
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 411

The Animal By-Products (Scotland) Regulations 2003

PART 3

Restrictions on access to animal by-products and their use

Access to animal by-products

9.—(1) No person shall feed any animal by-product (other than liquid milk or colostrum used on the farm of origin) to any farmed animal, or any other ruminant animal, pig or poultry, unless it has been processed in a Category 3 approved processing plant.

(2) No person shall allow any farmed animal, or any other ruminant animal, pig or poultry, to have access to any animal by-product (other than milk, colostrum or manure) unless it has been—

- (a) processed in an approved processing plant;
- (b) treated in an approved biogas or composting plant; or
- (c) (in the case of digestive tract content) applied to land at least three weeks before the access.

(3) Subject to paragraph (4), no person shall bring any animal by-product (other than milk, colostrum, manure or digestive tract content) on to any premises where any farmed animal, or any other ruminant animal, pig or poultry, is kept, unless it has been—

- (a) processed in an approved processing plant; or
- (b) treated in an approved biogas or composting plant.

(4) Paragraph (3) shall not apply to—

- (a) animal by-products brought on to premises in a vehicle which enters the premises in order to collect other animal by-products, provided that the animal by-products brought onto the premises are not removed from the vehicle while it is on the premises; or
- (b) animal by-products brought on to collection centres, petfood plants, incinerators or other approved premises which are situated on the same premises as the animals specified in that paragraph and which were in operation on 1st November 2002, provided that the animals do not have access to the animal by-products.

(5) No person shall allow any animals to have access to material in a biogas or composting plant, except in the case of wild birds which may be allowed access to such material during the secondary or subsequent phase of composting.

(6) This regulation does not prohibit feeding animal by-products to animals under Article 23(2) of the Community Regulation as implemented by regulation 26(3) of these Regulations.

(7) Any person who fails to comply with any provision of this regulation shall be guilty of an offence.

(8) In this regulation “animal by-product” includes catering waste of all kinds, including catering waste to which the Community Regulation does not apply because of Article 1(2)(e) of that Regulation.

Restrictions on use

10. Subject to regulation 12(1), any person who fails to comply with Article 22(1) of the Community Regulation shall be guilty of an offence.

Pasture Land

11.—(1) For the purposes of Article 22(1)(c) of the Community Regulation, pasture land is land that is intended to be used for grazing or cropping for feedingstuffs following the application or deposit of organic fertilisers and soil improvers within a period of—

- (a) two months in the case of pigs; or
- (b) three weeks in the case of other farmed animals.

(2) Any person who—

- (a) uses pasture land for grazing within the period specified in paragraph (1); or
- (b) feeds to pigs or other farmed animals within that period anything cropped from pasture land during that period,

shall be guilty of an offence.

Intra-species recycling of fish

12.—(1) Notwithstanding regulation 10, it shall not be an offence under these Regulations to feed fish with processed animal protein derived from the bodies or parts of bodies of fish (other than farmed fish of the same species) if this is done in accordance with Articles 2 to 4 of, and Annex I to, Regulation (EC) 811/2003(1).

(2) The Scottish Ministers shall be the competent authority for the purposes of Article 5 of Regulation (EC) 811/2003.

(1) O.J. No. L 117, 13.5.2003, p. 14.