STATUTORY RULES OF NORTHERN IRELAND

2002 No. 238

FOOD

Animal By-Products (Identification) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - - *4th July 2002*

Coming into operation *19th August 2002*

The Department of Health, Social Services and Public Safety(**a**) in exercise of the powers conferred on it by Articles 15(1)(c), (d) and (f), 25(3) and 47(2) of, and paragraph 3 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**b**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**c**) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations: –

Citation and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 19th August 2002.

Amendments to the Animal By-Products (Identification) Regulations (Northern Ireland) 1999

2.—(1) The Animal By-Products (Identification) Regulations (Northern Ireland) 1999(**d**) are amended in accordance with the following paragraphs.

(2) In regulation 2 (interpretation) –

(a) in the definition of "animal by-products premises", before "slaughter-house" there shall be inserted "cold store, cutting premises";

(b) after the definition of "carcase" there shall be inserted the following definitions –

" "cold store" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern

(**a**) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3

(**b**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Functions formerly exercisable by the Department of Agriculture (now the Department of Agriculture and Rural Development; *see* Article 3 of S.I. 1999/283 (N.I. 1)) are now exercisable by the Department of Health, Social Services and Public Safety pursuant to paragraph 27 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28. Regulation 13(4) of S.R. 2000 No. 78 expressly authorises the Department of Health, Social Services and Public Safety to amend or revoke existing Regulations made or having effect as if made by the Department of Agriculture and Rural Development (whether with others or not) under the Food Safety (Northern Ireland) Order 1991

(**c**) O.J. No. L31, 1.2.2002, p. 1

(**d**) S.R. 1999 No. 418, as amended by S.R. 2000 No. 78

Ireland) 1995(**a**) or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**b**);

"cutting premises" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997";

(c) in the definition of "game processing facility", before "slaughter-house" there shall be inserted "cold store, cutting premises or";

(d) in the definition of "occupier", before "slaughter-house" there shall be inserted "cold store, cutting premises,";

(e) for the definition of "slaughter-house" there shall be substituted –

" "slaughter-house" means any premises licensed as such under the Poultry Meat, Farmed Bird Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995 or the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997;"; and

(f) the following definition is substituted for the definition of "stained" –

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(**c**), which solution is of such a strength that the colouring on the animal by-product is clearly visible; and in this definition, "treated" means –

(a) that the solution has been applied to the whole surface of the animal by-product, whether by immersing the animal by-product in the solution, spraying the animal by-product with the solution or applying the solution to the animal by-product by any other equally effective means;

(b) in the case of an animal by-product not falling within paragraph (c) and weighing not less than 25 kg, that the solution has been so applied after the surface of the animal by-product has been opened by multiple and deep incisions; and

(c) in the case of an animal by-product comprising an entire poultry carcase, whether or not it has been eviscerated or defeathered, that the solution has been so applied after the surface of the carcase has been opened by multiple and deep incisions.".

(3) The following paragraph is substituted for paragraph (a) of regulation 4 (scope) –

"(a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire carcase, except an entire poultry carcase which is dead on arrival at a slaughter-house or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughter-house in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995;".

(4) The following sub-paragraph is substituted for sub-paragraph (a) of paragraph (2) of regulation 5 (exemptions) –

"(a) poultry heads and feet which –

(i) have been subjected to a post-mortem veterinary inspection, and

(ii) during the course of the inspection did not show gross pathological lesions indicating disease communicable to man or animals;".

(5) In paragraph (2)(d) of regulation 5, before "slaughter-house" there shall be inserted "cold store, cutting premises,".

(6) The following regulation is substituted for regulation 6 (sterilisation and staining of animal by-products in slaughter-houses or game processing facilities) –

(**a**) S.R. 1995 No. 396, as amended by S.R. 1997 No. 496, S.R.1998 No. 237, S.R. 2000 Nos. 78 and 191 and S.R. 2001 No. 429

(**b**) S.R. 1997 No. 493, as amended by S.R.1998 No. 237 and S.R. 2000 Nos. 78, 191 and 287

(**c**) The Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB

"**Sterilisation and staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughter-houses**

6.—(1) Subject to paragraph (2), it shall be the duty of the occupier of any cold store, cutting premises, game processing facility or slaughter-house to ensure that any animal by-product is sterilised or stained without undue delay.

(2) The duty imposed by paragraph (1) shall not apply in relation 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 –

(i) (in the case of an animal by-product other than a poultry by-product) is immediately moved to accommodation in the relevant cutting premises, game processing facility or slaughter-house and placed in a receptacle as mentioned in paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, 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 (Northern Ireland) 1997, and which is stained there, or

(ii) (in the case of a poultry by-product) is immediately moved to accommodation in the relevant cold store, cutting premises or slaughter-house and placed in a container as mentioned in paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995, and which is stained there; or

(c) which is intended to be removed from the relevant cold store, cutting premises, game processing facility or slaughter-house in accordance with regulation 10(3), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(3) The occupier of any cold store, cutting premises, game processing facility or slaughter-house shall ensure that any animal by-product which is placed in a receptacle or container in accordance with paragraph (2)(a) or (b) is sterilised or, as the case may be, stained, and removed from the relevant cold store, cutting premises, game processing facility or slaughter-house as soon as is reasonably practicable.

(4) The occupier of any cutting premises, game processing facility or slaughter-house shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2)(c) is removed from the relevant cutting premises, game processing facility or slaughter-house as soon as is reasonably practicable.".

(7) The following regulation is substituted for regulation 8 (freezing of animal by-products in any slaughter-house, game processing facility or animal by-products premises) –

"**Freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughter-house**

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

(2) Paragraph (1) shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting premises, game processing facility or slaughter-house in accordance with regulation 10(3).".

(8) The following regulation is substituted for regulation 9 (storage and packaging of animal by-products) –

"**Storage and packaging of animal by-products**

9.—(1) Subject to paragraph (2), no person shall store any unsterilised animal by-product in the same room as any product which is intended for human consumption.

(2) The prohibition contained in paragraph (1) shall not apply in relation to –

(a) an animal by-product, other than a poultry by-product, which is stored and dealt with in accordance with paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, 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 (Northern Ireland) 1997; or

(b) a poultry by-product which is stored and dealt with in accordance with paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995.

(3) No person shall store in any part of any cold store, cutting premises, game processing facility or slaughter-house any unsterilised animal by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing the declaration "Not intended for human consumption" in letters at least two centimetres high, 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 Northern Ireland, and –

(a) (in the case of any animal by-product that is high risk material as defined in Article 2(1) of the Animal By-Products Order (Northern Ireland) 2002(**a**)) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration "High risk animal by-product" in letters at least two centimetres high; and

(b) (in the case of any animal by-product that is low risk material as defined in Article 2(1) of the Animal By-Products Order (Northern Ireland) 2002) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration "Low risk animal by-product" in letters at least two centimetres high.".

(9) The following regulation is substituted for regulation 10 (restriction on movement of animal by-products) –

"Restriction on movement of animal by-products

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

(2) The prohibition contained in paragraph (1) shall not apply in relation 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 relevant animal by-products premises, cold store, cutting premises, game processing facility or slaughter-house, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer, to other premises for incineration or burial in accordance with the provisions of the Animal By-Products Order (Northern Ireland) 2002.".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 4th July 2002.

(L.S.) *D. Kenny*
A Senior Officer of the Department of Health, Social Services and Public Safety

(**a**) S.R. 2002 No. 209

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Animal By-Products (Identification) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 418, as already amended) as follows –

(a) in regulation 2 (interpretation) –

the definitions of "animal by-product premises" and "game processing facility" are amended to exclude cold stores and cutting premises;

the definition of "occupier" is extended to include the occupier of a cold store or cutting premises;

the definition of "stained" is amended so as to provide that, in the case of animal by-products comprising entire poultry carcases, it means that the stain solution has been applied after the surface of the carcase has been opened by multiple and deep incisions;

the definition of "slaughter-house" is amended, and definitions of "cold store" and "cutting premises" are inserted (*regulation 2(2)*);

(b) paragraph (a) of regulation 4 (scope) is replaced with a provision which provides that the only whole carcases which have to be sterilised or stained are whole poultry carcases which are dead on arrival at a slaughter-house or which are rejected following pre-slaughter or post-mortem health inspections carried out at such premises (*regulation 2(3)*);

(c) the exemption from the requirement as to staining or sterilisation imposed by regulations 6 and 7 which is contained in regulation 5(2)(a) and which operates in favour of poultry by-products is removed and replaced with an exemption which operates in favour of poultry heads and feet which have been subjected to a post-mortem veterinary inspection and which, during the course of the inspection, did not show gross pathological lesions indicating disease communicable to man or animals (*regulation 2(4)*);

(d) the exemption from the requirement as to staining or sterilisation imposed by regulations 6 and 7 which is contained in regulation 5(2)(d) and which operates in favour of green offal intended to be removed from animal by-products premises, game processing facilities and slaughter-houses is extended to apply in favour of cold stores and cutting premises also (*regulation 2(5)*);

(e) regulation 6 (which currently imposes requirements with respect to the sterilisation and staining of animal by-products in slaughter-houses and game processing facilities only) is replaced with a provision which applies in relation to cold stores and cutting premises also (*regulation 2(6)*);

(f) regulation 8 (which currently imposes requirements in relation to freezing animal by-products in animal by-products premises, game processing facilities and slaughter-houses only) is replaced with a provision which applies in relation to cold stores and cutting premises also (*regulation 2(7)*);

(g) regulation 9 (which currently imposes requirements in relation to the storage and packaging of animal by-products) is replaced with a provision which imposes requirements with respect to the storage of unsterilised animal by-products in the same room as products intended for human consumption and in cold stores, cutting premises, game processing facilities and slaughter-houses (*regulation 2(8)*); and

(h) regulation 10 (which currently imposes restrictions on the movement of animal by-products from animal by-products premises, game processing facilities and slaughter-houses only) is replaced with a provision which applies in relation to cold stores and cutting premises also (*regulation 2(9)*).

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