

S.I. No. 597 of 2001

Diseases of Animals Act, 1966 (Prohibition on the Use of Swill) Order, 2001

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by sections 3 and 13 of the Diseases of Animals Act, 1966 (No. 6 of 1966) 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 order as follows:-

1. (1) This Order may be cited as the Diseases of Animals Act, 1966 (Prohibition on the Use of Swill) Order, 2001.
 - (2) The Foot-and-Mouth Disease (Prohibition on the Use of Swill) Order, 2001(S.I. No. 104 of 2001) and the Foot-and-Mouth Disease (Prohibition on the Use of Swill) (Amendment) Order, 2001 (S.I. No. 227 of 2001) are revoked.
- 2.(1) In this Order “swill” includes –
- (a) any carcase or offal or any product derived in whole or in part from any carcase or offal,
 - (b) any hatchery waste or eggs or egg shells,
 - (c) any broken or waste foodstuff (including table, catering or kitchen refuse, scraps or waste) whether or not such foodstuff contains, or has been or may have been in contact with, any carcase or offal,
 - (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 waste of animal, fish or avian origin, and
 - (f) any other thing (whether or not such thing has been heated or dried or otherwise processed) consisting of or containing any matter mentioned in paragraph (a), (b), (c), (d) or (e) of this interpretation.

but does not include -

- (i) cereal grains,
- (ii) edible material of plant or vegetable origin,
- (iii) bread and dough (including biscuits),

- (iv) chocolate, or
- (v) milk or milk products that have undergone heat treatment as provided for in the European Communities (Hygienic Production and Placing on the Market of Raw Milk, Heat-Treated Milk and Milk Based Products) Regulations, 1996 (S.I. No. 9 of 1996)

that is a product or by-product of brewing, baking or another industrial process and has not been mixed with or been in contact with an animal, animal product or any thing (other than milk or a milk product to which sub-paragraph (v) of this paragraph applies) to which sub-paragraphs (a), (b), (d) or (e) of this paragraph applies.

- (2) Sub-paragraphs (i), (ii), (iii), (iv) and (v) of paragraph (1) of this Article shall not apply to domestic, catering or restaurant waste or by-products.
3. A person shall not do or cause to be done, by either act or omission, any of the following, that is to say, the collection, assembling, processing, storing, keeping or otherwise having swill —
- (a) for the purpose of feeding it to an animal,
 - (b) on or adjacent to any lands or premises where any animal is fed, farmed, reared, bred or fattened, or
 - (c) on or adjacent to any lands or premises to which any animal has access.
- 4.(1) A person shall not feed, or cause or permit to be fed, to any animal any swill, whether unprocessed or subjected to any form of processing.
- (2) In this Article “animal” means cattle, sheep, pigs, goats, deer, other biungulates or poultry.

5. Subject to Articles 3 and 4, nothing in this Order shall affect the operation of the Diseases of Animals (Feeding and Use of Swill) Orders, 1985 and 1987.
6. The Diseases of Animals (Feeding and Use of Swill) Order, 1985 (S.I. No. 153 of 1985) is amended -

(a) by the substitution for paragraph (2) of Article 7 of –

“(2) A person who is or purports to be -

- (a) (a) the owner, charterer, master, captain or other person who for the time being is in charge, of a vessel or offshore installation,
- (b) (b) a harbour authority or company within the meaning of the Harbours Act, 1996 No. 11 of 1996,
- (c) (c) a local authority within the meaning of the Local Government Act, 1941 (No. 23 of 1941) in respect of any harbour, pier or other landing place under the jurisdiction of such local authority,
- (d) (d) the operator of any marina, harbour, pier, marina, other landing place or aerodrome, or
- (e) (e) an employee, servant or agent of a person aforesaid

shall not—

- (i) do or cause or permit to be done any of the following, namely, the importation or the landing, or movement of any swill carried on board any vessel or offshore installation otherwise than pursuant to and in accordance with a licence granted in that behalf by the Minister, or
- (ii) drop or otherwise discharge or cause or permit to be dropped or otherwise discharged from any vessel or aircraft any swill to which sub-paragraph (i) of this paragraph refers.”, and

(b) by the deletion of paragraph (3) of Article 7.

7. The Diseases of Animals (Feeding and Use of Swill) Orders, 1985 to 1987 and this Order are in addition to and not in substitution for –

- (a) The European Communities (Disposal, Processing and Placing on the Market of Animal By-products) Regulations, 1994 and 2001,
- (b) the European Communities (Knackery) Regulations, 1996 and 1999,
- (c) the Diseases of Animals (Bovine Spongiform Encephalopathy) Orders, 1989 to 2001,
- (d) the European Communities (Specified Risk Material) Regulations, 2000 (S.I. No. 332 of 2000) as amended by the European Communities (Specified Risk Material) (Amendment) Regulations, 2001 (S.I. No. 164 of 2001), and
- (e) the European Communities (Processed Animal Products) Regulations, 2000 (S.I. No. 486 of 2000).

GIVEN under My Official Seal,
18 December, 2001

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.)

This Order prohibits the collection and feeding of swill to certain animals but permits the feeding of certain non-animal products and milk products to animals as well as amending the Diseases of Animals (Feeding and Use of Swill) Order, 1985.

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Published by the Stationery Office, Dublin 2

Price: