STATUTORY INSTRUMENTS

1989 No. 661

ANIMALS

ANIMAL HEALTH

The Processed Animal Protein Order 1989

Made - - - -	*13th April 1989*
Coming into force	
Article 5	*13th June 1989*
Remainder	*14th April 1989*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 72, 86(1) and 87(2) and (5)(a) of the Animal Health Act 1981(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1.—(1) This Order may be cited as the Processed Animal Protein Order 1989 and, except for article 5, shall come into force on 14th April 1989.

(2) Article 5 of this Order shall come into force on 13th June 1989.

Extension of definitions of "animals" and "poultry"

2. For the purposes of the Act in its application to this Order–

(a) the definition of "animals" in section 87(1) of the Act is hereby extended so as to comprise–

(i) any kind of mammal except man, and

(ii) any kind of four-footed beast which is not a mammal; and

(b) the definition of "poultry" in section 87(4) of the Act is hereby extended so as to comprise quails.

Interpretation

3.—(1) In this Order, unless the context otherwise requires–

(**1**) 1981 c. 22 as applied by S.I. 1989/285; section 86(1) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which this Order is made.

"the Act" means the Animal Health Act 1981;

"animal" means any kind of mammal except man, and any kind of four-footed beast which is not a mammal;

"animal protein" means any material which may be used for feeding to livestock or poultry which contains the whole or any part of any dead animal or bird, or of any fish, reptile, crustacean or other cold-blooded creature or any product derived from them and includes blood, hatchery waste, eggs, egg shells, hair, horns, hides, hoofs, feathers and manure, any material which contains human effluent and any protein obtained from any of these materials by heat, sedimentation, precipitation, ensiling or any other system of treatment or procedure but does not include milk or milk products, shells other than egg shells, fat or dicalcium bone phosphate;

"the appropriate Minister" means, in relation to England, the Minister, and in relation to Scotland or to Wales, the Secretary of State;

"authorised laboratory" means a laboratory authorised by the Minister in writing;

"authorised officer" means a veterinary inspector or an officer authorised by the appropriate Minister;

"day" means the period of twenty-four hours which begins with one midnight and ends with the next;

"fat" means any vegetable or mineral oil or any other oleaginous product obtained by a rendering or a refining process;

"laboratory" means any laboratory which has the necessary facilities and personnel for carrying out tests on samples mentioned in paragraph (1) or (2) of Part I of Schedule 1 to this Order in accordance with either of the methods set out in Part II of that Schedule;

"livestock" means cattle, sheep, pigs, goats, horses (including asses and mules), deer, and rabbits which are kept for commercial purposes;

"the Minister" and "the Ministry" means respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"poultry" means live birds of the following species, that is to say, domestic fowls, turkeys, geese, ducks, guinea-fowls, pigeons, pheasants, partridges and quails;

"processed", in relation to animal protein, means animal protein which has been subjected to heat, sedimentation, precipitation, ensiling, milling, grinding, or any other system of treatment or procedure so as to render it suitable for use (whether with or without further treatment or procedure) as a feeding stuff or as an ingredient in a feeding stuff for livestock or poultry; and cognate expressions shall be construed accordingly;

"the Register" means the Register kept by the Minister under article 5 of this Order;

"Registered person" means the person whose name is entered in the Register;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

(2) Until the coming into force of article 5 to this Order, any reference in this Order to a Registered person shall be a reference to the owner or person in charge of the premises the address of which will be required to be entered in the Register in accordance with article 5 when that article comes into force.

(3) After 13th August 1989 any reference in this Order to a laboratory shall be a reference to an authorised laboratory.

Scope

4. The provisions of this Order shall not apply to waste food defined in, and required to be processed under, the provisions of the Diseases of Animals (Waste Food) Order 1973(**2**).

Registration of animal protein processors

5.—(1) No person shall, in the course of a business carried on by him, process any animal protein unless his name and the address of the premises used by him for the purpose of processing any animal protein are entered in the Register.

(2) The Minister shall not enter the name of a person in the Register unless all the particulars specified in Schedule 2 to this Order are notified to him in writing.

(3) The Registered person shall notify the Minister in writing of any change in the particulars previously notified to the Minister, such notification to be made within 14 days of any such change.

Taking of samples for testing

6.—(1) It shall be the duty of a Registered person to ensure that–

(a) on each day on which any supplies of processed animal protein are consigned from the premises in respect of which his name is entered in the Register, a sample is taken in the manner described in paragraph (2) of Part I of Schedule 1 to this Order from the processed animal protein which forms those supplies, and

(b) the sample is submitted forthwith to a laboratory for testing (at his expense) in accordance with either of the methods set out in Part II of Schedule 1 to this Order.

(2) Where processed animal protein produced on any premises is incorporated in a feeding stuff for livestock or poultry kept on those premises, it shall be the duty of the Registered person to ensure that–

(a) on each day immediately before any supplies of any such processed animal protein are incorporated in such feeding stuff, a sample is taken in the manner mentioned in paragraph (1)(a) above from those supplies, and

(b) the sample is submitted for testing (at his expense) in accordance with the provisions of paragraph (1)(b) above.

(3) After a sample has been tested in accordance with paragraph (1)(b) or (2)(b) above by a laboratory it shall be destroyed by that laboratory.

Duty to prevent movement of contaminated processed animal protein and incorporation of such animal protein in a feeding stuff

7. It shall be the duty of a Registered person who knows that a test carried out on a sample taken from the processed animal protein produced on premises in respect of which his name is entered on the Register has resulted in the isolation of salmonella from that sample, to ensure that during the period of one month from the date on which he becomes aware of such result–

(a) no processed animal protein produced on those premises is removed from any premises occupied by him or under his control; and

(b) no such processed animal protein which remains under his control is incorporated in a feeding stuff for livestock or poultry,

unless–

(**2**) S.I. 1973/1936, amended by S.I. 1987/232.

(i) such processed animal protein is not taken from the same storage facility as that used to store the processed animal protein from which the sample was taken, or

(ii) such processed animal protein is treated in such manner as to ensure freedom from salmonella and a test carried out by a laboratory in accordance with either of the methods set out in Part II of Schedule 1 to this Order on a sample taken from the processed animal protein so treated does not result in the isolation of salmonella from that sample, or

(iii) under the authority or a licence issued by an authorised officer and in accordance with the conditions, if any, of that licence.

Powers of authorised officers

8.—(1) An authorised officer may at any reasonable time and on production of his authority on demand–

(a) enter any premises which he has reasonable grounds for supposing are being used for the purpose of processing animal protein;

(b) take a sample in the manner described in paragraph (1) or (2) of Part I of Schedule 1 to this Order from such premises of any material or substance which he has reasonable grounds for supposing to be processed animal protein;

(c) at the request of the Registered person or person in charge of the premises, take and give to him a like sample to that taken under sub-paragraph (b) above–

(2) An authorised officer entering any premises by virtue of paragraph (1) above–

(a) shall, if required by the Registered person or person in charge of the premises, state his reasons for entering, and

(b) may take with him such other persons and such equipment as appear to him to be reasonably necessary for the proper performance of his functions under this Order.

(3) The Registered person or person in charge of premises referred to in paragraph (1) above shall give all reasonable assistance to an authorised officer and any person accompanying him so as to enable the power conferred by this article to be properly exercised.

Testing of samples taken by authorised officers

9.—(1) On taking a sample as referred to in article 8(1)(b) above the authorised officer shall submit it to a laboratory for testing in accordance with either of the methods set out in Part II Schedule 1 to this Order.

(2) The result of the test carried out under paragraph (1) above shall be notified in writing by an authorised officer to the Registered person or person in charge of the premises with all practicable speed.

(3) After a sample has been tested in accordance with paragraph (1) above by a laboratory it shall be destroyed by that laboratory.

Tampering with samples

10.—(1) No person shall treat or otherwise tamper with a sample of processed animal protein taken under this Order.

(2) For the purposes of this article a person shall be deemed to have treated a sample if he does anything in relation to it with intent to affect the result of the test required to be carried out under this Order.

Keeping of records

11. A Registered person shall–

(a) make a record of the result of any test carried out in accordance with article 6(1)(b) or (2)(b) above as soon as practicable after he has received a report of such result;

(b) retain such record for a period of 12 months from the date of the test; and

(c) produce such record to an authorised officer on demand being made by him at any reasonable time during that period and allow him to take a copy of it or an extract from it.

Information to be given

12. Where as a result of a test carried out in accordance with the provisions of this Order salmonella is isolated from a sample of processed animal protein, a Registered person shall, with a view to enabling an authorised officer to trace the processed animal protein from which the sample was taken, give to the authorised officer any information that he has concerning any consignments of or from that processed animal protein, such information to be given on demand being made by the authorised officer at any reasonable time.

Offences

13. Any person who, without lawful authority or excuse, proof of which shall lie on him–

(a) contravenes any provision of this Order or any provision of a licence issued under it; or

(b) fails to comply with any such provision or with a condition of such licence; or

(c) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Local authority to enforce Order

14. The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocation

15. The Diseases of Animals (Protein Processing) Order 1981(**3**) and the Diseases of Animals (Protein Processing) (Amendment) Order 1989(**4**) are revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th April 1989.

L.S.

John MacGregor
Minister of Agriculture, Fisheries and Food

(**3**) S.I. 1981/676.
(**4**) S.I. 1989/139.

Sanderson of Bowden
12th April 1989 Minister of State, Scottish Office

Peter Walker
13th April 1989 Secretary of State for Wales

SCHEDULE 1 Articles 3, 6, 7, 8 and 9

PART I

Manner of sampling processed animal protein

A sample of processed animal protein to be submitted to a laboratory for testing in accordance with the methods set out in Part II of this Schedule shall be obtained by the methods described in paragraph (1) or (2) of this Part of this Schedule.

(1) Sample portion shall be the total load or throughput—either bulk or bags	Number of incremental samples of approximately equal proportions which shall be extracted evenly throughout the sampled portion	Number of aggregate samples which shall be obtained by pooling a relevant number of incremental samples	
A. Loose animal protein			
1 tonne	7	1	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
1.1–2.5 tonnes	7	2	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
2.6–10 tonnes	√20 × size of sampled portion	2	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
10.1–40 tonnes	√20 × size of sampled portion	3	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
over 40 tonnes	√20 × size of sampled portion	4	Aggregate sample shall be placed into separate sterile

			receptacle and each shall be thoroughly mixed by stirring or shaking
	(maximum—40 incremental samples)		
B. Bagged animal protein			
1–16 bags	4	1	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
17–200 bags	√no of bags in sampled portion	2	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
201–800 bags	√no of bags in sampled portion	3	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
over 800 bags	√no of bags in sampled portion	4	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
	(maximum—40 incremental samples)		

The final sample shall be obtained by the extraction of an approximately equal amount of the sampled portion from each aggregate sample so as to provide a single final sample of approximately 500 grams. This final sample shall be transferred into a suitable sterile wide-mouthed, screw top polypropylene container sealed and marked to indicate the name and address of the premises and the date of sampling.

(2) Sample portion shall be the total quantity of supplies consigned from the premises	Number of incremental samples of approximately equal proportions which shall be extracted	Number of aggregate samples which shall be obtained by pooling a relevant number of incremental samples

or incorporated in a feeding stuff on the day in question	evenly throughout the sampled portion		
Loose or bagged animal protein			
1–5 consignments	1 per consignment	1	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
6–10 consignments	1 per consignment	2	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
11–15 consignments	1 per consignment	3	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking
Over 15 consignments	1 per consignment	4	Aggregate sample shall be placed into separate sterile receptacle and each shall be thoroughly mixed by stirring or shaking

(For the purpose of this paragraph "consignment" means the total quantity of processed animal protein loaded onto a single vehicle or trailer for movement to other premises or for movement to a place for incorporation in a feeding stuff).

The final sample shall be obtained by the extraction of an approximately equal amount of the sampled portion from each aggregate sample so as to provide a single final sample of approximately 500 grams. This final sample shall be transferred into a suitable sterile wide-mouthed, screw top polypropylene container sealed and marked to indicate the name and address of the premises and the date of sampling.

PART II

a.

Bacteriological method for the isolation of salmonella from animal protein

Samples of processed animal protein submitted for testing shall be examined on the first working day which allows the following method to be completed. Samples not examined on the day of receipt shall be stored in a refrigerator until required. Examination shall be carried out in duplicate using two 25 gram portions of each sample submitted for testing.

Day 1

The sample shall be removed from refrigeration and left at room temperature for at least four hours. Thereafter, 25 grams shall be added aseptically to a jar containing 225 ml BPW(a) and incubated overnight at 37°C for 18 hours.

Day 2

0.1 ml from the jar of incubated BPW shall be inoculated into 10 ml RV(b) broth and incubated at 42.5 ± 0.5°C for 24 hours.

Day 3

(i) The RV broth shall be plated out on to two plates of BGA(c) using a 2.5 mm diameter loop. The BGA plates shall be inoculated with a droplet taken from the edge of the surface of the fluid by drawing the loop over the whole of one plate in a zig zag pattern and continuing to the second plate without recharging the loop. The space between the loop streaks shall be 0.5 cm–1.0 cm. The plates shall be incubated at 37°C overnight.

(ii) The residual RV broth shall be reincubated at 42.5 ± 0.5°C for a further 24 hours.

Day 4

(i) The plates of BGA shall be examined and a minimum of 3 colonies from the plates showing suspicion of salmonella growth shall be subcultured onto a blood agar plate and a MacConkey agar plate and into biochemical composite media or equivalent. These media shall be incubated at 37°C overnight.

(ii) The reincubated RV broth shall be plated out as described in (i) of Day 3.

Day 5

(i) The incubated composite media or equivalent shall be examined and the findings recorded, discarding cultures which are obviously not salmonella. Slide serological tests shall be performed using salmonella polyvalent "O" and polyvalent "H" (phase 1 and 2) agglutinating sera on selected suspect colonies collected from the blood agar or MacConkey plates. If reactions occur with one or both sera, the colonies shall be typed by slide serology and a subculture sent (in Scotland) to the Veterinary Laboratory, Lasswade, Midlothian and (in England and Wales) to a Veterinary Investigation Centre of the Ministry for further typing.

(ii) The plates referred to in (ii) of Day 4 shall be examined and further action taken as in (i) of Day 4 and (i) of Day 5.

(a) Buffered Peptone Water—Edel and Kampelmacher (1973) (Commercially available as Oxoid CM 509, Lab M46 or equivalent).

(b) Rappaports Vassiliadis (RV) Broth—Vassiliadis et al (1976) (Commercially available as Oxoid CM 669 or equivalent).

(c) Brilliant Green Agar (Modified)—Edel and Kampelmacher (1969) (Commercially available as Oxoid CM 329, Lab M34 or equivalent).

The agar shall be reconstituted according to the manufacturer's instructions and poured on to 9 cm diameter culture plates.

References:

Edel W. & Kampelmacher E. H. (1969) Bulletin of the World Health Organisation 41 297-306.

Edel W. & Kampelmacher E. H. (1973) Bulletin of the World Health Organisation 48 167-174.

Vassiliadis, P., Pateraki, E., Papaiconomou, N., Papadakis, J. A., and Trichopoulos, D. (1976) Annales de Microbiologie (Institut Pasteur) 127B 195-200.

b.

Electrical conductance method for the detection and isolation of salmonella from animal protein

Samples of processed animal protein submitted for testing shall be examined on the first working day which allows the following method to be completed. Samples not examined on the day of receipt shall be stored in a refrigerator until required. Examination shall be carried out in duplicate using two 25 gram portions of each sample submitted for testing.

Day 1

The sample shall be received or removed from refrigeration and left at room temperature for at least 4 hours. Thereafter 25 grams shall be added aseptically to a jar containing 225 ml BPW/L/G(a) and incubated at 37°C for 18 hours.

Day 2

Volumes of the incubated BPW/L/G inoculated with the samples under test shall be transferred to SC/T/D(b) and LD/G(c) media in electrical conductance cells or wells. For cells or wells containing >5 ml medium 0.2 ml shall be transferred and for cells or wells containing <5 ml medium 0.1 ml shall be transferred.

Cells or wells shall be connected to appropriate electrical conductance measuring equipment set to monitor and record changes in electrical conductance at 6 minute intervals over a 24 hour period. The temperature of cells and wells shall be controlled at 37°C.

Day 3

At the end of the 24 hour period, the information recorded by the conductance measuring equipment shall be analysed and interpreted using criteria defined by the manufacturers of the equipment.

Where a well or cell is identified as being positive for salmonella, the result shall be confirmed by subculturing the contents of the well or cell on to two plates BGA(d) using a 2.5 mm diameter loop. The BGA plates shall be inoculated with a droplet taken from the edge of the surface of the fluid by drawing the loop over the whole of one plate in a zig zag pattern and continuing to the second plate without recharging the loop. The space between the loop streaks shall be 0.5 cm–1.0 cm. The plates shall be incubated at 37°C overnight.

Day 4

The plates of BGA shall be examined and a minimum of 3 colonies from the plates showing suspicion of salmonella growth shall be subcultured on to a blood agar plate and a MacConkey agar plate and into biochemical composite media or equivalent. These media shall be incubated at 37°C overnight.

Day 5

The incubated composite media or equivalent shall be examined and the findings recorded, discarding cultures which are obviously not salmonella. Slide seriological tests shall be performed using salmonella polyvalent "O" and polyvalent "H" (phase 1 and 2) agglutinating sera on selected suspect colonies collected from the blood agar or MacConkey plates. If reactions occur with one or both sera, the colonies shall be typed by slide serology and a subculture sent (in Scotland) to the Lasswade Veterinary Laboratory situated at Penicuik, Midlothian, and (in England and Wales) to a Veterinary Investigation Centre of the Ministry for further typing.

(a) Buffered Peptone Water/Lysine/Glucose (BPW/L/G)—Ogden (1988)

(b) Selenite Cystine TMAO Dulcitol (SC/T/D)—Eastern and Gibson (1985)

(c) Lysine Decarboxylase Glucose (LD/G)—Ogden (1988)

(d) Brilliant Green Agar (Modified) (BGA)—Edel and Kampelmacher (1969)

References:

Ogden I. D. (1988) International Journal of Food Microbiology 7 287-297.

Easter M. C. and Gibson D. M. (1985) Journal of Hygiene 94 245-262.

Edel W. & Kampelmacher E. H. (1969) Bulletin of the World Health Organisation 41 297-306.

Edel W. & Kampelmacher E. H. (1973) Bulletin of the World Health Organisation 48 167-174.

SCHEDULE 2

Article 5(2)

Particulars to be notified to the Minister for the purposes of article 5

(i) The business name, if any.

(ii) The address of the person who carries on the business.

(iii) The address and telephone number of the business.

(iv) The address of each premises at which animal protein is processed in the course of the business.

(v) The description of raw material processed.

(vi) The source of raw material processed.

(vii) The description of the processed animal protein produced.

(viii) Whether processed animal protein is intended for incorporation in animal feeding stuffs.

Note:

In the case of a person who intends to commence business after the coming into force of article 5(2), the above particulars shall be modified so as to require that person to notify the Minister of his intentions in connection with the proposed business.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order re-enacts the Diseases of Animals (Protein Processing) Order 1981 ("the 1981 Order") with amendments. It continues to enable authorised officers to take for testing at a laboratory samples of processed animal protein from premises where it is produced (article 8).

The Order makes the following changes of substance by–

1. requiring the registration of animal protein processors (article 5);

2. imposing a duty on the Registered person to ensure the taking of samples from processed animal protein and its submission to a laboratory for testing for salmonella (article 6);

3. imposing a duty on the Registered person to ensure (where he knows that a test on a sample has proved positive) that for a period of one month no processed animal protein produced on premises in respect of which his name is entered in the Register is (without further treatment and testing) removed from premises occupied by him or under his control and is not incorporated in a feeding stuff for livestock or poultry, unless the processed animal protein to be removed is taken from a separate storage facility or under the authority of a licence (article 7);

4. prohibiting any tampering with samples (article 10); and

5. requiring Registered persons to keep records of the results of tests on samples (article 11) and to give information to enable the tracing of contaminated feeding stuffs (article 12).

The provisions requiring the registration of animal protein processors shall come into force on 13th June 1989. Until that date the duties of a Registered person under the Order shall be the duties of the owner or person in charge of the premises which are used in the course of a business for processing animal protein (articles 1(2) and 3(2)).

Until 13th August 1989 samples taken under the Order are required to be tested at laboratories which have the necessary facilities and personnel for carrying out the tests in accordance with the Order and after that date the samples are required to be tested at laboratories authorised in writing by the Minister of Agriculture, Fisheries and Food for this purpose.