

Statutory Instrument 1997 No. 813

The Bovine Hides Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 813

AGRICULTURE

The Bovine Hides Regulations 1997

<i>Made</i>	<i>13th March 1997</i>
<i>Laid before Parliament</i>	<i>13th March 1997</i>
<i>Coming into force</i>	<i>3rd April 1997</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in the exercise of the powers conferred on them by that section, hereby make the following Regulations: -

Title and commencement

1 . These Regulations may be cited as the Bovine Hides Regulations 1997 and shall come into force on 3rd April 1997.

Interpretation

2 . In these Regulations, unless the context otherwise requires -

"the appropriate Minister" means -

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food;**
- (b) in relation to Scotland or Wales, the Secretary of State; and**
- (c) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;**

"approved incinerator" means an incinerator approved by the appropriate Minister under articles 3 and 19 of the Specified Bovine Material Order 1997[3];

"approved rendering plant" means a rendering plant approved by the appropriate Minister under articles 3 and 20 of the Specified Bovine Material Order 1997 or approved by the appropriate Minister under regulation 3 below;

"authorised officer" means an officer authorised by the appropriate Minister for the purposes of these Regulations;

"Commission Regulation 716/96" means Commission Regulation (EC) No. 716/96[4] adopting exceptional support measures for the beef market in the United Kingdom, as last amended by Commission Regulation (EC) No. 2423/96[5];

"controlled hide" means the hide of any animal slaughtered in pursuance of either of the schemes on or after the date of entry into force of these Regulations, from the time of its removal from the carcase until it is processed;

"controlled waste" means -

- (a) trimmings, fleshings and by-products derived from a controlled hide;**
- (b) where a controlled hide is split before it is tanned, and the split is not tanned, that split; and**
- (c) protein or tallow produced by rendering other controlled waste;**

"processed", in relation to a hide, means processed to the wet-tanned stage of the tanning process;

"registered", in relation to a hide dealer or tannery controller, means registered under regulation 3 below;

"the schemes" means -

- (a) the scheme, introduced by Commission Regulation 716/96, for the purchase of bovine animals aged more than 30 months which do not show clinical signs of bovine spongiform encephalopathy and which were, during a period of six months prior to their sale, present on a holding on United Kingdom territory; and**
- (b) the selective cull, as defined in regulation 2 of the Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996[6];**

"scheme animal" means a bovine animal slaughtered under either of the schemes;

"scheme slaughterhouse" means a slaughterhouse where scheme animals are slaughtered.

Registration, approvals and directions

3 . - (1) The appropriate Minister may on application register a person as a hide dealer or tannery controller, if he is satisfied that the person has the necessary facilities -

- (a) to ensure that any controlled hide in his possession is reasonably secure against theft;**
- (b) to produce the returns required under regulation 7 below in a timely fashion and to keep the records required under that regulation in a manner which will facilitate the inspection of those records by an authorised officer in accordance with regulation 8(3)(a) below; and**
- (c) to carry out all other functions of a hide dealer or tannery controller (as the case may be) in accordance with these Regulations.**

(2) For the purposes of these Regulations, the appropriate Minister may on application, approve a place as an approved rendering plant if he is satisfied that it has the facilities -

- (a) necessary to process controlled waste without risk to human or animal health;**
- (b) to process controlled waste separately from all other material without any contamination occurring; and**
- (c) to satisfy the record keeping requirement imposed under regulation 7(6) below.**

(3) Any approval or registration granted under these Regulations shall be in writing and may be made subject to conditions and be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval or registration was granted if the appropriate Minister is satisfied that the conditions of these Regulations, or any additional conditions in the approval or registration, are not being complied with.

(4) Any direction given under these Regulations shall be given in writing by means of a notice addressed to each person to whom that direction relates.

General requirements in relation to controlled hides

4 . - (1) Except as provided in paragraph (2) below, no person shall buy, sell or otherwise deal with a controlled hide unless -

- (a) he is a registered dealer or a registered tannery controller;**
- (b) he keeps and transports it in a place which is physically separated from any place in which any hide other than a controlled hide is kept or transported; and**
- (c) he keeps records of his dealings with that hide in accordance with regulation 7 below.**

(2) The operator of a scheme slaughterhouse may sell a controlled hide.

(3) No person shall sell or deliver a controlled hide to any person except a registered hide dealer or a registered tannery controller.

(4) No person shall remove trimmings or fleshings from a controlled hide, or split a controlled hide, except at a scheme slaughterhouse or a tannery controlled by a registered tannery controller.

Additional requirements in relation to tanneries

5 . - (1) A registered tannery controller shall ensure that -

(a) each controlled hide delivered to him is either processed or treated as controlled waste;

(b) controlled hides delivered to him are stored and processed separately from any other hides; and

(c) any place in which, or equipment with which, controlled hides are stored or processed is thoroughly cleaned before it is used to store or process any other hide or other material.

(2) A registered tannery controller shall ensure that all controlled waste is either -

(a) stained immediately it is removed from the hide, by being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent CI Acid Green (Colour Index No. 44025[Z]) in such a way that the colouring is clearly visible over the whole surface of the material; or

(b) (in the case of trimmings and splits) processed as if it were a controlled hide.

(3) Once controlled waste has been removed from the hide and stained in accordance with paragraph (2)(a) above, the person responsible for its removal and staining -

(a) shall ensure that it is placed in an impervious sealed container, the exterior surface of which is clearly marked to show that it contains controlled waste; and

(b) shall, without unreasonable delay, send it directly to an approved incinerator or an approved rendering plant.

Requirements in relation to approved rendering plants and approved incinerators

6 . - (1) Any person delivering controlled waste to an approved rendering plant shall state in writing to the operator of the rendering plant concerned the place from which that controlled waste was collected for delivery to that rendering plant.

(2) No person shall take delivery of controlled waste at a rendering plant, or operate a rendering plant for controlled waste, unless it is an approved rendering plant.

(3) The operator of an approved rendering plant shall ensure that all controlled waste in the rendering plant is kept and stored separately from all other material,

handled separately from other material and rendered separately from other material.

(4) The operator of an approved rendering plant shall ensure that controlled waste is rendered without undue delay.

(5) After controlled waste has been processed and separated into protein and tallow the operator of an approved rendering plant shall ensure that the protein and tallow are placed in separate containers each labelled "controlled waste" and consigned to a place specified in the approval of the plant or such other place as the appropriate Minister may direct.

(6) The operator of an approved rendering plant shall ensure that the premises and equipment are kept in a good state of repair and that measuring equipment is calibrated at regular intervals.

(7) Article 19(2), (4) and (5) of the Specified Bovine Material Order 1997 shall apply to the incineration of controlled waste as if it were specified bovine material.

Record keeping requirements

7. - (1) Every registered dealer and every registered tannery controller shall send to the appropriate Minister or to such other person as that Minister may direct, a weekly return in such form and by such means as the appropriate Minister may direct, setting out the information specified in Schedule 1 below, and shall retain a copy of that return.

(2) No person shall despatch a consignment of controlled hides to any place (including another place under his control) unless the consignment is accompanied by a document in such form as the appropriate Minister may direct specifying -

- (a) the name and address of the person despatching the consignment;
- (b) the date of despatch;
- (c) the number and weight of the hides despatched; and
- (d) the destination to which they are despatched.

(3) No person shall transport a consignment of controlled hides, unless it is accompanied by the document described in paragraph (2) above, completed as required by that paragraph.

(4) No person shall accept delivery of a consignment of controlled hides unless -

- (a) it is accompanied by the document described in paragraph (2) above, completed as required by that paragraph;
- (b) he immediately completes that document so that it records his name and address and the date on which he received the consignment; and
- (c) he retains that document.

(5) Any person who consigns controlled waste to an approved rendering plant or an approved incinerator shall keep a record of the weight consigned, the date of consignment and the destination to which it was consigned.

(6) The operator of an approved rendering plant and of an approved incinerator shall record on arrival of controlled waste at the premises -

- (a) the weight of the controlled waste delivered;**
- (b) the date of delivery; and**
- (c) the place from which it was consigned.**

(7) The operator of an approved rendering plant shall keep a record of the weight of protein and of the weight of tallow consigned in accordance with regulation 6(5) above, and of the date and the point of destination of each consignment.

(8) Any person who is required by this regulation to keep records, or to keep any document or a copy of any return, shall retain that record, document or copy for three calendar years from the end of the calendar year in which the record or document was created or the return completed.

Powers of entry and inspection

8. - (1) An authorised officer shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises (excluding premises used only as a dwelling) for the purposes of ascertaining whether there is or has been on the land or premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft or aircraft.

(2) An authorised officer entering upon any place in accordance with paragraph (1) above may take with him such other persons acting under his instructions as he considers necessary.

(3) An authorised officer may, for the purpose described in paragraph (1) above -

- (a) require a registered hide dealer, a registered tannery controller, the operator of a scheme slaughterhouse, approved rendering plant or an approved incinerator and the owner or occupier of any other place where the hides of bovine animals are kept to produce for inspection any bill, account, record or other document in his possession or under his control relating to the hides, the animals from which they were derived and any controlled waste and, where any such document is kept by means of a computer, require him to afford the authorised officer access to, and all necessary means to inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with that document;**
- (b) make copies of or take copies from any such document so produced; and**
- (c) take samples (and, if necessary, send the samples for laboratory testing) from any product or material.**

Offences and penalties

9. - (1) It shall be an offence for a person -

- (a) without reasonable excuse, to fail to comply with the provisions of regulations 4 to 7 above;**

- (b) intentionally to obstruct an authorised person, or a person acting under his instructions, in the exercise of a power conferred by regulation 8 above;**
- (c) without reasonable excuse, to fail to comply with a request made under regulation 8(3)(a) above; or**
- (d) knowingly or recklessly to furnish any information that he is required to provide to the appropriate Minister under these Regulations which is false or misleading in a material particular.**

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Time limit for prosecutions

10 . - (1) Proceedings for an offence under regulation 9 above may, subject to paragraph (2) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than four years after the commission of the offence.

(3) For the purposes of this regulation -

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and**
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.**

(4) In relation to proceedings in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995[8] (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

Offences by bodies corporate

11 . - (1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) any director, manager, secretary or other similar officer of the body corporate; or**
- (b) any person who was purporting to act in any such capacity,**

he, as well as the body corporate, shall be guilty of the offence and liable to be proceeded against and punished in accordance with regulation 9 above.

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of,

or to be attributable to any neglect on the part of, a partner, he, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished in accordance with regulation 9 above.

Appointment of authorised officers

12 . The appropriate Minister may appoint any person to be an authorised person for the purpose of these Regulations, and may suspend or revoke such appointment if it appears to the Minister that the person so appointed is unfit or unable to carry out the duties of an authorised officer.

Tony Baldry

Minister of State, Ministry of Agriculture, Fisheries and Food

12th March 1997

Lindsay

Parliamentary Under Secretary of State, Scottish Office

13th March 1997

SCHEDULE 1

Regulation 7(1)

The information which every registered hide dealer and registered tannery controller is required to provide to the appropriate Minister every week under regulation 7(1) above is as follows: -

- (a) the number of controlled hides in his possession at midnight on the previous Friday;
- (b) the number of hides he received in the seven day period ending at midnight on that Friday;
- (c) the number of hides he despatched in that period;
- (d) the number of hides which he commenced tanning in that period; and
- (e) the name and address of each person from whom he received hides or to whom he despatched hides, together with the number of hides received from or despatched to (as the case may be) that person.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision for the enforcement of the requirements of Article 1(2) of Commission Regulation (EC) No. 716/96, adopting exceptional support measures for the beef market in the United Kingdom, in so far as those requirements relate to the hides of bovine animals aged more than 30 months which do not show any clinical sign of BSE.

They ensure that, when such a hide is tanned as permitted under the Commission Regulation, any part of it not tanned is treated as controlled waste and destroyed in accordance with the requirements of the Commission

Regulation.

They provide for the registration of hide dealers and tannery controllers, and for the approval of rendering plants, to permit the Minister to carry out the controls necessary to ensure compliance with the requirements of the Commission Regulation.

A Compliance Cost Assessment for these Regulations has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Beef and Sheep Division of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1A 2JA.

Notes:

[1] S.I. 1972/1811.

[2] 1972 c.68.

[3] S.I. 1997/617.

[4] OJ No. L99, 19.4.96, p.14.

[5] OJ No. L329, 19.12.96, p.43.

[6] S.I. 1996/3186.

[7] Colour Index is published by the Society of Dyers and Colourists of Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

[8] 1995 c.46.

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