

Statutory Instrument 1995 No. 614

The Animal By-Products (Identification) Regulations 1995

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STATUTORY INSTRUMENTS

1995No. 614

FOOD

The Animal By-Products (Identification) Regulations 1995

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| <i>Made</i> | <i>7th March 1995</i> |
| <i>Laid before Parliament</i> | <i>9th March 1995</i> |
| <i>Coming into force</i> | <i>1st April 1995</i> |

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1)(c), (d) and (f), 26(3) and 48(1) of, and paragraph 3 of Schedule 1 to, the Food Safety Act 1990^[1] and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the 1992 Order" means the Animal By-Products Order 1992^[2];

"the Act" means the Food Safety Act 1990;

"animal" means any of the following food sources, namely—

(a) domestic animals of the following species: bovine animals (including buffalo of the species *Bubalus bubalis* and *Bison bison*), solipeds, swine, sheep and goats; and

(b) poultry, rabbits, farmed game and wild game;

"animal by-product" has the meaning given by regulation 3;

"animal by-products premises" means premises, other than a slaughterhouse or game processing facility, from which animal by-products are despatched to other premises;

"carcase" means the body of a dead animal;

"enforcement authority", in relation to any premises, means the authority charged with enforcing and executing these regulations by regulation 12;

"farmed game" means wild land mammals which are reared and slaughtered in captivity, excluding—

(a) mammals of the family Leporidae; and

(b) wild land mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game;

"game processing facility" means premises, other than a slaughterhouse, used for the purpose of processing farmed or wild game the flesh of which is intended for sale for human consumption;

"green offal" means the stomachs, gizzards and intestines of animals;

"the Hygiene Regulations" means—

(a) the Fresh Meat (Hygiene and Inspection) Regulations 1995^[3]; and

(b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat

(Hygiene and Inspection) Regulations 1995^[4];

"meat" means the flesh or other edible parts of an animal;

"occupier" means a person carrying on the business of any slaughterhouse, game processing facility or animal by-products premises, or the duly authorised representative of such a person;

"poultry" means domestic fowls, turkeys, guinea fowls, ducks, geese and quails;

"poultry by-product" means any animal by-product derived exclusively or mainly from poultry;

"scientific purposes" means diagnostic, educational or research purposes;

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No 28440), which solution is of such a strength that the colouring on the animal by-product is clearly visible; and, for the purposes of this definition, "treated" means that the whole surface of the animal by-product has been covered with the said solution either by immersing the animal by-product in, or spraying or otherwise applying, the solution and, in the case of an animal by-product weighing not less than 25kg, that the solution has been so applied after the surface of the animal by-product has been opened by multiple and deep incisions;

"sterilised" means—

(a) treated by boiling or by steaming under pressure until every piece of animal by-product is cooked throughout;

(b) rendered into tallow, greases, glues, feeding meals or fertilisers; or

(c) subjected to a process, including digestion, other than those described above which inactivates all vegetative forms of human pathogenic organisms in the animal by-product and results in all parts of that animal by-product no longer having the appearance of raw meat;

"wild game" means wild land mammals which are hunted (including wild land

mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds.

(2) In these Regulations any reference to a numbered regulation shall be construed as a reference to the regulation so numbered in these Regulations.

Meaning of "animal by-product"

3.—(1) Subject to paragraph (2) below, for the purposes of these Regulations "animal by-product" means any carcase or part of a carcase which is not intended for direct human consumption and which—

- (a) is derived from an animal which—
 - (i) has died;
 - (ii) has been killed in a knacker's yard;
 - (iii) has been killed in a place other than a slaughterhouse;
 - (iv) is stillborn or unborn;
 - (v) has been killed for reasons of disease control;
 - (vi) has been slaughtered for human consumption and, during the ante-mortem or post-mortem inspection carried out in connection with such slaughter, has shown signs of any disease communicable to humans or animals; or
 - (vii) has been slaughtered for human consumption but has not been presented for post-mortem inspection in accordance with the Hygiene Regulations;
- (b) is spoiled in any way so as to present a risk to human or animal health; or
- (c) contains residues of any substances which may pose a risk to human or animal health.

(2) In these Regulations, "animal by-product" does not include any animal excreta or catering waste or meat cooked at a knacker's yard for use as food for animals whose flesh is not intended for human consumption.

Scope

4. Nothing in these Regulations shall—
- (a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire dead animal; or
 - (b) affect the operation of any order made, or having effect, under the Animal Health Act 1981^[5].

Exemptions

- 5.—(1) These Regulations shall not apply in respect of—
- (a) the green offal of wild game which is killed in the wild and is removed from the carcase and left at the point of killing or in its vicinity;
 - (b) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by him or on his behalf;
 - (c) any animal by-product consisting only of the waste product remaining after feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait, where such waste product no longer has the appearance of meat;
 - (d) any animal by-product imported into Great Britain for use for scientific purposes;
 - (e) any animal by-product which—
 - (i) is, or is derived from, a product of animal origin controlled by Council Directive 90/667/EEC laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish

- origin^[6]; and
- (ii) is transhipped in accordance with regulation 18 of the Products of Animal Origin (Import and Export) Regulations 1992^[7]; or
- (f) specified bovine offal as defined in regulation 2(1)(b) of the Bovine Offal (Prohibition) Regulations 1989^[8].

(2) The requirement as to staining and sterilisation imposed by regulations 6 and 7 shall not apply to—

- (a) poultry by-products;
- (b) any animal by-product consisting of blood, bones, gut contents, skins, hides, hooves, feathers, wool, horns or hair;
- (c) any animal by-product consisting of green offal, or which is in a container the contents of which consist mainly of green offal, which is intended to be removed from any slaughterhouse, game processing facility or animal by-products premises for disposal in accordance with the 1992 Order; or
- (d) any animal by-product which is intended for use for scientific purposes and which, pending such use or removal to premises for such use in accordance with the 1992 Order, is placed in a room and in a receptacle designed for the purpose of holding animal by-products and bearing a notice that its contents are intended for use for scientific purposes.

Sterilisation and staining of animal by-products in slaughterhouses or game processing facilities

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of a slaughterhouse or game processing facility to ensure that any animal by-product is sterilised or stained immediately.

(2) The requirement imposed by paragraph (1) above shall not apply to any animal by-product—

- (a) which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation and bearing a notice that its contents are to be sterilised on the premises, and which is then sterilised there;
- (b) which is immediately moved to accommodation in the slaughterhouse or game processing facility and placed in a receptacle as required by paragraph 1(h) of Schedule 2, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995^[9], and which is stained there; or
- (c) which is intended to be removed from the slaughterhouse or game processing facility in accordance with regulation 10(2), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(3) Any animal by-product which is placed in a receptacle as referred to in paragraph (2) above shall be sterilised, stained or removed from the slaughterhouse or game processing facility in accordance with regulation 10(2) as soon as is reasonably practicable.

Sterilisation and staining of animal by-products in animal by-products premises

7.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any animal by-products premises to ensure that any animal by-product is sterilised or stained immediately after skinning of the carcass or, if the carcass is eviscerated immediately after skinning, immediately after evisceration or, if the carcass is cut up

immediately after evisceration or is brought into the premises already eviscerated, immediately after cutting up is completed;

(2) The requirement imposed by paragraph (1) above shall not apply to any animal by-product—

(a) which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation and bearing a notice that its contents are to be sterilised on the premises and which is then sterilised there; or

(b) which is intended to be removed from the animal by-products premises in accordance with regulation 10(2), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(3) Any animal by-product which is placed in a receptacle as referred to in paragraph (2) above shall be sterilised or removed from the animal by-products premises in accordance with regulation 10(2) as soon as is reasonably practicable.

Freezing of animal by-products in any slaughterhouse, game processing facility or animal by-products premises

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any slaughterhouse, game processing facility or animal by-products premises unless it has been sterilised or stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the slaughterhouse, game processing facility or animal by-products premises in accordance with regulation 10(2).

Storage and packaging of animal by-products

9.—(1) No person shall store any unsterilised animal by-product in the same room as any product which is intended for human consumption.

(2) No person shall store in any premises used for the storing of products fit for human consumption any unsterilised animal by-product unless it is packed with a conspicuously visible and legible notice with the declaration "Not intended for human consumption" in letters at least 2cm high, together with the name of the packer and the address at which the animal by-product was packed or, in the case of any imported animal by-product, the name of the country from which it was imported into Great Britain.

Restriction on movement of animal by-products

10.—(1) Subject to paragraph (2) below, no person shall move or cause to be moved any animal by-product from any slaughterhouse, game processing facility or animal by-products premises unless it has been sterilised or stained in accordance with these Regulations.

(2) The prohibition contained in paragraph (1) above shall not apply to any animal by-product which has not been sterilised or stained in accordance with these Regulations because of a permanent or temporary closure of the slaughterhouse, game processing facility or animal by-products premises or a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer of the enforcement authority, to other premises for incineration or burial in accordance with the 1992 Order.

Application of various sections of the Act

11. The following provisions of the Act shall apply for the purposes of these

Regulations as they apply for the purposes of sections 8, 14 and 15 of the Act, and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations—

- (a) section 3 (presumption that food is intended for sale for human consumption);
- (b) section 20 (offences due to fault of other person);
- (c) section 21 (defence of due diligence);
- (d) section 33 (obstruction etc. of officers);
- (e) section 36 (offences by bodies corporate) subject to the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and
- (f) section 44 (protection of officers acting in good faith).

Enforcement

12.—(1) Subject to paragraph (2) below, these Regulations shall be enforced and executed—

- (a) in relation to premises licensed under the Hygiene Regulations, by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Scotland or Wales; and
- (b) in any other case, by each food authority within its area.

(2) Each port health authority shall enforce and execute these Regulations in its area in relation to animal by-products imported into Great Britain.

(3) In this regulation, "food authority" does not include—

- (a) the council of a non-metropolitan county; or
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Information to be provided by the food authorities

13. Every food authority shall provide the Minister with such information relating to the execution of its duties under these Regulations as the Minister may from time to time require.

Offences and penalties

14. If any person contravenes, or fails to comply with, any provision of regulation 6, 7, 8, 9 or 10 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

Revocation

15. The Meat (Sterilisation and Staining) Regulations 1982^[10], the Meat (Sterilisation and Staining) (Amendment) Regulations 1984^[11] and the Meat and Poultry Meat (Staining and Sterilisation) (Scotland) Regulations 1983^[12] are hereby revoked.

Amendments

16.—(1) The Bovine Offal (Prohibition) Regulations 1989 shall be amended as follows—

- (a) in regulation 2(1)—
 - (i) for the definition of "processor" there shall be substituted the following definition—

""processor" means any person who in the course of his processing business sterilises meat, but does not include a waste food processor licensed under the Diseases of Animals (Waste Food)

- Order 1973 ;" ;
- (ii) for the definition of "sterilised" there shall be substituted the following definition—
- ""sterilised" has the meaning given to it in the Animal By-Products (Identification) Regulations 1995;" ;
- (b) for the definition of "consignment note" in regulation 9(4) there shall be substituted the following definition—
- ""consignment note" means a consignment note issued in pursuance of regulation 22 of the Bovine Offal (Prohibition) (Scotland) Regulations 1990^[14];" .

(2) Regulation 2(1) of the Bovine Offal (Prohibition) (Scotland) Regulations 1990 shall be amended as follows—

- (a) for the definition of "dead stock collection centre", there shall be substituted the following definition—
- ""dead stock collection centre" means any building or place used for flaying or cutting up dead animals whose flesh is not intended for human consumption;" ;
- (b) for the definition of "processor", there shall be substituted the following definition—
- ""processor" means any person who in the course of his processing business sterilises meat, but does not include a waste food processor licensed under the Diseases of Animals (Waste Food) Order 1973;" ;
- (c) for the definition of "sterilised", there shall be substituted the following definition—
- ""sterilised" has the meaning given to it in the Animal By-Products (Identification) Regulations 1995;" .

Angela Browning

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

3rd March 1995

Cumberlege

Parliamentary Under-Secretary of State, Department of Health

3rd March 1995

Hector Monro

Parliamentary Under-Secretary of State, Scottish Office

7th March 1995

Gwilym Jones

Parliamentary Under-Secretary of State, Welsh Office

3rd March 1995

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, come into force on 1st April 1995 and make provision for the sterilisation and staining of animal by-products (defined in regulation 3) and for the control of the movement of such by-products. They revoke the Meat (Sterilisation and Staining) Regulations 1982 and the Meat and Poultry Meat (Staining and Sterilisation) (Scotland) Regulations 1983 (regulation 15) and make consequential amendments to the Bovine Offal (Prohibition) Regulations 1989 and the Bovine Offal (Prohibition) (Scotland) Regulations 1990 (regulation 16).

The Regulations do not apply to entire dead animals (regulation 4), specified green offal of wild game, by-products removed by a veterinary surgeon for examination, specified waste from animal by-products, animal by-products imported for scientific purposes, specified animal by-products which are transhipped or specified bovine offal (regulation 5(1)).

The Regulations—

- (a) require the immediate staining or sterilisation at a slaughterhouse or game processing facility (regulation 6), or at any animal by-products premises (regulation 7), of animal by-products excluding poultry by-products and certain other specified by-products (regulation 5(2));
- (b) prohibit the freezing of any animal by-product in any slaughterhouse, game processing facility or animal by-products premises (regulation 8);
- (c) prohibit the storing of unsterilised animal by-products in the same room as products which are intended for human consumption and the storing of unsterilised animal by-products which are not properly packed and labelled in premises used for the storage of products fit for human consumption (regulation 9);
- (d) prohibit the movement from any slaughterhouse, game processing facility or animal by-products premises of unstained or unsterilised animal by-products except in specified circumstances (regulation 10);
- (e) make provision for the application of various provisions of the Food Safety Act 1990 (regulation 11);
- (f) specify the enforcement authorities (regulation 12);
- (g) require food authorities to supply information to the Minister as and when required (regulation 13); and
- (h) create offences and prescribe penalties (regulation 14).

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament, and copies can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.

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Notes:

[1] 1990 c. 16; "the Ministers" is defined in section 4(1); section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), section 31 and Schedule 9, paragraph 6. back

[2] S.I. 1992/3303. back

[3] S.I. 1995/539. back

[4] S.I. 1995/540. [back](#)

[5] 1981 c. 22; *see* the Animal By-Products Order 1992 (S.I. 1992/3303). [back](#)

[6] OJ No. L363, 27.12.90, p.51. [back](#)

[7] S.I. 1992/3298. [back](#)

[8] S.I. 1989/2061, amended by S.I. 1990/2486, 1992/306 and 1994/2628. [back](#)

[9] S.I. 1995/539. [back](#)

[10] S.I. 1982/1018. [back](#)

[11] S.I. 1984/604. [back](#)

[12] S.I. 1983/704 (S.61), amended by S.I. 1985/1068 (S.87) and 1990/2625 (S.220). [back](#)

[13] S.I. 1973/1936, as amended by S.I. 1987/232. [back](#)

[14] S.I. 1990/112 (S.10), amended by S.I. 1990/2625 (S.220), 1992/158 (S.12) and 1994/2544 (S.120). [back](#)

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