

**DISEASES OF ANIMALS (FEEDING AND USE OF SWILL) (AMENDMENT)
ORDER 1987**

I, MICHAEL O'KENNEDY, Minister for Agriculture and Food, 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 (Alteration of Name of Department and Title of Minister) Order, 1987 (S.I. No. 97 of 1987), hereby order as follows:

REG 1

1. (1) This Order may be cited as the Diseases of Animals (Feeding and Use of Swill) (Amendment) Order, 1987, and shall come into operation on the 1st day of June, 1987.
- (2) The Principal Order and this Order may be cited together as the Diseases of Animals (Feeding and Use of Swill) Orders, 1985 and 1987.

REG 2

2. (1) In this Order "the Principal Order" means the Diseases of Animals (Feeding and Use of Swill) Order, 1985 (S.I. No. 153 of 1985).
- (2) A word or expression used in this Order and used in the Principal Order has the same meaning in this Order as it has in the Principal Order.

REG 3

3. Article 2 of the Principal Order is hereby amended by the substitution of the following definition for the definition of "swill":
"swill" includes—
 - (a) any carcase,
 - (b) any product derived therefrom or any hatchery waste or eggs or egg shells,
 - (c) any broken or waste foodstuff (including table or kitchen refuse, scraps or waste) whether or not such foodstuff contains, or has been in contact with, any carcase or part thereof.
 - (d) any waste product of the slaughtering or processing of any animal or poultry where such waste product is derived from such animal or poultry,
 - (e) any other thing (whether or not such thing has been heated or dried or otherwise treated) consisting of or containing any matter mentioned in sub-paragraph (a), (b), (c) or (d) of this definition,
 - (f) any other material of animal or poultry origin;"

REG 4

4. Article 2 of the Principal Order is hereby amended by the insertion of the following definition after that of "authorised person":

"carcase' means the carcase of an animal or bird and includes part of a carcase, and the meat, bones, hide, blood, skin, pelt, hair, fur, wool, feathers, hooves, horns, offal or other part of an animal or bird, separately or otherwise, or any portion thereof;"

REG 5

5. Article 2 of the Principal Order is hereby amended by the insertion of the following definition after that of 'livestock':

"meal" means meal manufactured from swill by an industrial process the manner and extent of which reduce the structure of the swill by means of heating and drying to a product bearing no macroscopic or microscopic resemblance to the swill from which it was derived and which results in the dry matter content being not less than 85 per cent at the end of such process;"

REG 6

6. Article 3 of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph (3):

"(3) (a) Subject to subparagraph (b) of this paragraph, a person shall not have any swill in his possession or under his control in or on any land or premises where livestock or poultry are kept.

(b) In any proceedings for an offence in which a contravention of this paragraph is alleged, it shall be a good defence for the defendant to show that the swill to which the alleged offence relates—

(i) was unprocessed swill which was being moved into or was present in the reception area of a registered premises, or

(ii) was processed swill which was processed in a registered premises, or

(iii) was used solely for feeding to animals kept on the same land or premises as the swill, other than livestock so kept, and was possessed in quantities consistent with the normal food demands of such animals, or

(iv) was incidental to the preparation of food for human consumption or consequent on the consumption of such food, or

(v) was incidental to the slaughter of animals or to the preparation of meat at a slaughterhouse or knacker's yard; provided that, in the case of subparagraph (iii), (iv) or (v), access to such swill is sufficiently restricted by means of a permanent structure so as to ensure that neither livestock nor poultry could gain such access, and that no other animals could

remove such swill from the restricted area."

REG 7

7. Article 8 of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph 2:

"(2) (a) An application for registration in the register shall be made to the Minister 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, in respect of an application duly made for registration, the Minister is satisfied that the applicant is a fit and proper person to have his name entered in the register and that the premises conform to the specifications contained in Part I of the Schedule to this Order, 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."

REG 8

8. Article 9 of the Principal Order is hereby amended by the insertion of the following paragraph after paragraph (1):

"(1A) Paragraph (1) shall not apply where a person has bona fide grounds after due inquiry for believing that the swill will not be used for the purpose of feeding livestock and poultry."

REG 9

9. Article 9 of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph (2):

"(2) A person shall not permit any unprocessed swill to be moved into any premises which he occupies unless the premises are registered premises or the swill is not to be used for the purpose of feeding livestock or poultry."

REG 10

10. Article 11 of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph (1):

"(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—

(a) to carry out, or cause to be carried out, such works as regards—

(i) the structure of the premises,

(ii) any plant, machinery or equipment in the premises, or

(iii) the vehicle or container,

or

(b) to take such steps as to the mode of operation of such plant, machinery or equipment or of such vehicle or container, as he considers necessary for the purposes of compliance with this order."

REG 11

11. Article 11 of the Principal Order is hereby amended by the substitution of the following paragraph for paragraph (3):

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

REG 12

12. The Schedule to the Principal Order is hereby amended by the substitution of the following paragraph for paragraph 9 of Part I:

"9. (a) 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 by paragraph 8, for the length of time set out in that paragraph.

(b) Such means must automatically make a permanent record of the temperatures and durations of processing, and such records must be kept for a minimum of one year from the date of processing,".

REG 13

13. (1) An authorised person may, by notice in writing, require any person whom he reasonably suspects has, or has had within the period of 56 days ending on the date of the notice, swill in his

possession or under his control, to give to him such information as he may require—

(a) concerning the place from which such swill was obtained, the means of collection, transport and the method and place of disposal of such swill,

(b) concerning the identification of the person or persons responsible for the supply, collection, transport or disposal of such swill, and

(c) such other information as he may reasonably require of that person for the purposes of this Order and the Principal Order.

(2) An authorised person may, by notice in writing, require any person, in relation to any swill in that person's possession or under that person's control, not to supply such swill to a person whom the authorised person reasonably suspects is not complying with the requirements of the Principal Order or the Principal Order as amended by this Order.

(3) A person shall comply with any requirements made of him under this Article.

REG 14

14. In any proceedings for an offence in which a contravention of this Order or the Principal Order or the Principal Order as amended by this Order is alleged, it shall be a good defence for the defendant to show that the swill to which the alleged offence relates was solely—

(a) food—

(i) capable of, and intended and fit for, human consumption at the time of the alleged offence, and

(ii) access to which, in the case of land or premises in or on which livestock or poultry were kept, was sufficiently restricted by means of a permanent structure so as to ensure that neither livestock nor poultry could gain such access, and that other animals could not remove such swill from the restricted area, or

(b) meal, or

(c) food capable of, and intended and fit for, consumption by domestic pets and presented in a hermetically sealed tin following a process rendering the food shelf-stable in such a tin at ambient temperatures.

REG 15

15. Paragraph (2) of Article 5 of the Principal Order is hereby revoked.

GIVEN under my Official Seal, this 11th day of May, 1987.

MICHAEL O'KENNEDY,

Minister for Agriculture and Food.

EXPLANATORY NOTE.

This Order strengthens the existing Regulations controlling the movement and use of swill for feeding to livestock. It provides for a more precise definition of "swill" and makes it an offence to possess swill if it is not required for legitimate purposes.