
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision in Northern Ireland for the administration and enforcement of Regulation (EC) No. 1774/2002 of the European Parliament and of the Council of 3rd October 2002 laying down health rules concerning animal by-products not intended for human consumption (O.J. No. L273, 10.10.2002, p. 1) (“the Community Regulation”).

They also make provision for the enforcement of the following measures, which amend the Community Regulation and make provision for transitional arrangements –

- (a) Commission Regulation (EC) No. 808/2003 amending Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (O.J. No. L117, 13.5.2003, p. 1);
- (b) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures (O.J. No. L117, 13.5.2003, p. 14);
- (c) Commission Regulation (EC) No. 813/2003 on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the collection, transport and disposal of former foodstuffs (O.J. No. L117, 13.5.2003, p. 22);
- (d) Commission Decision 2003/320/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the use in feed of used cooking oil (O.J. No. L117, 13.5.2003, p. 24);
- (e) Commission Decision 2003/321/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the processing standards for mammalian blood (O.J. No. L117, 13.5.2003, p. 30);
- (f) Commission Decision 2003/326/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the separation of Category 2 and Category 3 oleochemical plants (O.J. No. L117, 13.5.2003, p. 42);
- (g) Commission Decision 2003/327/EC on transitional measures under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the low capacity incineration or co-incineration plants which do not incinerate or co-incinerate specified risk material or carcasses containing them (O.J. No. L117, 13.5.2003, p. 44);

Provision in Northern Ireland for the administration and enforcement of measures in the Community Regulation in relation to export and trade between member States is intended to be made by a separate Rule.

The Regulations provide as follows.

It is a specific offence to categorise, collect, transport, dispose, store, process or use, Category 1, Category 2 or Category 3 material other than in accordance with the Community Regulation (regulations 4, 5 and 6).

It is a specific offence to collect, transport, identify or store animal by-products other than in accordance with the Community Regulation. (regulation 8).

Feeding unprocessed animal by-products to farmed animals is prohibited and access by such animals to animal by-products is controlled (regulation 9).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 10 enforces the restrictions on use of animal by-products in Article 22 of the Community Regulation. This includes intra-species re-cycling, feeding catering waste to farm animals and the application of organic fertilisers on to pasture land. Regulation 11 defines pasture land.

Regulation 12 permits the intra-species re-cycling of fish after 1st January 2004. Until then it is permitted by a transitional measure in Part VI of Schedule 4.

Regulations 13 to 16 provide for the approval of premises for the different types of treatment of animal by-products. Regulation 16 provides that composting on premises where the composted material originated do not need approval if the conditions of that regulation are complied with.

Regulations 17 to 21 provide for checks at plants, sampling and approved laboratories.

Regulations 22 to 24 regulate the placing on the market of various processed animal by-products.

Regulations 25 to 27 provide derogations relating to the use of animal by-products for taxidermy and feeding certain specified animals.

Regulation 28 permits the burial of pet animals.

Regulations 29 and 30 provide for burial or burning in the event of a disease outbreak and for burning or burial of bees and apiculture products.

Regulations 31 to 38 provide for record keeping.

Regulations 39 to 41 provide for applications for approvals, the suspension or revocation of approvals and an appeal against a notice to amend, suspend or revoke an approval.

Under Regulations 42 to 44 an inspector can serve a notice requiring the disposal of animal by-product or catering waste and requiring cleansing and disinfection of any vehicle, container or premises. Any notice served under these Regulations shall be complied with at the expense of the person on whom the notice is served.

Regulations 45 to 47 provide powers of entry, an offence of obstructing an inspector, penalties and enforcement arrangements.

Regulations 49 to 51 provide for transitional measures, amendments and revocations.

Schedule 1 makes provision for biogas and composting plants and Schedule 2 provides for testing methods.

Schedule 3 contains transitional provisions relating to intra-species re-cycling of fish, disposal of former foodstuffs, used cooking oils in animal feed, disposal of mammalian blood, oleochemical plants and low capacity incinerators.

Schedules 4 and 5 contain consequential amendments and revocations.