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STATUTORY INSTRUMENTS

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**2005 No. 2347**

**The Animal By-Products Regulations 2005**

**PART 3**

**Restrictions on access to animal by-products and their use**

**Restrictions on feeding catering waste and other animal by-products**

**9.**—(1) It is an offence to contravene Article 22(1)(b) of the Community Regulation (which prohibits the feeding of farmed animals with catering waste or feed materials containing or derived from catering waste) and it is also an offence to feed such materials to any other ruminant animal, pig or bird.

(2) It is an offence to feed to any ruminant animal, pig or bird any other animal by-product (unless it has been processed in accordance with the Community Regulation) other than—

- (a) liquid milk or colostrum used on the farm of origin; or
- (b) in accordance with Article 23(2) of the Community Regulation as applied by regulation 26(3) of these Regulations.

**Intra-species recycling**

**10.**—(1) It is an offence to contravene Article 22(1)(a) of the Community Regulation (which prohibits intra-species re-cycling).

(2) Notwithstanding paragraph (1), it is not an offence to feed fish with processed animal protein derived from the bodies or parts of bodies of fish if this is done in accordance with Articles 2 to 4 of, and Annex I to, Commission Regulation (EC) No. 811/2003.

(3) The Secretary of State is the competent authority for the purposes of Article 5 of Commission Regulation (EC) No. 811/2003.

**Access to catering waste and other animal by-products**

**11.** This regulation applies in relation to—

- (a) catering waste of all kinds (including catering waste to which the Community Regulation does not apply because of Article 1(2)(e) of that Regulation) unless it has been either—
  - (i) processed using method 1 in Annex V, Chapter III to the Community Regulation, or
  - (ii) treated in accordance with the Community Regulation and these Regulations; and
- (b) other animal by-products that have not been processed or treated in accordance with the Community Regulation and these Regulations.

(2) Any person who brings any catering waste or other animal by-product (other than milk, colostrum, manure or digestive tract content) on to any premises where any livestock is kept is guilty of an offence.

(3) Paragraph (2) does not apply if the occupier of the premises and the person in control of the by-products ensure that livestock do not have access to the by-products, and if the animal by-products are—

- (a) brought on in a vehicle which enters to collect other by-products and the by-products are not removed from the vehicle while on the premises;
- (b) brought on, in accordance with the approval or authorisation for the relevant plant, to premises where the following plants are situated—
  - (i) a collection centre, petfood plant, incinerator or other approved premises which was in operation as an approved premises on 1st November 2002; or
  - (ii) a Category 3 intermediate plant, a technical plant or a plant where the animal by-products are used for educational, research or diagnostic purposes; or
- (c) intended for feeding to animals on the premises in accordance with Article 23(2) of the Community Regulation as applied by regulation 26(3) of these Regulations.

(4) Any person who is in possession of the carcase or part of a carcase of any livestock that has not been slaughtered for human consumption must, pending consignment or disposal in accordance with the Community Regulation and these Regulations, ensure that it is held in such a way that animals and birds (including wild animals and birds) do not have access to it, and failure to do so is an offence.

(5) It is an offence for any person to allow livestock to have access to any catering waste or other animal by-product except—

- (a) manure;
- (b) milk or colostrum;
- (c) digestive tract content that has been applied to land provided that livestock are not allowed on to the land for at least three weeks after application; or
- (d) compost produced and applied to land in accordance with regulation 16 provided the conditions of that regulation are complied with.

(6) It is an offence for any person to allow any animal to have access to material derived from catering waste or other animal by-product in a biogas or composting plant, except that it is not an offence for wild birds to have access to the material during the secondary or subsequent phase of composting.

(7) In this regulation “livestock” means all farmed animals, and any other ruminant animals, pigs and birds (other than wild birds).

### **Pasture land**

**12.—**(1) It is an offence to contravene Article 22(1)(c) of the Community Regulation (application of material to pasture land).

(2) For the purposes of paragraph (1), pasture land is land that is intended to be used for grazing or cropping for feedingstuffs following the application or deposit of organic fertilisers and soil improvers (other than manure or digestive tract content) within the following periods—

- (a) two months in the case of pigs; and
  - (b) three weeks in the case of other farmed animals.
- (3) Any person who—
- (a) uses pasture land for grazing within the period specified in paragraph (2); or
  - (b) feeds to pigs or other farmed animals within that period anything cropped from pasture land during that period;

is guilty of an offence.