
STATUTORY INSTRUMENTS

1997 No. 2894

ANIMALS

ANIMAL HEALTH

The Animal By-Products (Amendment) Order 1997

Made - - - - *8th December 1997*

Coming into force - - *1st January 1998*

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 and 8(1) of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, make the following Order:

Title and commencement

1. This Order may be cited as the Animal By-Products (Amendment) Order 1997 and shall come into force on 1st January 1998.

Amendments to the Animal By-Products Order 1992

2.—(1) The Animal By-Products Order 1992(2) shall be amended in accordance with this article.

(2) After article 3(2) the following paragraph shall be added—

“(3) A notice, approval or licence under this Order—

(a) shall be in writing;

(b) may be subject to conditions;

(c) may be amended, suspended or revoked by notice in writing at any time.”.

(3) Articles 5 and 6 shall be replaced with the following articles—

“Restriction on disposal of animal by-products referred to in Schedule 1

5.—(1) Subject to the following provisions of this article, any person who has in his possession or under his control any animal by-product referred to in Schedule 1 shall dispose of it without undue delay by—

(a) rendering in approved premises;

(1) 1981 c. 22. See section 86(1)(c) for a definition of “the Ministers”.

(2) S.I.1992/3303 as amended by S.I. 1996/827.

- (b) complete incineration in an incinerator; or
 - (c) burning other than in an incinerator or by burial if—
 - (i) the by-product is in a place where access is difficult; or
 - (ii) the amount of by-product and the distance to approved rendering premises or an incinerator do not justify transporting it.
- (2) If the Minister serves on the person in charge of any animal by-product a notice certifying that—
- (a) the by-product is from animals infected or suspected of being infected with an epizootic disease and should not be transported because of health risks;
 - (b) the by-product is from animals infected with or suspected of being infected with a serious disease, or contains residues which could constitute a risk to human or animal health and which could survive rendering; or
 - (c) there is a lack of capacity at rendering premises or incinerators;
- then that person shall, without undue delay, dispose of the by-product by burning or by burial as may be specified in the notice.
- (3) If he thinks fit, the Minister may serve a notice on any person in possession of an animal by-product referred to in Part I of Schedule 1 requiring its complete incineration in an incinerator.

Exemptions from article 5

- 6.—(1) The provisions of article 5 above shall not apply to any person consigning or using an animal by-product for scientific purposes.
- (2) The provisions of article 5 above shall not apply to any person consigning or using animal by-products referred to in Part II of Schedule 1 for the preparation of petfood or technical or pharmaceutical products in premises registered under article 9.
- (3) Where any by-product is used in accordance with paragraph (2) above the Minister may by notice require that it be despatched, stored or processed in a specific location and under specific conditions.
- (4) The provisions of article 5 above shall not apply to—
- (a) any person consigning animal by-products to a person licensed by the Minister to partly render animal by-products, or
 - (b) any person partly rendering animal by-products on premises licensed by the Minister provided that the part-rendered product is disposed of in accordance with article 5 above or, in the case of material referred to in Part II of Schedule 1, in accordance with paragraph (2) of this article.

Exemptions from article 5 relating to certain types of animal by-product

- 6A.—(1) This article applies to—
- (a) a by-product referred to in paragraphs (a), (b) and (e) of Part I of Schedule 1 (provided that it is not from an animal slaughtered as a result of the presence or suspected presence of a notifiable disease listed in Annex I to Council Directive No.82/894/EEC (on the notification of animal diseases within the Community)(3)); and

(3) O.J. No. L378, 31.12.82 as amended by Council Regulation (EEC) No. 3768/85 (O.J. No. L362, 31.12.85, p. 8), Commission Decision No. 89/162/EEC (O.J. No. L61, 4.3.89, p. 48) and Commission Decision 92/450/EEC (O.J. No. L248, 28.8.92, p. 77).

(b) a by-product referred to in Part II of Schedule 1.

(2) The provisions of article 5 above shall not apply to any person consigning animal by-products to which this article applies to a knackers' yard or to premises where zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait are fed.

(3) The provisions of article 5 above shall not apply to any person treating an animal by-product to which this article applies in a knacker's yard.

(4) The provisions of article 5 above shall not apply to any person using an animal by-product to which this article applies for feeding zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait.

Knackers' yards

6B. The occupier of a knacker's yard shall ensure that any animal by-product received by him is either—

(a) cooked or denatured without delay and then distributed locally for feeding animals whose flesh is not intended for human consumption in a way that entails no risk to human or animal health, or

(b) disposed of without delay in accordance with article 5 above.”.

(4) Article 8(3) is revoked.

5th December 1997

Jeff Rooker
Minister of State Ministry of Agriculture,
Fisheries and Food

5th December 1997

Sewel
Parliamentary Under Secretary of State Scottish
Office

Signed by authority of the Secretary of State for Wales

8th December 1997

Win Griffiths
Parliamentary Under Secretary of State Welsh
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Animal By-Products Order 1992. It replaces articles 5 and 6 of that Order. The new article 5 specifies the circumstances in which animal by-products are to be buried or burned instead of being rendered in approved premises or incinerated in an incinerator (paragraphs (2) and (3) of the new article 5 of the Animal By-Products Order 1992).

A Regulatory Appraisal has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.