

DISEASES OF ANIMALS (FEEDING AND USE OF SWILL) ORDER 1985

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by sections 3 of the Diseases of Animals Act, 1966 (No. 6 of 1966), as adapted by the Agriculture and Fisheries (Alteration of Name of Department and Title of Minister) Order, 1977 (S.I. No. 31 of 1977), hereby order as follows:

REG 1

1. (1) This Order may be cited as the Diseases of Animals (Feeding and Use of Swill) Order, 1985.

(2) This Order shall come into operation on the 1st day of September, 1985 except for this Article and Articles 7 and 14(1) which shall come into operation on the 1st day of July, 1985.

REG 2

2. In this Order—

"approved disinfectant" means a disinfectant which for the time being stands approved of by the Minister under the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

"the applicant" has the meaning assigned to it by Article 8(2);

"authorised person" means an inspector of the Minister or such other persons as the Minister may authorise to carry out any functions under this Order;

"disinfect" means disinfect with an approved disinfectant;

"livestock" means cattle, sheep, pigs and goats;

"the Minister" means the Minister for Agriculture;

"offence" means an offence under the Diseases of Animals Acts, 1966 and 1979;

"offshore installation" means any floating, fixed or other installation which is maintained in the water, or on a part of the shore or on other land which at a state of ordinary medium tide is covered by the sea, and which is not connected with land above the high water mark by a permanent structure providing access to the installation at all times and for all purposes;

"port" includes an airport, aerodrome or other place at which an aircraft may land;

"processed", in relation to swill, means treated so that all of the swill being treated is maintained for at least sixty minutes at a temperature of not less than 100°C or treated by an alternative process which has been authorised in writing by the Minister;

"the register" has the meaning assigned to it by Article 8(1);

"registered" means registered in the register;

"registered premises" means premises particulars of which are for the time being entered in the register;

"the specifications" means the specifications contained in Part I of

the Schedule to this Order;

"swill" means—

(a) any meat, bones, blood, offal or other part of the carcase of any livestock or poultry,

(b) any product derived therefrom or hatchery waste or eggs or egg shells, or

(c) any broken or waste foodstuffs (including table or kitchen refuse, scraps or waste) which contain, or have been in contact with, any meat, bones, blood, offal or with any other part of the carcase of any livestock or poultry,

but does not include meal manufactured from protein originating from livestock or poultry;

"vessel" means any ship, boat or hovercraft, and includes an aircraft.

REG 3

3. (1) A person shall not feed, or cause or permit to be fed, to any livestock or poultry—

(a) any unprocessed swill, or

(b) any other feedingstuff which has been in contact with unprocessed swill.

(2) A person shall not feed, or cause or permit to be fed, to any livestock or poultry any processed swill which has been in contact with unprocessed swill until such processed swill has been re-processed.

(3) A person shall not have in his possession or on any premises for the purpose of feeding to any livestock or poultry any swill unless such premises have been registered under Article 8 of this Order.

(4) A person who has possession, charge or control of any unprocessed swill shall not cause or permit any such swill to come into contact with any other food intended for feeding to livestock or poultry or with anything intended to be used for or about livestock or poultry.

(5) A person who has possession, charge or control of any unprocessed swill shall not permit any livestock or poultry to have access to such swill.

REG 4

4. Where on any occasion pigs are fed with processed swill, a person shall not within the period of two months beginning on the occasion move the pigs or cause them to be moved from the premises or other land on which they are so fed otherwise than to premises for immediate slaughter.

REG 5

5. (1) A person shall not feed, or cause or permit to be fed, swill to any livestock or poultry unless each of the requirements of Article 6(1) of this Order has been complied with in relation to it.

(2) In any proceedings in which a contravention of paragraph (1) of this Article is alleged it shall be a defence for the defendant to prove that—

(a) at any time within the period of three months ending on the commencement of this Order, for the purposes of his business,

(i) he stored processed or unprocessed swill for feeding to livestock, or

(ii) he processed, for such purposes, swill for such feeding, and

(b) within the period of one month beginning on such commencement he duly applied to the Minister to be registered under this Order and that such application related to the premises in which such swill was so stored or so processed.

REG 6

6. (1) A person shall not process swill unless each of the following requirements is complied with in relation to it:

(a) the premises on which the swill is processed are for the time being registered in the register,

(b) the swill is processed both in accordance with the requirements contained in Part II of the Schedule to these Regulations and by or under the control of the person who in relation to such premises is registered in the register as the applicant, and

(c) such premises for the time being—

(i) conform to the specifications, or

(ii) are premises to which a permission under this Article applies which is for the time being in force.

(2) (a) An application may be made to the Minister for a permission under this Article as regards premises which do not comply with the specifications.

(b) An application for a permission under this Regulation shall be in writing and shall specify both the premises in relation to which it is made and the person by whom or on whose behalf the application is made.

(c) The Minister shall allow an application for a permission under this Article if, but only if, he is satisfied that, as regards the premises specified in the application, there is for the time being

substantial compliance with specifications.

(3) (a) A permission under this Article shall specify the premises to which it relates and, subject to sub-paragraph (b) of this paragraph, shall remain in force for such period as shall be specified in the permission.

(b) Where the Minister is satisfied that for the time being there is not, as regards the premises specified in a permission under this Article, substantial compliance with specifications, he shall withdraw the permission.

REG 7

7. (1) A person shall not feed or cause or permit to be fed to any animal or to any poultry—

(a) any swill which—

(i) was, or originated from,

(I) stores for consumption by passengers, crew, animals or poultry on board a vessel or offshore installation, or

(II) food for consumption by passengers, crew, animals or poultry carried on or in any road vehicle (including a road vehicle carried on board a vessel), and

(ii) is imported,

(b) any swill which has been in contact with swill described in subparagraph (a) of this paragraph.

(2) A person who is the owner or charterer, or the master, captain or other person who for the time being is in charge, of a vessel or offshore installation shall not—

(a) do or cause or permit to be done any of the following, namely, the importation or the landing, or movement therefrom of any swill carried thereon otherwise than pursuant to and in accordance with a licence granted in that behalf by the Minister, or

(b) drop or otherwise discharge or cause or permit to be dropped or otherwise discharged therefrom any such swill.

(3) In any proceedings for an offence in which a contravention of this Article is alleged it shall be a good defence for the defendant to show that the swill to which the proceedings relates originated solely in, and came direct from, Northern Ireland.

REG 8

8. (1) The Minister shall cause to be kept in such form as he thinks fit a register to be known as the Register of Swill Premises (which register is in this Order referred to as "the register").

(2) (a) An application for registration in the register shall be in writing specifying the person by whom or on whose behalf the application is made (which person is in this Order referred to as

"the applicant"), the premises to which the application relates (which premises are in this Article referred to as "the relevant premises") together with such other particulars (if any) as the Minister may require.

(b) Where an application for registration in the register is duly made to the Minister, he shall—

(i) allow the application and enter the name of the applicant in the register together with such particulars of the relevant premises as he considers appropriate, and

(ii) issue to the applicant a certificate of registration (in such form as he considers appropriate) in which there shall be specified the name of the applicant and such particulars of the relevant premises as the Minister considers appropriate.

(3) The Minister may, on an application being made to him in that behalf in writing by or on behalf of an applicant or by his personal representative and on receipt of the certificate of registration issued by the Minister to the applicant, remove from the register the entry in the register to which the certificate relates.

(4) Where the person whose name is registered in the register transfers or otherwise disposes of his interest in the premises in relation to which he is registered, or in case such premises are no longer used for the storing, processing or feeding of swill, he shall forthwith inform the Minister thereof in writing and at the same time send to him the relevant certificate issued by the Minister and on being so informed and receiving such certificate the Minister shall remove from the register the entry to which the certificate relates.

(5) (a) Where the Minister is satisfied that premises of which particulars are entered in the register are not being used for the storing, processing or feeding of swill, subject to subparagraph (b) of this paragraph, he may remove from the register the entry containing such particulars.

(b) Where the Minister proposes to remove under this paragraph an entry from the register, the Minister shall give not less than twenty-one days' notice in writing of his proposal to the person entered in the register as the applicant and shall before removing such entry afford to such person an opportunity of stating why the entry should not be removed.

(6) The person who as regards premises particulars of which are entered in the register is registered therein as the applicant shall—

(a) if he processes swill, make a record in writing in such form as the Minister may require of the source and disposal of such swill and such other information (if any) as the Minister may for the purposes of this subparagraph from time to time direct either generally or in any particular case,

(b) if he feeds processed swill to livestock or poultry, make such a record of the origin of all livestock and poultry to which processed swill is fed, the period for which the processed swill

was fed and the means of disposal, whether by sale, slaughter or otherwise, of such livestock and poultry and such other information (if any) as the Minister may for the purposes of this subparagraph from time to time direct either generally or in any particular case,

(c) if he receives swill on such premises, make such a record of the source of such swill and the manner in which it was disposed of.

(7) A record made pursuant to this Article shall be retained by the person by whom it was made for not less than six months after it is made.

REG 9

9. (1) A person having possession, charge or control of any unprocessed swill shall not move, or cause or permit to be moved, such swill from any premises to any other premises, unless the premises to which the swill is to be moved are registered premises.

(2) A person shall not permit any unprocessed swill to be moved into any premises which he occupies unless the premises are registered premises.

(3) Where unprocessed swill is taken to registered premises for processing, it shall not be lawful for the swill, whether processed or unprocessed, to be moved from that premises unless such movement is authorised in writing either by the Minister or by an authorised person.

REG 10

10. (1) A person shall not use, or cause or permit to be used, any road vehicle for the carriage of unprocessed swill unless such vehicle is—

(a) as regards such swill, leak proof, and

(b) while it is being so used, covered and enclosed by material capable of being thoroughly disinfected after such use.

(2) A person shall not use, or cause or permit to be used, any container for the carriage of unprocessed swill unless such container is—

(a) leak proof,

(b) fitted with a close-fitting lid or lids, and

(c) capable of being thoroughly disinfected after such use.

(3) A person shall not—

(a) place or convey, or cause to be placed or conveyed, any livestock, poultry, feedingstuff for livestock or poultry, or anything intended to be used for or about livestock or poultry, in any road vehicle or container which also contains swill in any part therefore,

(b) place or convey, or cause to be placed or conveyed, any unprocessed swill in any road vehicle which also contains in any part thereof processed swill,

(c) drive or otherwise move, or cause or permit to be driven or otherwise moved, into any premises where livestock or poultry are kept, any road vehicle or container which he knows or has reasonable grounds for believing has previously contained unprocessed swill until the vehicle has been thoroughly cleansed and disinfected.

(4) A person who is for the time being in charge of any road vehicle or container and who uses or causes it to be used for the conveyance of unprocessed swill shall, as soon as practicable after each occasion on which it is so used and before any further use is made of it, thoroughly cleanse and disinfect the vehicle or container.

(5) The owner or the person who is for the time being in charge of a road vehicle and who uses it, or causes it to be used, for the conveyance of swill shall make or cause to be made a record in writing of all collections and deliveries of swill made during such use.

(6) Where, in any proceedings for an offence under the Order in which a contravention of this Article is alleged, the prosecution proves that swill or the remains or traces of swill were found in a road vehicle or container and that at the time of such finding the defendant was in charge of such road vehicle or container, it shall be presumed, until the contrary is proved by the defendant, that at such time a requirement of paragraph (3) of this Article has not been complied with by the defendant as regards the vehicle.

REG 11

11. (1) An authorised person may, by notice in writing served on the person who in relation to a registered premises is entered in the register as the applicant, or the person who is the occupier of a registered premises or the owner of a road vehicle or container in which swill is transported, require that person, within such reasonable time as is specified in the notice, to carry out, or cause to be carried out, such works as regards the structure of the premises or as regards the vehicle or container or take such steps as to the mode of operation of such vehicle or container as he considers necessary for the purposes of compliance with this Order.

(2) A person on whom a notice under this Article is duly served shall within the time specified in the notice comply with the requirements of the notice.

(3) Where the requirements of a notice under this Article relating to premises are not complied with, the Minister may remove the relevant entry from the register.

(4) The service of a notice under this Article shall not be construed as in any way affecting proceedings, whether instituted before or after such service, in which a contravention or a failure to comply with a requirement of this Order is alleged.

REG 12

12. (1) If an authorised person has reasonable grounds for suspecting that there is as regards a registered premises or because of the condition or operation of any plant, machinery, equipment or other thing in such premises, a risk of spreading disease, he may serve on the person who seems to him to be in charge of the premises for the time being a notice in writing requiring that person to cleanse and disinfect or to cause to be cleansed and disinfected such premises or any specified part thereof, together with such plant, machinery, equipment, vehicle, tools or other things as are under the control of such person and are necessary to avoid such risk, and such notice may specify the method of cleansing and disinfecting to be adopted, and the date by which such cleansing and disinfecting is to be completed, and a notice under this Article may prohibit forthwith the movement of swill into or out of the premises to which the notice relates until such time as the required cleansing and disinfecting has been satisfactorily completed and may specify the method of disposal of any waste food on such premises.

(2) A person on whom a notice under this Article is duly served shall comply with the requirements of the notice.

(3) Paragraph (1) of this Article shall not be construed as requiring the Minister to defray any expense incurred in relation to anything done to comply with the requirements of the notice.

REG 13

13. (1) Nothing contained in this Order shall be construed as prohibiting or restricting—

(a) the movement of—

(i) any unprocessed swill included in any refuse collected by or on behalf of a sanitary authority, or

(ii) any such swill into premises for the purpose of its manufacture there into meal, or

(iii) swill pursuant to and in accordance with an approval given for the purposes of this Article by the Minister either generally or in any specific case,

(b) the processing of swill for the purposes of its manufacture into meal.

(2) An approval given for the purposes of this Article by the Minister shall be subject to such terms and conditions (if any) as shall be specified in the approval.

REG 14

14. (1) The Foot and Mouth Disease (Disposal of Swill) Order, 1937 (S.I. No. 337 of 1937), is hereby revoked.

(2) The foot and Mouth Disease and Swine Fever (Boiling of Animal Foodstuffs) Order, 1933 (S.I. No. 39 of 1933), shall, in so far as it applies to swill, cease to have effect.

SCHEDULE

PART I

SPECIFICATIONS

1. The premises must be physically separate from any premises where animals and poultry are kept and must have a separate entrance.
2. The premises must be constructed in such manner that they do not permit access to and can be maintained free from livestock and poultry, dogs, cats and vermin.
3. (1) The premises must contain two areas which must be used solely and separately for the following purposes:—
 - (a) one area for the reception and storage of swill (in this part referred to as the "reception area"),
 - (b) one area for the handling of processed swill (in this part referred to as the "clean area").
- (2) Where the reception area is not of adequate size to permit the cleansing and disinfecting of road vehicles or containers within it, there must be provided, adjoining the reception area, an area which is enclosed and of adequate size for the cleansing and disinfecting of such vehicles, or containers and which is in this part referred to as the "disinfection area".
4. The entire floor area of the reception area, the clean area and the disinfection area must be concreted over and rendered impervious.
5. (1) The reception area and the clean area must be constructed of durable material and be fully enclosed and properly roofed.
- (2) The walls and any doors into the reception area and the clean area must be in height not less than 6 feet, be of solid construction and be made from a material impervious to damp and moisture and to any micro-organism or other thing contained in swill or a material which has been rendered so impervious.
- (3) Any doors in the reception area must be of sufficient height and width to permit the entrance of a vehicle for loading and unloading and must be constructed in such a way as to prevent seepage from the reception area.
6. (1) The reception area must be separated from the clean area by means of a solid brick or solid block wall with no apertures or by such other means as will ensure that apart from the movement of swill through the processing plant there is no direct movement of personnel or anything between the two areas.
- (2) The reception area must be of sufficient size to permit unloading from a delivery vehicle or containers easily to be carried out.
7. The processing plant must be constructed and placed so as to allow it easily to be loaded from the reception area and easily discharged into the clean area.
8. The processing plant must be capable of raising the temperature of unprocessed swill to 100°C and maintaining it at that temperature

for at least one hour.

9. There must be provided at all times a means, acceptable to the Minister, of showing whether or not the swill being processed has reached the temperature required in paragraph 8 (100°C).

10. The reception area and the disinfection area must have surface drainage arranged so that flow or seepage from either or both of those areas into the clean area cannot occur.

11. Drainage from the premises as a whole must be inaccessible to livestock and poultry, and in addition adequate gullies having substantial covers with apertures not exceeding 9 millimetres in width must be provided for such drainage.

12. The premises must have an adequate piped water supply with a pressure sufficient for cleansing the premises and all the equipment therein and all road vehicles, containers and other equipment used for transporting swill to or from the premises.

PART II

TERMS AND CONDITIONS

1. A particular part of the premises must be used solely for the storage and processing of unprocessed swill.

2. The premises must at all times be maintained vermin free and in a good state of repair and the plant, machinery and equipment therein must be maintained in a serviceable condition.

3. No livestock or poultry or dogs or cats shall at any time be permitted to enter or remain on the premises.

4. The whole premises must be securely closed at all times when no one is in attendance thereat.

5. (1) All unprocessed swill brought on to the premises must be unloaded and stored within the reception area.

(2) The entrance to the reception area must be securely closed when no one is in attendance thereat.

6. The premises and the plant and equipment used for processing swill must be such as in the opinion of the Minister will enable the requirements of this Order to be complied with at all times.

7. If processed swill is removed from the premises it must be moved only from the clean area.

8. Swill shall not without the permission of an authorised person be allowed to remain in the reception area in an unprocessed state for more than 48 hours before being processed or as an authorised person may direct.

9. (1) Unless an authorised person so directs as regards a particular day, the premises must be cleaned at the end of each day on which the processing of swill takes place in the premises.

(2) The premises must be cleaned at any time at which they are required by an authorised person to be cleaned.

10. The person who as regards the registered premises is the applicant must ensure that the inside surfaces of any road vehicle used for transporting unprocessed swill to the premises which have been soiled with unprocessed swill, together with any other part of

such a vehicle which has been so soiled with unprocessed swill, are thoroughly cleansed and disinfected as soon as possible after the completion of unloading.

11. Any equipment, tool or container which has been used for or in connection with unprocessed swill must not be moved from the reception area or the disinfection area unless it has been thoroughly cleansed and disinfected with an approved disinfectant and such equipment, tool or container must not, before being so cleansed and disinfected, be taken into the clean area or used in connection with processed swill.

12. Any tool, equipment or container used for handling processed swill shall not be used for any other purpose and must be kept entirely separate from any tool, equipment or container used for handling unprocessed swill.

13. Any tool, equipment or container used in the premises must be thoroughly cleansed and disinfected with an approved disinfectant at the end of each day on which boiling of unprocessed swill has taken place.

14. Any floor sweepings or other waste collected in the clean area must be either processed before coming into contact with livestock or poultry or disposed of in a manner which satisfies an authorised person.

15. The person who in relation to any registered premises is entered in the register as an applicant, his employees and agents must not leave the reception or disinfection areas without first washing their hands, cleansing and disinfecting their footwear and changing or cleansing and disinfecting their outer clothing.

16. All persons handling unprocessed swill shall wear protective clothing and rubber boots which when not in use be retained in either the reception or the disinfection area. Such protective clothing and boots must not be used for any purpose other than the handling of unprocessed swill unless they have been previously thoroughly cleansed and disinfected.

GIVEN under my Official Seal, this 4th day of June 1985.

AUSTIN DEASY,

Minister for Agriculture.

EXPLANATORY NOTE.

This Order provides for comprehensive control of swill as a protective measure against the introduction or spread of animal disease and to comply with certain provisions of EEC Directive 80/217 on the control of classical swine fever. It provides, in particular, for the registration of swill processing premises, for hygiene and construction standards in processing premises, the hygienic transport of swill and for the prohibition on feeding of unprocessed swill to animals and poultry. Authorised officers of the Minister for Agriculture are given specific powers regarding premises, vehicles, disease risks in relation to premises, etc.

