation (requirements of collection, transport, identification and traceability)
10. Registration of operators, establishments and plants	Article 23(1) of the EU Control Regulation (subject to Article 23(4)), and Article 23(2) of that Regulation as read with Article 55 of the EU Control Regulation	Regulation 13 of these Regulations (procedure for registration) Article 23(3) of the EU Control Regulation and Article 27 of that Regulation as read with Article 20(1) and (2) of the EU Implementing Regulation (subject to paragraph (3)) (requirements of certain registered establishments and plants) Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation (format requirements for lists of registered operators)
11. Approval of establishments and plants	Article 24 of the EU Control Regulation as read with Article 44(3) of the EU Control Regulation and	Regulation 15 of these Regulations (approval) Article 27 of the EU Control Regulation (implementing measures) as read with Article 19 of the EU Implementing Regulation (requirements concerning certain approved

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
	Article 55 of that Regulation	establishments and plants) and Article 33 of that Regulation (re-approval of plants and establishments after the grant of a temporary approval) Article 47(2) of the EU Control Regulation as read with Article 32(7) of the EU Implementing Regulation (format requirements for lists of approved operators)
12. General hygiene conditions	Article 25 of the EU Control Regulation	Article 27 of the EU Control Regulation (implementing measures) as read with Article 9(a) of the EU Implementing Regulation (hygiene and processing requirements), Article 19 of the EU Implementing Regulation (requirements in relation to certain approved plants in Article 24 of the EU Control Regulation and Article 20 of the EU Implementing Regulation (requirements in relation to certain registered operators)
13. Handling of animal by-products within food businesses	Article 26 of the EU Control Regulation	
14. Own checks	Article 28 of the EU Control Regulation	
15 Hazard analysis	Article 29(1) to (3) of the EU Control Regulation	
16. Placing on the market animal by-products and derived products for feeding to farmed animals excluding fur animals	Article 31(1) of the EU Control Regulation	Article 31(2) of the EU Control Regulation as read with Article 21 of the EU Implementing Regulation (placing on the market for feeding to farmed animals) and Article 24(2) of that Regulation (pet food and other derived products)
17. Placing on the market and use of organic fertilisers and soil improvers	Article 32(1) and (2) of the EU Control Regulation	Regulation 7(1) of these Regulations (subject to regulation 7(2)) (application of fertilisers) Article 32(3) of the EU Control Regulation as read with Article 22(1) to (3) of the EU Implementing Regulation (placing on the market of fertilisers) Article 36(1) of the EU Implementing Regulation (transitional measures)

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
18. Collection and movement for manufacture of derived products	Article 34 of the EU Control Regulation except in so far as it relates to imports	Article 33 of the EU Control Regulation (placing on the market of derived products) Article 23 of the EU Implementing Regulation (intermediate products)
19. Compliance with prohibition on use for manufacture for products not within Article 33 or 36 of the EU Control Regulation	Article 24(1) of the EU Implementing Regulation	Article 33 of the EU Control Regulation (placing on the market of certain derived products regulated by Community legislation) Article 36 of that Regulation (placing on the market of other derived products)
20. Placing on the market of pet food	Article 35 of the EU Control Regulation	Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(3) of the EU Implementing Regulation (pet food and other derived products)
21. Placing on the market of other derived products	Article 36 of the EU Control Regulation	Regulation 10 of these Regulations (placing on the market) Article 5(2) of the EU Control Regulation as read with Article 3 of the EU Implementing Regulation (end point in the manufacturing chain) Article 40 of the EU Control Regulation as read with Article 24(1), (2) and (4) of the EU Implementing Regulation (pet food and other derived products)
22. Safe sourcing	Article 37(2) of the EU Control Regulation	
23. Export	Article 43 of the EU Control Regulation	
24. Controls for dispatch	Article 48(1), (4) and (5), as read with Article 48(6), of the EU Control Regulation	Article 48(7) and (8) of the EU Control Regulation as read with Article 11(3) of the EU Implementing Regulation (special rules on research and diagnostic samples), Article 12(3) of that Regulation (special rules on trade samples and display items) and Article 31 of that

Column 1 *Subject matter of requirement*	*Column 2* *Provisions containing the basic requirement*	*Column 3* *Provisions to be read with the provision(s) mentioned in Column 2*
		Regulation (models of health certificates and declarations for importation and transit)
25. Compliance with operating standards	Articles 10(1), 21(1), 22(1) and 24(3) of the EU Implementing Regulation	Regulation 11 of these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011 incorporating amendments made by The Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2011 and The Animal By-Products (Enforcement) (Amendment) Regulations (Northern Ireland) 2014 and updating various other provisions.

These Regulations enforce Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002. (OJ No L 300, 14.11.2009, p1) ("the EU Control Regulations").

They also enforce Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down heath rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive) (OJ No L 54, 26.2.2011 ("the EU Implementing Regulation").

Under the EU Control Regulation there are obligations on operators in relation to animal by-products, including obligations as to disposal and use, prohibitions on feeding and placing on the market. In addition there are requirements for operators, plants and establishments to be registered or approved. The obligations vary according to the categorisation of the material; the higher risk animal by-product is categorised as Category 1 material, next in risk is Category 2 and then Category 3 material. The EU Implementing Regulation supplements the requirements of the EU Control Regulation.

These Regulations provide for the following.

1) The Department is designated as the competent authority and provision is made for various matters that supplement the basic requirements as set out in column 2 of the Schedule to these Regulations, including designation of remote areas and also access in relation to prohibitions on feeding in Article 11 of the EU Control Regulation (Part 2).

2) The staining of certain animal by-products to prevent them entering the food chain (Part 3).

3) Procedure and appeals in respect of registration and approval (Part 4).

4) Enforcement of the requirements by providing for offences for breach of the requirements as identified in the Table to the Schedule (Part 5). The Table sets out the requirements of the EU Control Regulation as supplemented by the requirements of the EU Implementing Regulation and these Regulations, where applicable. The EU Control Regulation and the EU Implementing Regulation enable the competent authority, to grant authorisations in respect of such requirements. Such authorisations enable the competent authority to determine whether or not a product is a risk to human or animal health for example.

5) Enforcement, by appointing enforcement authorities and making provision for powers of enforcement (Part 6).

6) Small quantities, amendment and revocations (Part 7).