

Appendix B: Animal By-Products (Identification) Regulations S.I. 1995/614 (as amended)

Unofficial Defra consolidated version (September 2012) that incorporates large numbers of corresponding amendments made by respective English, Welsh and Scottish statutory instruments. Minor differences have not been shown. This version is not for use other than for purpose of consultation on their revocation, with the staining requirements being moved into the relevant principal ABP Enforcement Regulations.

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1)(c), (d) and (f), 26(3) and 48(1) of, and paragraph 3 of Schedule 1 to, the Food Safety Act 1990 and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

1 Title and commencement

These Regulations may be cited as the Animal By-Products (Identification) Regulations 1995 and shall come into force on 1st April 1995.

2 Interpretation

(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“the Agency” means the Food Standards Agency;

“animal” means any of the following food sources, namely—

(a) domestic animals of the following species: bovine animals (including buffalo of the species *Bubalus bubalis* and *Bison bison*), solipeds, swine, sheep and goats; and

(b) poultry, rabbits, farmed game and wild game;

“animal by-product” has the meaning given by regulation 3;

“animal by-products premises” means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;

“approved incineration plant” means an incineration plant which is approved under Article 24(1)(b) of the Community Regulation;

“approved rendering plant” means a Category 2 processing plant which is approved under Article 24(1)(a) of the Community Regulation;

“carcase” means the body of a dead animal;

“cold store” means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;

“the Community Regulation” means Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation);

“Regulation 854/2004” has the same meaning as in Schedule 1 to the Hygiene Regulations;

“cutting plant” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;

“enforcement authority”, in relation to any premises, means the authority charged with enforcing and executing these regulations by regulation 12;

“farmed game” means wild land mammals which are reared and slaughtered in captivity, excluding—

(a) mammals of the family Leporidae; and

(b) wild land mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game;

“fresh meat” means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;

“game-handling establishment” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;

“green offal” means the stomachs, gizzards and intestines of animals;

“the Hygiene Regulations” means {the relevant Food Hygiene (England/Wales/Scotland) Regulations};

“meat” means the flesh or other edible parts of an animal;

“occupier” means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;

“poultry” means domestic fowls, turkeys, guinea fowls, ducks, geese and quails;

“poultry by-product” means any animal by-product derived exclusively or mainly from poultry;

“scientific purposes” means diagnostic, educational or research purposes;

“slaughterhouse” has the meaning that it bears in {relevant regulation of the Hygiene Regulations};

“specified risk material” has the meaning given in Article 3(18) of the Community Regulation;

“stained” means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No 28440), 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) below 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 carcass, whether or not it has been eviscerated or de feathered, that the solution has been so applied after the surface of the carcass has been opened by multiple and deep incisions;

“wild game” {in England and Wales} means wild land mammals which are hunted (including wild land mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds.

“wild game” {in Scotland} means—

- (i) wild ungulates and lagomorphs, as well as other land mammals that are hunted for human consumption, including mammals living in enclosed territory under conditions of freedom similar to those of wild game; and
 - (ii) wild birds that are hunted for human consumption.
- (2) In these Regulations any reference to a numbered regulation shall be construed as a reference to the regulation so numbered in these Regulations.

3 Meaning of “animal by-product”

(1) Subject to paragraph (2) and paragraph (3) below, for the purposes of these Regulations “animal by-product” means any carcase or part of a carcase which is not intended for human consumption and which—

- (a) is derived from an animal which—
 - (i) has died;
 - (ii) has been killed in a knacker's yard;
 - (iii) has been killed in a place other than a slaughterhouse;
 - (iv) is stillborn or unborn;
 - (v) has been killed for reasons of disease control;
 - (vi) has been slaughtered for human consumption and, during the ante-mortem or post-mortem inspection carried out in connection with such slaughter, has shown signs of any disease communicable to humans or animals; or
 - (vii) has been slaughtered for human consumption but has not been presented for post-mortem inspection in accordance with the Hygiene Regulations in accordance with the Hygiene Regulations and Regulation 854/2004;
 - (b) is spoiled in any way so as to present a risk to human or animal health; or
 - (c) contains residues of any substances which may pose a risk to human or animal health.
- (2) In these Regulations, “animal by-product” does not include any animal excreta or catering waste or meat cooked at a knacker's yard for use as food for animals whose flesh is not intended for human consumption.

(3) In these Regulations the definition of “animal by-product” includes—

- (a) any product that, under {relevant paragraphs of relevant Schedule to the Transmissible Spongiform Encephalopathies (England/Scotland/Wales) Regulations}, it is an offence for any person to place on the market or export (or offer to export) to third countries; and
- (b) where—
 - (i) a bovine animal has been slaughtered for human consumption other than in accordance with a required method of operation approved pursuant to {relevant paragraph of relevant Schedule to the Transmissible Spongiform Encephalopathies (England/Scotland/Wales) Regulations}, and
 - (ii) the disposal of its body, or a part of its body, has in consequence been required under regulation 15(1), (2) and (3)(f) of those Regulations,

that body or part of a body.

4 Scope

Nothing in these Regulations shall—

- (a) require the staining, or affect the disposal or other treatment, of an entire carcase, except an entire poultry carcase which is dead on arrival at a slaughterhouse or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughterhouse in accordance with the Hygiene Regulations;
- (b) affect the operation of the {relevant Animal By-Products (Enforcement) (England/Scotland/Wales) Regulations 2011} or any order made, or having effect, under the Animal Health Act 1981.

5 Exemptions

(1) These Regulations shall not apply in respect of—

- (a) the green offal of wild game which is killed in the wild and is removed from the carcase and left at the point of killing or in its vicinity;
- (b) any animal by-product which is removed, or is intended to be removed, from any premises by, or under the authority of, a veterinary surgeon for examination by him or on his behalf;
- (c) any animal by-product consisting only of the waste product remaining after feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait, where such waste product no longer has the appearance of meat;
- (d) any animal by-product imported into Great Britain for use for scientific purposes;
- (e) any animal by-product which—
 - (i) is, or is derived from, a product of animal origin regulated by the Community Regulation, and
 - (ii) is transhipped in accordance with regulation 24 of the Products of Animal Origin (Import and Export) Regulations 1996; or
- (f) specified risk material.

(2) The requirement as to staining imposed by regulations 6 and 7 shall not apply to—

- (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;
- (b) any animal by-product consisting of blood, bones, gut contents, skins, hides, hooves, feathers, wool, horns or hair;
- (c) any animal by-product consisting of green offal, or which is in a container the contents of which consist mainly of green offal, which is intended to be removed from any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises for disposal in accordance with the Community Regulation; or
- (d) any animal by-product which is intended for use for scientific purposes and which, pending such use or removal to premises for such use in accordance with the Community Regulation, is placed in a room and in a receptacle designed for the purpose of holding animal by-products and bearing a notice that its contents are intended for use for scientific purposes.

6 Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses

(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which—

(a) is—

(i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse,

(ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect, and

(iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

(b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is stained and removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.

7 {Sterilisation and} Staining of animal by-products in animal by-products premises

(1) Subject to paragraphs (2) and (3) below, it shall be the duty of the occupier of any animal by-products premises to ensure that any animal by-product is stained immediately after skinning of the carcase or, if the carcase is eviscerated immediately after skinning, immediately after evisceration or, if the carcase is cut up immediately after evisceration or is brought into the premises already eviscerated, immediately after cutting up is completed.

(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 an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the animal by-products premises concerned for incineration there.

(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 rendering plant or, as the case may be, approved incineration plant.

8 Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse

(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above 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 plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2).

9 Storage and packaging of animal by-products

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

(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect.

(3) No person shall store in any part of any cold store, cutting plant, game-handling establishment or slaughterhouse any animal by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing—

(a) in letters at least two centimetres high, the declaration “not intended for human consumption”;

(b) in the case of any animal by-product which has been imported into England, the name of the country from which it was so imported;

(c) in the case of any other animal by-product, the name of the packer and the address at which the animal by-product was packed;

(d) in the case of any animal by-product which is Category 2 material as defined in Article 9 of the Community Regulation, in letters at least two centimetres high, the declaration “Category 2 material”; and

(e) in the case of any animal by-product which is Category 3 material as defined in Article 10 of the Community Regulation, in letters at least two centimetres high, the declaration “Category 3 material”.

10 Restriction on movement of animal by-products

(1) Subject to paragraph (2) below, no person shall move or cause to be moved any animal by-product from any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) The prohibition contained in paragraph (1) above shall not apply in relation to any animal by-product which has not been stained in accordance with these Regulations because of a permanent or temporary closure of the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer of the enforcement authority, to other premises for disposal in accordance with the requirements of the Community Regulation.

11 Application of various sections of the Act

The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 and 15 of the Act, and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations—

(a) section 3 (presumption that food is intended for sale for human consumption);

(b) section 20 (offences due to fault of other person);

(c) section 21 (defence of due diligence);

(d) section 33 (obstruction etc of officers);

(e) section 36 (offences by bodies corporate) subject to the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and

(f) section 44 (protection of officers acting in good faith).

12 Enforcement

(1) {England and Wales} Subject to paragraph (2) below, these Regulations shall be enforced and executed—

(a) in relation to any cutting plant, game-handling establishment or slaughterhouse, by the Agency in relation to England and Wales; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.

(2) Each port health authority shall enforce and execute these Regulations in its area in relation to animal by-products imported into Great Britain.

(3) In this regulation, “food authority” does not include—

(a) the council of a non-metropolitan county; or

(b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

{These Regulations shall be enforced and executed in Scotland—

(a) in relation to any cutting plant, game-handling establishment or slaughterhouse, by the Agency; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.}

13 Information to be provided by the food authorities

Every food authority shall provide the Agency with such information relating to the execution of its duties under these Regulations as the Agency may from time to time require.

14 Offences and penalties

If any person contravenes, or fails to comply with, any provision of regulation 6, 7, 8, 9 or 10 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.