

S.I. No. 165 of 2002

Abattoirs Act 1988 (Veterinary Examination) (Amendment) Regulations 2002

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 39 and 63 of the Abattoirs Act 1988 (No. 8 of 1988), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order 1999 (S.I. No. 307 of 1999), hereby make the following regulations:

1. (1) These Regulations may be cited as the Abattoirs Act 1988 (Veterinary Examination) (Amendment) Regulations 2002.
- (2) The Abattoirs Act 1988 (Veterinary Examination) Regulations 1992 to 1999 and these Regulations may be cited together as the Abattoirs Act 1988 (Veterinary Examination) Regulations 1992 to 2002.
- (3) The Abattoirs Act 1988 (Veterinary Examination) Regulations 1992 to 2002 shall be construed together as one.
2. These Regulations come into operation on the 1st day of August 2002.
3. The Abattoirs Act 1988 (Veterinary Examination) Regulations 1992 (S.I. No. 89 of 1992) are amended -
 - (a) by inserting in Regulation 3(1) the following after the definition of “animal”:

“ ‘certificate of categorisation’ means a certificate, issued in accordance with the Fourth Schedule to these Regulations indicating the salmonella categorisation of a pig herd;”,
 - (b) by inserting in Regulation 3(1) the following after the definition of “pesticide residue”:

“ ‘pig herd’ means a pig or pigs, any part of the meat of which is intended to be used for human consumption, kept for the time being on a particular premises;”,
 - (c) by inserting the following after paragraph (z) in Part II of the Second Schedule:

“(za) the meat is the liver, lungs, viscera or meat of the head of a pig that comes from a pig herd in respect of which there does not exist at the time of slaughter a valid certificate of categorisation indicating that the pig herd is categorised as Category 1 or 2,

within the meaning of paragraph 4 of the Fourth Schedule to these Regulations, unless the meat has been subjected to -

- (i) heat treatment to produce a minimum temperature of 72° C throughout the meat in an establishment approved for the time being under the European Communities (Meat Products and Other Products of Animal Origin) Regulations 1995 (S.I. No. 126 of 1995), or
- (ii) such other treatment approved for the time being by the Minister for the purpose of this paragraph”,

and

- (d) by inserting the following after the Third Schedule:

“FOURTH SCHEDULE
CATEGORISATION OF PIG HERDS WITH REGARD TO SALMONELLA

Interpretation

- 1. In this Schedule -

- (a) a reference to a paragraph is to a paragraph of this Schedule,
- (b) a reference to a subparagraph is to the subparagraph of the paragraph in which the reference occurs unless it appears that reference to some other provision is intended.

Authorisation of body to issue certificates

- 2. (1) The Minister may approve, on application, a body for the purpose of issuing certificates of categorisation of pig herds with regard to salmonella (in this Schedule referred to as an ‘approved body’).

(2) A person who applies for approval of a body under this paragraph shall furnish to the Minister such information as the Minister may reasonably require for the purposes of evaluating such application.

(3) The Minister may lay down conditions for the approval of the body referred to in subparagraph (1) and may attach to an approval such terms or conditions as the Minister considers appropriate.

(4) The Minister may revoke an approval granted under this paragraph and when it is proposed to do so shall -

- (a) notify in writing the owner or person in charge of the approved body of the proposal to so revoke and of the reasons for the proposed revocation,
- (b) notify in writing that person that he, she or a person acting on his or her behalf may make representations to

the Minister in relation to the proposal within 14 days of the issue of the notification, and

- (c) consider any such representations duly made before deciding whether or not to proceed with the proposal.

(5) When an approval is revoked the body concerned shall immediately cease to issue certificates of categorisation for the purpose of these Regulations.

Certificate of categorisation

3. (1) The owner or person in charge of a pig herd is required to have each pig herd tested within such period and in accordance with such direction as may be specified for the purpose of giving effect to, and in accordance with, this Schedule.

(2) The owner or person in charge of a pig herd shall ensure that -

- (a) he or she has a valid certificate of categorisation, in respect of his or her pig herd,
- (b) such certificate is presented on request to
 - (i) an authorised officer, or
 - (ii) any person who is the owner, person in charge or employee of any abattoir at which pigs from his or her herd are presented for slaughter,
- (c) samples of tissue, blood or other relevant material are taken from 24 pigs belonging to his or her herd and submitted together to a laboratory approved in accordance with paragraph 5 for the purpose of facilitating the tests referred to in paragraph 4 (in this case a set of samples shall comprise said 24 samples), and
- (d) said set of samples is taken 3 times annually at intervals of not less than 3 months and not more than 5 months.

(3) For the purposes of subparagraph (2)(c), if the number of pigs from a herd that is presented for slaughter on an individual date is less than 24, then samples shall be taken from 24 pigs from that herd over the course of every period of 4 months; in this case a set of samples shall comprise said 24 samples.

- (4) (a) If the number of pigs from a herd presented for slaughter is too low to facilitate the level of sampling provided for in subparagraph (2)(c) or (3), then samples

shall be taken from all pigs from that herd presented for slaughter.

- (b) Where clause (a) applies, a set of samples shall comprise all samples submitted in a 4 month period.

Herd testing and categorisation

4. (1) For the purposes of this Schedule -

- (a) a test shall mean a test of a type approved in writing by the Minister and conducted on a set of samples submitted in accordance with paragraph 3 for the purpose of establishing whether the pigs to which the samples relate exhibit serological evidence of exposure to salmonella bacteria, and

- (b) a test result shall comprise the percentage of the samples in a set as referred to in paragraph 3 that tested positive.

(2) An approved body shall issue an initial certificate of categorisation in respect of a pig herd when 2 tests relevant to that herd have been completed.

(3) For the purposes of subparagraph (2) herd categorisation shall be established by calculating the simple average of the 2 test results.

(4) After the 2 test results referred to in subparagraph (3) have been completed in respect of a pig herd, an approved body shall issue a further certificate of categorisation in respect of the pig herd following the completion of each subsequent test relevant to that pig herd.

(5) For the purposes of subparagraph (4) herd categorisation shall be established by weighting the results of the 3 most recent test results relevant to the pig herd concerned in accordance with the following Table:

TABLE

<u>Test</u>	<u>Weighting</u>
Most recent	0.5
Second most recent	0.3
Third most recent	0.2

(6) The certificate of categorisation shall state whether the pig herd concerned is categorised as Category 1, Category 2 or Category 3.

- (7) (a) A pig herd shall be categorised as Category 1 if the simple average or weighted average, as the case may be, of the test results does not exceed 10 per cent.

- (b) A pig herd shall be categorised as Category 2 if the simple average or weighted average, as the case may be,

of the test results exceeds 10 per cent but does not exceed 50 per cent.

- (c) A pig herd shall be categorised as Category 3 if the simple average or weighted average, as the case may be, of the test results exceeds 50 per cent.
- (d) A pig herd shall be categorised as Category 3 if the number of samples submitted for testing does not meet the requirements of paragraph 3 or the nature or quality of such samples is inadequate to facilitate the tests referred to in this Schedule.

(8) Herd categorisation shall be established on the basis of tests conducted by a laboratory approved for the time being by the Minister in accordance with paragraph 5.

(9) A certificate of categorisation shall be valid for 5 months from the date of issue.

Authorisation of laboratory to conduct tests

5. (1) The Minister may, on application, approve a laboratory or laboratories to conduct tests for the purposes of this Schedule.

(2) A person who applies for approval of a laboratory under this paragraph shall furnish to the Minister such information as may reasonably be required for the purposes of evaluating such application.

(3) The Minister may lay down conditions for the approval of a laboratory under this paragraph and may attach to an approval such terms or conditions as are considered appropriate.

(4) The Minister may revoke an approval granted under this paragraph and when it is proposed to do so shall -

- (a) notify in writing the owner or person in charge of the laboratory of the proposal to so revoke and of the reasons for the proposed revocation,
- (b) notify in writing that person that he or she or a person acting on his or her behalf may make representations to the Minister in relation to the proposal within 14 days of the issue of the notification, and
- (c) consider any such representations duly made before deciding whether or not to proceed with the proposal.

(5) When an approval is revoked the laboratory shall immediately cease to conduct tests for the purposes of this Schedule.

Breeding pigs

6. (1) The owner or person in charge of a pig herd shall ensure that -

- (a) breeding pigs introduced into the herd are pigs originating in herds in respect of which a valid certificate of categorisation, stating that the herd is categorised as Category 1, exists at the time of such introduction, and
- (b) breeding pigs are brought directly from the herd of origin without coming in contact with pigs from any other pig herd or passing through a livestock mart.

(2) The owner or person in charge of a pig herd shall keep, in addition to the records required to be kept pursuant to Regulation 12 of the European Communities (Registration of Holdings and Identification of Animals) Regulations 1996 (S.I. No. 1 of 1996), a record and written evidence of the herd categorisation of the herd of origin of each breeding pig.

(3) A person by whom a record is kept under this paragraph shall -

- (a) make the record available on request to an authorised officer, and
- (b) keep the record for a period of 3 years after the expiration of the year to which the record relates.

Powers of authorised officers

7. (1) An authorised officer may on production of his or her certificate of appointment -

- (a) at all reasonable times enter any land, premises, container, means of transport or other place where he or she has reasonable grounds for believing that pigs are kept or slaughtered,
- (b) take samples from such pigs, including samples of blood, tissue or other thing as he or she may reasonably require for the purposes of this Schedule and submit or have submitted such samples to any test, examination or procedure as he or she or another authorised officer considers appropriate,
- (c) request and examine and take or take copies of the records and written evidence referred to in subparagraph 6(2) and the certificate of herd categorisation appropriate to the pigs.

(2) The owner or person in charge of a premises entered by an authorised officer under subparagraph (1) shall provide such facilities, information, documents and records to, and comply with such reasonable requests of, the officer as he or she may reasonably require for the purposes of his or her functions under this Schedule.

(3) A person shall not obstruct or otherwise interfere with an authorised officer in the performance of his or her functions under this Schedule or, in purported compliance with a requirement under subparagraph (2), give information to an authorised officer that he or she knows to be false or misleading in a material respect.

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GIVEN under my Official Seal,

L.S.

24 April 2002.

Joe Walsh

Minister for Agriculture,
Food and Rural Development

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations provide for the categorisation of pig herds in accordance with their salmonella status and the requirement to heat-treat certain pigmeat products before they are declared fit for human consumption.

PN 11523

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