

Statutory Instrument 2001 No. 1704

The Animal By-Products (Amendment) (England) Order 2001

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STATUTORY INSTRUMENTS

2001 No. 1704

ANIMALS, ENGLAND

ANIMAL HEALTH

The Animal By-Products (Amendment) (England) Order 2001

Made 3rd May 2001

Coming into force 24th May 2001

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on him by sections 1, 8(1) and 87(2) and (3) of the Animal Health Act 1981[1], and of all other powers enabling him in that behalf makes the following Order:

Title, commencement and application

1. - (1) This Order may be cited as the Animal By-Products (Amendment) (England) Order 2001 and shall come into force on 24th May 2001.

(2) This Order shall apply in England.

Amendment to the Animal By-Products Order 1999

2. The Animal By-Products Order 1999[2] shall, so far as it is applicable in England, be amended as follows:

(a) in article 3, paragraph (1) -

(i) the following definitions shall be inserted in the appropriate place -

"livestock" means -

(a) any creature, including fish, kept for the production of food, wool, skin or fur, and any creature, other than a dog, kept for use in the farming of land; and

(b) any ruminant animal, pig, poultry or equine animal;"; and

"used cooking oil" means catering waste consisting of oils and fats from food-processing and the by-products of such oils and fats (other than any such oils and fats derived in any way from ruminant bones) where these are collected from food businesses (as such term is defined in Article 2 of Council Directive 93/43/EC on the hygiene of foodstuffs[3]);"; and

(ii) the definition of "swill" shall be deleted;

(b) in article 7 -

(i) the word "or" shall be added after the words "Schedule 2" in paragraph (2)(c)(i) and deleted where it appears at the end of paragraph 2(c)(ii); and

(ii) paragraph 2(c)(iii) shall be deleted;

(c) in article 9, paragraph (1), the words "swill or" shall be deleted;

(d) for articles 19 to 26 (inclusive of both articles) there shall be substituted the following articles -

" 19. - (1) No person shall feed to any livestock or allow any livestock to have access to any catering waste to which this article applies or any feeding stuffs which have been in contact with it.

(2) No person shall bring catering waste to which this article applies onto any premises where any livestock are kept.

(3) This article applies to catering waste (other than used cooking oil) whether processed or unprocessed which -

(a) contains or has been in contact with animal carcasses, parts of animal carcasses (including blood) or products of animal origin (other than milk or milk products, eggs, rennet, gelatin or melted fat which have been incorporated into another product); or

(b) originates from any premises where any animal carcasses, parts of animal carcasses or products of animal origin (with the exceptions referred to in subparagraph (a) above) are handled or where foodstuffs containing or coming into contact with any of the same are prepared or produced.

20. No person shall feed to any livestock or allow any livestock to have access to any catering waste imported into Great Britain and originally intended for consumption on the means of transport in which it was imported, or any feedingstuffs which have been in contact with it.";

(e) in Schedule 1, paragraph 4, the words from "except in the case of premises" to the end of the paragraph shall be deleted;

(f) in Schedule 1, paragraph 14, the words "subject to sub-paragraph (2) below" in sub-paragraph 1 and the whole of sub-paragraph (2) shall be deleted;

(g) in Schedule 2, Part I, paragraph 5 shall be deleted; and

(h) Schedule 5 shall be deleted.

Hayman

Minister of State, Ministry of Agriculture, Fisheries and Food

3rd May 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Animal By-Products Order 1999 (S.I. 1999/646, the "principal Order"), so far as it is applicable to England, so as to prohibit the feeding to livestock of certain categories of catering waste whether that waste has been processed or unprocessed. It also removes the possibility of non-mammalian animal by-products being rendered for the production of swill for feeding to pigs or poultry.

This Order has been notified in draft to the European Commission as a technical standard, pursuant to Directive 98/34EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p. 37) laying down a procedure for the provision of information in the field of technical standards and regulations (as last amended by Directive 98/48/EC of the European Parliament and of the Council, OJ No. L217, 05.08.1998, p. 18).

A regulatory impact assessment has been prepared for this Order. Copies can be obtained from the Animal Health (BSE) Division of the Ministry of Agriculture, Fisheries and Food, 1A Page Street, London SW1P 4PQ.

Notes:

[1] 1981 c. 22 see section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", in relation to England, so far as exercisable by the Secretaries of State for Scotland and Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). [back](#)

[2] S.I. 1999/646. [back](#)

[3] OJ No. L175, 19.07.93, p. 1.[back](#)

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