1992 No. 215

ANIMALS

Diseases of Animals (Feedingstuffs) Order (Northern Ireland) 1992

Made	*14th May 1992*
Coming into operation . .	*8th June 1992*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5(1), 19(*e*), (*f*) and (*k*), 32, 44 and 60(1) of the Diseases of Animals (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, and in the interests of animal health in respect of the exercise of its powers under Article 32, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Diseases of Animals (Feedingstuffs) Order (Northern Ireland) 1992 and shall come into operation on 8th June 1992.

Extension of definitions of animals and poultry

2. For the purposes of the 1981 Order in its application to this Order:—

(*a*) the list of animals in Part I of Schedule 1 to the 1981 Order is hereby extended so as to comprise—

(i) any kind of mammal except man; and

(ii) any kind of four-footed beast which is not a mammal; and

(*b*) the list of poultry in Part II of Schedule 1 to the 1981 Order is hereby extended so as to comprise birds of any species.

Interpretation

3. In this Order—

"animal protein" means any protein material which is derived from a carcase but does not include milk, any milk product or dicalcium bone phosphate;

"carcase" means the carcase of a ruminant animal;

"feedingstuffs" means fodder and includes pet food;

"general export licence" means a licence granted under Article 6 which applies to all exporters of specified bovine offal or animal protein derived from specified bovine offal;

(**a**) S.I. 1981/1115 (N.I. 22) as amended by S.I. 1984/702 (N.I. 2) Art. 17

"intestines" means that part of the digestive tract of a bovine animal from the junction of the abomasum and the duodenum to (and including) the rectum;

"Member State" means a Member State of the European Communities other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;

"the 1981 Order" means the Diseases of Animals (Northern Ireland) Order 1981;

"specified bovine offal" means the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal over six months of age which has died or has been slaughtered, as the case may be, in the United Kingdom;

"specific export licence" means a licence granted under Article 6 which only applies to the applicant therefor.

Prohibition on sale, supply and use of certain feedingstuffs for feeding to animals and poultry

4.—(1) Subject to paragraph (2) a person shall not—

(*a*) knowingly sell or supply for feeding to ruminant animals any animal protein or any feedingstuffs in which he knows or has reason to suspect any animal protein has been incorporated;

(*b*) feed to a ruminant animal any animal protein or any feedingstuffs in which he knows or has reason to suspect that any animal protein has been incorporated;

(*c*) knowingly sell or supply for feeding to poultry or animals, other than ruminant animals, any specified bovine offal, any animal protein which is derived from any specified bovine offal or any feedingstuffs which he knows or has reason to suspect contain such offal or animal protein; or

(*d*) feed to poultry or animals, other than ruminant animals, any specified bovine offal, any animal protein which is derived from any specified bovine offal or any feedingstuffs which he knows or has reason to suspect contain such offal or animal protein.

(2) Nothing in paragraph (1) shall prevent the sale or supply for feeding or the feeding, under and in accordance with the conditions of a licence granted by the Department,

(*a*) to ruminant animals of any material referred to in sub-paragraphs (*a*) or (*b*) of that paragraph; or

(*b*) to poultry or animals, other than ruminant animals, of any material referred to in sub-paragraphs (*c*) or (*d*) of that paragraph,

where such sale, supply or feeding is for research purposes in a research establishment.

Removal of protein material derived from specified bovine offal

5. A person shall not remove from any premises any animal protein which is derived from any specified bovine offal, except under the authority

of and in accordance with the conditions of a licence granted by the Department.

Regulation of exportation of specified bovine offal or animal protein

6.—(1) A person shall not export specified bovine offal or animal protein derived from any specified bovine offal from Northern Ireland to Great Britain, the Isle of Man, any of the Channel Islands or to a Member State except under the authority of and in accordance with the conditions of a licence granted by the Department.

(2) A licence granted under paragraph (1) may be a general export licence or a specific export licence.

(3) A general export licence shall be granted by its publication in such manner as the Department thinks sufficient to bring to the attention of persons likely to be affected by it.

(4) A specific export licence shall be sent to the person to whom it was granted.

(5) The Department may vary, revoke or suspend a licence—

(*a*) if it is a general export licence, by a notice published, so far as is practicable, in the same manner as the licence;

(*b*) if it is a specific export licence, by a notice in writing sent to the person to whom the licence was issued.

(6) The Department may vary, revoke or suspend a general licence, insofar as it applies to any particular person, by notice in writing sent to that person.

(7) Any person wishing to obtain a specific export licence shall apply to the Department in such form and manner and within such time as the Department may require.

Sampling

7. Where an inspector has reasonable grounds for suspecting that any person has contravened, is contravening or is likely to contravene Articles 4, 5 or 6 he may take from any animal protein, offal or feedingstuffs such samples as he considers necessary in order to establish the correctness of that suspicion.

Production of licences

8. Where animal protein is being moved or specified bovine offal or animal protein is being exported under the authority of a licence granted under Articles 5 or 6, as the case may be, the person in charge of the animal protein or specified bovine offal being so moved or exported shall carry the licence during the movement or export so authorised and shall, on demand made by an inspector or by a constable, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Revocation

9. The Diseases of Animals (Feedingstuffs) Order (Northern Ireland) 1990(**a**) is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 14th May 1992.

(L.S.) *P. T. Toal*
Assistant Secretary

(**a**) S.R. 1990 No. 344

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and re-enacts with amendments the Diseases of Animals (Feedingstuffs) Order (Northern Ireland) 1990 (''the 1990 Order'').

The changes of substance are as follows:

(1) The definition of ''specified bovine offal'' is amended so that it includes offal from bovine animals over 6 months of age which have died apart from having been slaughtered in the United Kingdom (Article 3);

(2) Article 4 of the 1990 Order is extended so as to prohibit the sale or supply for feeding—

(*a*) to ruminant animals, or the feeding to such animals, of animal protein; and

(*b*) to other animals and to poultry (as both terms are defined), or the feeding to such animals or poultry, of any animal protein which is derived from specified bovine offal (Article 4(1));

(3) In addition the exemptions contained in Article 4 of the 1990 Order are extended so as to permit, under licence granted by the Department of Agriculture, the sale or supply for feeding, or the feeding, to any animals or poultry of any material where it is otherwise prohibited to do so under this Order but where such sale, supply or feeding is for research purposes at a research establishment (Article 4(2));

(4) Article 5 prohibits the removal of protein derived from specified bovine offal from any premises except under the authority of a licence;

(5) Article 6 prohibits the exportation of specified bovine offal rather than feedingstuffs which contain such offal;

(6) Article 7 enables an inspector to take samples of animal protein, offal or feedingstuffs if he has reasonable grounds for supposing that any person has contravened, is contravening or is likely to contravene Articles 4, 5 or 6; and

(7) Article 8 requires the production of licences granted under Articles 5 or 6, on demand by an inspector or constable.

Any person who without lawful authority or excuse, proof of which shall lie on him, contravenes any provision of the Order shall be guilty of an offence against the Diseases of Animals (Northern Ireland) Order 1981. The penalty on summary conviction is in the case of an offence committed in relation to carcases or other inanimate things, a fine at level 5 on the standard scale (currently £2,000) together with a further fine at level 3 on the standard scale (currently £400) in respect of every 508 kilogrammes in weight of the carcases or other things after the first 508 kilogrammes.