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STATUTORY INSTRUMENTS

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**2005 No. 2347**

**The Animal By-Products Regulations 2005**

**PART 6**

**Derogations**

**Competent authority for Chapter V of the Community Regulation**

**25.** The Secretary of State is the competent authority for the purposes of Chapter V of the Community Regulation (derogations).

**Derogations regarding the use of animal by-products**

**26.—(1)** The use of animal by-products for diagnostic, educational or research purposes is permitted if it is in accordance with an authorisation.

(2) The use of animal by-products for taxidermy is permitted if—

- (a) it is in accordance with an authorisation; and
- (b) it is in an approved technical plant.

(3) The feeding of animal by-products specified in Article 23(2)(b) of the Community Regulation to—

- (a) zoo animals;
- (b) circus animals;
- (c) reptiles and birds of prey other than zoo or circus animals;
- (d) dogs from recognised kennels or recognised packs of hounds; or
- (e) maggots for fishing bait,

is permitted if it is in accordance with an authorisation.

(4) The Secretary of State shall maintain a register of premises authorised for the feeding of such animal by-products to zoo or circus animals, dogs from recognised kennels or recognised packs of hounds and maggots for fishing bait.

(5) The register in the previous paragraph shall contain the following information—

- (a) the name of the operator;
- (b) the address of the premises; and
- (c) the business carried on at the premises.

(6) In this regulation and in the following regulation “zoo” means premises either licensed under the Zoo Licensing Act 1981(1) or premises in relation to which the Secretary of State has granted a dispensation under section 14 of that Act.

(7) Any person who uses animal by-products for any of the purposes in this regulation other than in accordance with an authorisation is guilty of an offence.

### **Collection centres**

**27.**—(1) For the purposes of Article 23(2) of the Community Regulation no person may operate a collection centre for the purposes of feeding animal by-products to—

- (a) dogs from recognised kennels or recognised packs of hounds; or
- (b) maggots for fishing bait,

unless the premises and the operator of the premises are authorised.

(2) No person may operate any premises on which animal by-products are collected and treated for feeding to zoo or circus animals on other premises unless the premises on which the by-products are collected and treated and the operator of those premises are authorised.

(3) Operators of premises authorised under this regulation must maintain and operate the premises in accordance with—

- (a) the conditions applicable to a collection centre in Annex IX to the Community Regulation;
- (b) the conditions of the authorisation; and
- (c) all other relevant requirements of the Community Regulation and these Regulations.

(4) They must also ensure that any person employed on, or invited on to, the premises complies with those conditions and requirements.

(5) Any person who fails to comply with any provision of this regulation is guilty of an offence.

### **Burial of pet animals**

**28.** In accordance with Article 24(1)(a) of the Community Regulation, dead pet animals may be buried.

### **Remote areas**

**29.**—(1) Only the Isles of Scilly and Lundy Island are remote areas for the purposes of Article 24(1)(b) of the Community Regulation and accordingly the animal by-products referred to in that sub-paragraph and originating in those areas may be disposed of by burning or burial on site provided that this is done in accordance with Part C of Annex II to Commission Regulation (EC) No. 811/2003(2).

(2) The Secretary of State is the competent authority for the purposes of Article 7 of, and Part C of Annex II to, Commission Regulation (EC) No. 811/2003.

### **Burial in the event of a disease outbreak**

**30.**—(1) In accordance with Article 24(1)(c) of the Community Regulation, if there is an outbreak of disease mentioned in List A of the International Office of Epizootic Diseases, on site burning or burial (as defined in Part A of Annex II to Commission Regulation (EC) No. 811/2003) of animal by-products is not an offence if the animal by-product is transported, and buried or burnt, in accordance with—

- (a) a notice given by the Secretary of State under Article 24(1)(c) authorising disposal in accordance with that provision; and

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(2) OJ No. L117, 13.5.2003, p. 14.

(b) the provisions of Article 6 of and Part B of Annex II to Commission Regulation (EC) No. 811/2003.

(2) The Secretary of State is the competent authority for the purposes of Article 6 of and Part B of Annex II to Commission Regulation (EC) No. 811/2003.

**Burning and burial of bees and apiculture products**

**31.** In accordance with Article 8 of Commission Regulation (EC) 811/2003, bees and Category 2 apiculture products may be disposed of by burial or burning on site if this is done in accordance with that Article.