
STATUTORY INSTRUMENTS

2003 No. 1849 (W.199)

FOOD, WALES

**The Animal By-Products (Identification)
(Amendment) (Wales) Regulations 2003**

Made - - - - *16th July 2003*

Coming into force - - *18th July 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(c), (d) and (f), 26(3) and 48(1) of and paragraph 3 of Schedule 1 to the Food Safety Act 1990(a) and now vested in it(b) and having had regard in accordance with section 48(4A) of that Act 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 section 48(4) and (4B) of that Act makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003; they apply to Wales only and come into force on 18 July 2003.

Amendments to the Animal By-Products (Identification) Regulations 1995

2.—(1) In so far as they apply to Wales, the Animal By-Products (Identification) Regulations 1995(d) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) —

(a) for the definition of “the 1992 Order” there shall be substituted the following definition —

““the 1999 Order” means the Animal By-Products Order 1999(e);”

(a) 1990 c. 16.

(b) Functions of “the Secretary of State” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).

(c) OJ No. L31, 1.2.2002, p.1.

(d) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656 and S.I. 2002/1619.

- (b) the following definition is inserted between the definition of “animal by-products premises” and the definition of “carcase” —
 - ““approved premises” means premises which are approved under article 7 of the 1999 Order;”
- (c) the definition of “sterilised” is deleted.
- (3) In paragraph (1) of regulation 3 (meaning of “animal by-product”) the word “direct” is deleted.
- (4) In paragraph (a) of regulation 4 (scope) the words “sterilisation or” are deleted.
- (5) in paragraph (2) of regulation 5 (exemptions)
 - (a) the words “and sterilisation” are deleted;
 - (b) the following sub-paragraph is inserted before sub-paragraph (a) —
 - “(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;”
- (6) In each of sub-paragraphs (c) and (d) of paragraph (2) of regulation 5 (exemptions) for the expression “the 1992 Order” there is substituted the expression “the 1999 Order”.
- (7) In regulation 6 (sterilisation and staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) —
 - (a) in the heading the words “sterilisation and” are deleted;
 - (b) in paragraph (1) the words “sterilised or” are deleted;
 - (c) paragraph (2)(a) is deleted;
 - (d) in paragraph (2)(b) —
 - (i) the word “or”, where it appears at the end of sub-paragraph (i), is deleted, and
 - (ii) after sub-paragraph (ii) there is inserted the following sub-paragraph —
 - “(iii) is immediately moved, in the manner specified in paragraph (4), to approved premises for rendering there, or to premises which are adequately separated from the cold store, cutting premises, game processing facility or slaughterhouse concerned for incineration there in accordance with article 10 of the 1999 Order.”
 - (e) paragraph 2(c) is deleted;
 - (f) in paragraph (3) —
 - (i) the phrase “paragraph (2)(b) above” is substituted for the phrase “paragraph (2)(a) or (b) above”, and
 - (ii) the phrase “sterilised or, as the case may be,” is deleted; and
 - (g) for paragraph (4) there is substituted the following paragraph —
 - “(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold-store, cutting premises, game processing facility or slaughterhouse concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by-product is to be incinerated.”
- (8) In regulation 7 (sterilisation and staining of animal by-products in animal by-products premises) —
 - (a) in the heading the words “sterilisation and” are deleted;
 - (b) in paragraph (1) —

- (i) the phrase “paragraphs (2) and (3)” is substituted for the phrase “paragraph (2)”, and
- (ii) the words “sterilised or” are deleted; and
- (c) for paragraphs (2) and (3) there are substituted the following paragraphs —

“(2) The duty imposed by paragraph (1) shall not apply in relation to any animal by-product which is immediately moved, in the manner specified in paragraph (3), to approved premises for rendering there, or to premises which are adequately separated from the animal by-products premises concerned for incineration there in accordance with article 10 of the 1999 Order.

(3) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the animal by-products premises concerned directly with the relevant approved premises or, as the case may be, premises at which the animal by-product is to be incinerated.”

(9) In paragraph (1) of regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) the phrase “sterilised or” is deleted.

(10) In each of paragraphs (1) and (3) of regulation 9 (storage and packaging of animal by-products) the word “unsterilised” is deleted.

(11) In each of paragraphs (1) and (2) of regulation 10 (restriction on movement of animal by-products) the phrase “sterilised or” is deleted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(f)

16th July 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Animal By-Products (Identification) Regulations 1995 (S.I. 1995/614, as already amended) in so far as they apply to Wales. Those Regulations (“the 1995 Regulations”) in their application to Wales currently make provision for the sterilisation or staining of animal by-products and for the control of the movement of such by-products.

2. The effect of the amendments is that animal by-products may no longer be sterilised. Staining is now required in all cases, except where specified in regulation 5(2), 6(2) or 7(2) of the 1995 Regulations. The effect of the amendments is that staining is not required where an animal by-product is immediately moved in the manner specified in regulation 6(4) or, as the case may be, 7(3) of the 1995 Regulations to premises approved under article 7 of the Animal By-Products Order 1999 (S.I. 1999/646, as amended) for rendering there or to other premises for incineration there in accordance with article 10 of that Order.

3. The exemption from the requirement as to staining or sterilisation imposed by regulations 6 and 7 which is contained in regulation 5(2)(a) of the 1995 Regulations 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)).

4. Regulation 2(2) of these Regulations amends the interpretation provision of the 1995 Regulations by substituting for the definition denoting the Animal By-Products Order 1992 a new definition denoting the Animal By-Products Order 1999 and inserting a definition of “approved premises”. Regulation 2(3) makes a minor amendment to the definition of “animal by-product” in relation to 3(1) of the 1995 Regulations..

5. A Regulatory appraisal has been prepared in respect of these Regulations. A copy of it has been placed in the library of the National Assembly for Wales. Further copies of the assessment can be obtained from the Food Standards Agency, First Floor, Southgate House, Wood Street, Cardiff CF10 1EW.