

THE FOOD AND DRUGS ACT 1963

THE BOVINE OFFAL (PROHIBITION) REGULATIONS 1990

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 14 and 69 of the Food and Drugs Act 1963(a), and of all other enabling powers, and after consulting with such organisations as appear to the Department to be representative of interests substantially affected thereby, the following Regulations are hereby made:-

Title and commencement

1. These Regulations may be cited as the Bovine Offal (Prohibition) Regulations 1990 and, subject to section 70 of the Act, shall come into operation on the 1st May 1990.

Interpretation

- 2.-(1) In these Regulations

"the Act" means the Food and Drugs Act 1963;

"the Department" means the Department of Local Government and the Environment;

"excepted premises", in the case of specified bovine offal, means -

- (a) a hospital, medical or veterinary school, laboratory or similar institution for instructional or diagnostic purposes or the premises of a manufacturing chemist (in circumstances where he receives the offal for the manufacture by him of pharmaceutical products); or
- (b) premises used for the manufacture of products other than food and not used for the manufacture of food;

"head" does not include tonsils;

"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;

(a) XIX p.866

"processor" has the meaning given to it in the Meat (Sterilization) Regulations 1975(b) and also includes a waste food processor licensed under the provisions of the Diseases of Animals (Waste Food) Order 1983(c) to receive unprocessed waste food;

"sell" includes have in possession for sale or offer or expose for sale and "sale" and "sold" shall be construed accordingly;

"slaughterhouse" has the same meaning as in the Act, except that it does not include any place available in connection with a slaughterhouse and used solely for the manufacture of bacon, ham, sausages, meat pies or other manufactured meat products, or for the storage of meat used in such manufacture;

"specialist boning plant" means premises (not being a slaughterhouse or knacker's yard) where a business of removing meat from bones is carried on but does not include any premises where such removal of meat is made in the course of or for the purposes of the sale by retail of meat;

"specified bovine offal" means the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal which has been slaughtered in the Island or the United Kingdom and no longer comprises a whole dead animal, and "excluded matter" means any part of such an animal which part does not consist of or contain any specified bovine offal;

"stained " means treated with a solution of the colouring agent Black PN or Brilliant Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440), the solution to be of such strength that the colouring on the stained meat is clearly visible; and for the purpose of this definition 'treat' means that all pieces of meat not smaller than primal cuts have been opened by multiple and deep incisions, and the whole surface of the meat has been covered with a solution as aforesaid either by immersing the meat in, or spraying or otherwise applying, the solution;

"staining" shall be construed accordingly;

"sterilised" has the same meaning given to it in the Meat (Sterilization) Regulations 1975 and "sterilise" and

"sterilization" shall be construed accordingly.

(2) For the purposes of these Regulations -

(a) the supply of food otherwise than by sale at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that food; and

(b) where, in connection with any business in the course of which food is supplied, the place where the food is served to the customers is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

Exemptions

3. - (1) These Regulations shall not apply in respect of specified bovine offal of a bovine animal not more than 6 months old when slaughtered.
- (2) The requirements as to sterilization and staining and restrictions on movement in these Regulations shall not apply in the case of -
 - (a) any specified bovine offal which is removed or is intended to be removed from any place by, or under the authority of, a veterinary surgeon for examination by him or on his behalf, or
 - (b) any specified bovine offal which is neither held for the purpose of a business nor on premises on which the bovine animal whose offal it is has been slaughtered.

Prohibition of sale

4. No person shall -
 - (a) sell, or
 - (b) use in the preparation of food for sale, for human consumption, any specified bovine offal

Requirement as to sterilization and staining of specified bovine offal in slaughterhouses

5. - (1) Subject to paragraphs (2), (3) and (4), any specified bovine offal at a slaughterhouse shall immediately be sterilized by the occupier at the slaughterhouse or be placed by him in a room or receptacle designed for the purpose of holding meat awaiting sterilization and bearing a notice stating that its contents are to be sterilized on the premises, and shall then be sterilized by him at the slaughterhouse.
- (2) The requirements as to sterilization imposed by paragraph (1) shall not apply in the case of any specified bovine offal which -
 - (a) is stained by the occupier of the slaughterhouse immediately after slaughter; or
 - (b) is intended to be removed from the slaughterhouse under the authority of a movement permit issued pursuant to regulation 11 to excepted premises.
- (3) The requirements as to sterilization imposed by paragraph (1) above shall not apply in the case of the brain of a bovine animal contained within its head which is intended to be removed from the slaughterhouse to a specialist boning plant under the authority of a movement permit issued pursuant to regulation 11 where that head is intended to be removed there for the purpose of the recovery of meat (other than specified bovine offal) from it.
- (4) Nothing in this regulation shall be taken to prohibit the

severance of specified bovine offal from any excluded matter which is not intended for sterilization or staining, and things to be done immediately under this regulation shall be taken to be so done where any delay is attributable solely to that severance.

Prohibition of removal of specified bovine offal from a slaughterhouse.

6. Subject to regulation 10(2) no person shall remove or cause or permit to be removed from a slaughterhouse any specified bovine offal unless -

- (a) it has been sterilised in accordance with regulation 5;
- (b) it has been stained in accordance with regulation 5 and is intended to be delivered to a destination specified in regulation 10(1)(b) or (c) and its removal to that destination is authorised by a movement permit issued pursuant to regulation 11; or
- (c) it is intended to be delivered to excepted premises and its removal to those premises is authorised by a movement permit issued pursuant to regulation 11.

Prohibition of removal of specified bovine offal from a place other than a slaughterhouse or a knacker's yard.

7.- (1) No person shall remove or cause or permit to be removed from any place of which he is the occupier, not being a slaughterhouse or knacker's yard, any specified bovine offal unless -

- (a) it has been sterilised;
- (b) it has been stained and is intended to be delivered to a destination specified in regulation 10(1)(b) or (c) and its removal to that destination is authorised by a movement permit issued pursuant to regulation 11;
- (c) it is intended to be delivered to excepted premises and its removal to those premises is authorised by a movement permit issued pursuant to regulation 11;
- (d) it is intended to be delivered to a knacker's yard; or
- (e) it is intended to be delivered to a slaughterhouse, together with the carcass to which it relates, in accordance with regulation 19(2) of the Slaughterhouse (Hygiene) Regulations 1978(d).

(2) In paragraph (1)(e) "carcass" includes part of a carcass.

Prohibition on freezing

- 8.- (1) Subject to paragraph (2) below, no person shall freeze any specified bovine offal in a slaughterhouse or any other place unless it has been sterilised or stained.
- (2) The prohibition in paragraph (1) above shall not apply in the case of any specified bovine offal which is intended to be removed, under the authority of a movement permit issued pursuant to regulation 11, to excepted premises.

Prohibition of bringing in of specified bovine offal from United Kingdom.

- 9.- (1) No person shall bring, or cause or permit to be brought into the Island from England and Wales, Scotland or Northern Ireland any specified bovine offal unless -
- (a) it has been sterilised
- (b) it has been stained and is intended to be delivered to a destination specified in regulation 10(1)(b) or (c) and it is accompanied to that destination by a consignment note or permit; or
- (c) it is intended to be delivered to excepted premises and is accompanied to that destination by a consignment note or permit.
- (2) the driver of the vehicle in which specified bovine offal is delivered to any premises accompanied by a consignment note or a permit shall give that note or a copy of that permit to the occupier of those premises, who shall retain it for a period of 2 years from the date on which he received it and within 7 days of that date send a copy thereof to the Department.

Any consignment note or copy permit retained by an occupier of premises in accordance with the requirements of this paragraph shall be made available for inspection by an authorised officer at any reasonable time.

- (3) In this regulation -

"consignment note" means a consignment note issued in pursuance of Part III of the Meat and Poultry Meat (staining and Sterilisation) (Scotland) Regulations 1983(e); and

"permit" means, in relation to specified bovine offal, a permit issued under the provisions of regulation 16 of the Meat Shipping Regulations (Northern Ireland) 1964(f) or a movement permit issued under the provisions of regulation 19 of the Meat (Sterilisation and Staining) Regulations 1982(g) or regulation 20 of the Meat (Sterilization and Staining) (Northern Ireland) Regulations 1984(h) authorising the removal of that specified bovine offal to the premises to which it is to be delivered.

Removal of specified bovine offal

10.- (1) Specified bovine offal may be removed, in accordance with a movement permit issued pursuant to regulation 11, to one of the following destinations:

(a) excepted premises;

(b) the premises of a processor for sterilisation by him;

or

(c) the premises of a person for preparation before further removal to a destination specified in sub-paragraph (a) or

(2) The head of a bovine animal from which the brain has not been removed may be removed from a slaughterhouse, in accordance with a movement permit issued pursuant to regulation 11, to a specialist boning plant for the recovery of meat (other than specified bovine offal) from that head.

(3) Any specified bovine offal which is removed to a destination referred to in paragraph (1)(b) or (c) of this regulation shall be removed in a vehicle or in an impervious container which, in either case, is kept closed and locked or sealed at all times except when necessary for the loading or unloading of the contents or their examination by an authorised officer and which bears a notice of adequate size which is conspicuously visible and contains a distinct, legible and unambiguous statement to the effect that the specified bovine offal carried therein is not for human consumption, which notice shall be affixed by the occupier of the place from which it is removed.

(4) There shall not be removed from any relevant premises (that is to say, any premises specified in paragraph (1)(a), (b) or (c) or any specialist boning plant) any specified bovine offal unless-

(a) that specified bovine offal has been sterilised or, in the case of the brain of a bovine animal to be removed from a specialist boning plant, it has been sterilised or stained;

(f) S.R. & O. (N.I.) 1964 No. 41

(g) S.I. 1982/1018

(h) S.R. (N.I.) 1984 No. 416

- (b) that specified bovine offal is removed from the premises referred to in paragraph (1)(c) and is intended to be delivered to another destination referred to in paragraph (1)(a) or (b) and its removal to that destination is authorised by a movement permit issued pursuant to regulation 11;
- (c) that specified bovine offal cannot be disposed of at those relevant premises because of a permanent or temporary closure thereof or a breakdown of the machinery installed therein or a trade dispute, and it is removed therefrom in accordance with an arrangement in writing with, and under the supervision of, an authorised officer to another destination referred to in paragraph (1)(a) or (b) or to a place where it is buried or destroyed; or
- (d) that specified bovine offal is removed from a hospital, medical or veterinary school, laboratory or similar institution in accordance with an arrangement in writing with, and under the supervision of, an authorised officer to another destination referred to in paragraph (1)(a), (b) or (c) or to a place where it is buried or destroyed.

Authorisation for removal of unsterilised specified bovine offal from a slaughterhouse or other place

- 11.- (1) In any case where these Regulations prohibit the removal of unsterilised specified bovine offal from premises without a movement permit and it is intended to remove such offal from such premises, the occupier of the premises shall, at least two working days before the day on which it is intended to remove that unsterilised specified bovine offal from those premises, apply to the Department and shall give to the Department the following information:
- (a) the date on which the removal is intended to take place;
 - (b) the description of specified bovine offal intended to be moved and whether or not it has been stained;
 - (c) the address and description of the premises to which that specified bovine offal is intended to be delivered;
- and
- (d) the expected date of arrival of the specified bovine offal at those premises.
- (2) Upon receipt of an application the Department shall, without undue delay, satisfy itself that the premises to which it is intended to deliver the unsterilised specified bovine offal, the subject of the application, are premises of a kind to which that specified bovine offal may be removed under the appropriate provision of these Regulations and are capable of processing or otherwise disposing of the specified bovine offal.

- (3) When the Department is satisfied in respect of the matters referred to in paragraph (2) it shall thereafter issue to the applicant a movement permit in the form specified in the Schedule (comprising of an original and 2 copies thereof) of which Part I has been duly completed by the Department
- (4) When the occupier of any premises to which this regulation applies regularly delivers unsterilised specified bovine offal of a specific description to a particular destination, the Department shall, on application being made to it stating the description of that specified bovine offal and the address and description of that destination, authorise in advance each such movement by issuing such quantity of movement permits as it considers appropriate.
- (5) The occupier of any premises from which unsterilised specified bovine offal is removed under the authority of a movement permit shall complete Part II of the document delivered to him and shall give the original together with one copy thereof to the driver of the vehicle by which the specified bovine offal is to be removed and shall retain the other copy for a period of 2 years.
- (6) When the driver delivers the specified bovine offal to the premises named in the movement permit given to him he shall give to the occupier of those premises the documents delivered to him in accordance with paragraph (5).
- (7) The occupier shall then complete Part III of the documents and shall acknowledge receipt of the specified bovine offal thus delivered to him by signing the original and its copy and shall, within 7 days from the date of receipt of the specified bovine offal, send the original to the Department.
- (8) The occupier shall retain the copy of the document for a period of 2 years from the date on which he received the specified bovine offal to which it relates.
- (9) If the driver is unable to deliver the specified bovine offal to the premises named in the movement permit given to him he shall without delay inform the Department or cause it to be informed, and the Department shall without delay authorise the delivery of the specified bovine offal to another destination referred to in regulation 10(1) or, if no such alternative destination is available, require the specified bovine offal to be returned to the premises from which it was removed, or to be buried or destroyed under its supervision.
- (10) In a case to which paragraph (9) applies, the driver shall give to the occupier of the premises to which the specified bovine offal is delivered in accordance with that paragraph or, in the case of its burial or destruction, to the Department the documents delivered to him in accordance with paragraph (5)

- (11) The occupier of the premises to which the specified bovine offal is delivered shall thereupon complete Part IV of the movement permit and acknowledge receipt of the specified bovine offal to which the permit relates by signing the original and its copy and shall, within 7 days from the date of receipt of the specified bovine offal, send the original of such permit to the Department.
- (12) The occupier shall retain the copy of such permit for a period of 2 years from the date on which he received the specified bovine offal to which it relates.
- (13) The Department, on receipt of a movement permit sent to it under paragraph (7) or (11), shall complete Part V thereof, and shall retain it for a period of 2 years.
- (14) Any person required by paragraph (5), (8) or (12) to retain a document shall make that document available for inspection by an authorised officer at any reasonable time.
- (15) In the regulation "the appropriate provision" means -
 - (a) in respect of specified bovine offal which has not been stained, regulation 6(c), 7(c), 10(2) or 10(4)(b) as the case may be, and
 - (b) in respect of specified bovine offal which has been stained, any provision indicated in sub-paragraph (a) regulation 6(b) or 7(b) as the case may be.

Requirement to sterilise or stain skulls containing brains

12. The occupier of a specialist boning plant receiving any head of a bovine animal, from which the brain has not been removed, for the removal of meat from the head shall, immediately after removal of the meat -
 - (a) sterilise or stain the skull with the brain still inside the skull, or
 - (b) remove the brain from the skull and sterilise or stain the brain.

Separation of meat fit for human consumption from specified bovine offal during storage.

- 13.- (1) The provisions of this regulation shall apply to specified bovine offal once it has been severed from excluded matter which is fit for human consumption.
- (2) Subject to paragraph (4) no person shall store any meat fit for human consumption in the same room as any specified bovine offal unless the specified bovine offal, whether or not frozen, has been sterilised or stained and is stored according to an arrangement which ensures that it is at all times separated from the meat which is fit for human consumption.

- (3) Subject to paragraph (4) no person shall store any specified bovine offal unless any container, wrapper or other packaging used to hold it bears a notice of adequate size which is conspicuously visible and contains a distinct, legible and unambiguous statement to the effect that the specified bovine offal held therein is not for human consumption, together with the name of the packer and the address at which the specified bovine offal was packed.
- (4) It shall be a defence for any person charged with a contravention of, or failure to comply with, paragraph (2) or (3) to prove that he did not know, and could not with reasonable diligence have ascertained, that the material was specified bovine offal.

Penalties and enforcement

14. If any person contravenes, or fails to comply with, any provision of these Regulations, or knowingly or recklessly makes a false statement or declaration in any document required by these Regulations for the movement of any specified bovine offal, he shall be guilty of an offence and shall be liable - on summary conviction, to a fine not exceeding £2,000 or imprisonment for a term not exceeding 6 months or both.

Application of various sections of the Act

- 15.- (1) Subject to paragraph (3), the following provisions of the Act shall apply for the purposes of these Regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these Regulations -
- (a) section 55(2) and (3) (which relates to prosecutions);
 - (b) section 57(1) and (2) (which relates to evidence of analysis);
 - (c) section 59 (which relates to the power of a court to require analysis by the Government Chemist);
 - (d) section 60 (which relates to a contravention due to some person other than the person charged);
 - (e) section 62(2) (which relates to the conditions under which a warranty may be pleaded as a defence); and
 - (f) section 63 (which relates to offences in relation to warranties and certificates of analysis).
- (2) Section 73 of the Act (which relates to protection of officers acting in good faith) shall have effect for the purposes of these Regulations as if references therein to that Act were references to these Regulations.

- (3) Section 59 shall apply for the purposes of these Regulations as if the reference therein to section 55(3) of the Act included a reference to that sub-section as applied by paragraph (1).

Amendment of the Slaughterhouses (Hygiene) Regulations 1978

16. The Slaughterhouses (Hygiene) Regulations 1978 shall be amended by inserting in regulation 2 after the definition of "slaughterhouse" the following definition -

"specified bovine offal" has the meaning given to it in the Bovine Offal (Prohibition) Regulations 1990."

Amendment of the Meat (Sterilization) Regulations 1975

17. The Meat (Sterilization) Regulations 1975 shall be amended by inserting in regulation 2 after the definition of "sale by retail" the following definition -

"Sterilised" means -

- (a) treated by boiling or by steaming under pressure until every piece of meat is cooked throughout;
- (b) dry-rendered, digested or solvent processed into technical tallow, greases, glues, feeding meals or fertilisers; or
- (c) subjected to a process other than those previously described in this definition which results in all parts of the meat no longer having the appearance of raw meat and which inactivates all vegetative forms of human pathogenic organisms in the meat.

SCHEDULE Regulation 11
SPECIFIED BOVINE OFFAL : MOVEMENT PERMIT

PART I (To be completed by the Department)

- (1) Name and address of consignor:
-
- (2) Name of consignee and address of the premises to which specified bovine offal is to be delivered:
-

(3) (Completion optional)

(a) Maximum quantity of specified bovine offal which may be moved:

.....

(b) Period within which the specified bovine offal may be moved:

.....

(4) Authorisation

The consignor named at (1) above is hereby authorised to despatch specified bovine offal to the consignee at the address shown at (2) above subject to any limitations set out at (3) above.

.....
(Signature of authorising officer)

Department of Local Government and
the Environment

.....

.....

.....
(address)

PART II (To be completed by the consignor)

- (5) Details of consignment

- (i) Type of material (brain/spinal cord/spleen/thymus/tonsils/intestines):
- (ii) Quantity of material:
- (iii) Number of containers:
- (iv) Size and types of containers:
- (v) Expected date of arrival:
- (6) Means of transport
 - (i) Type of vehicle:
 - (ii) Registration number:
 - (iii) Name and address of owner:

(7) Declaration

I certify that the material described in (5) above was despatched today to the consignee at the address shown in (2) above, using the means of transport described in (6) above.

Warning:

Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution. (Signature of consigner) (Date)
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THIS FORM SHOULD NOW BE HANDED TO THE DRIVER OF THE VEHICLE, WHO SHOULD HAND IT TO THE CONSIGNEE ON ARRIVAL; KEEP ONE COPY FOR YOUR OWN RECORDS.

PART III (To be completed by the consignee)

(8) Declaration

I certify that the material described in (5) above was received at the address shown in (2) above on(date)

Warning

.....
(Signature of consignee)

Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution.

.....
(date)

THIS FORM SHOULD NOW BE SENT TO THE DEPARTMENT AT THE ADDRESS SHOWN IN PART I: KEEP ONE COPY FOR YOUR OWN RECORDS.

PART IV (To be completed by the person taking delivery of the material if it was not delivered to the consignee at the address shown in (2) above)

(9) Reason why material was not delivered to the address shown in (2) above:

(10) Declaration

I certify that the material described in (5) above was delivered to me at:-

..... (insert address)

on.....(date).

WARNING

Any person who knowingly or recklessly makes a false statement or declaration in this document renders himself liable to prosecution.

.....
(Signature of person taking delivery of the material)

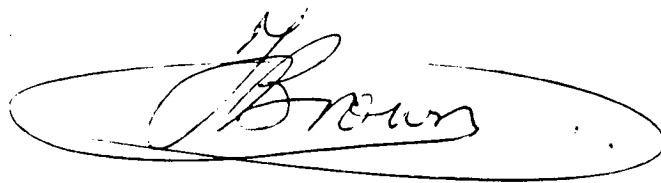
THIS FORM SHOULD NOW BE SENT TO THE DEPARTMENT AT THE ADDRESS SHOWN IN PART I: KEEP ONE COPY FOR YOUR OWN RECORDS.

PART IV (To be completed by the Department.

Date of receipt of form:

.....
(name of officer)

MADE this 1st day of MARCH 1990

A handwritten signature, appearing to be "M. Brown", is enclosed within a hand-drawn oval. The signature is written in a cursive style.

Minister for Local Government and the Environment

Approved by Tynwald on 11.04.90.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the brain, spinal cord, spleen, thymus, tonsils and intestines of bovine animals slaughtered in the Isle of Man ("specified bovine offal"). They do not apply to specified bovine offal of bovine animals not more than 6 months old when slaughtered and there are limited exemptions from the movement restrictions and from the requirements for staining and sterilization (regulation 3). The sale for human consumption of any part of or product derived wholly or partly from an animal slaughtered in a knackers's yard is prohibited by section 12 of the Food and Drugs Act 1963.

The Regulations -

- (a) prohibit, subject to exemptions, the sale or use in food for sale for human consumption of specified bovine offal (regulation 4);
- (b) require, subject to exceptions, specified bovine offal to be sterilised or stained at a slaughterhouse (regulation 5);
- (c) prohibit, subject to exceptions, the removal of unsterilised bovine offal from a slaughterhouse or other place (regulations 6 and 7);
- (d) prohibit the freezing of specified bovine offal unless it has been sterilised or stained except when it is to be delivered to a specific destination (regulation 8);
- (e) prohibit the bringing in of specified bovine offal from the United Kingdom unless it is sterilised, or it is intended to be delivered to a specified destination and is stained or accompanied by prescribed documents (regulation 9);
- (f) specify the destinations to which specified bovine offal may be removed and prescribe the conditions for the transport of such offal; the immediate or ultimate destinations are:
 - (i) a hospital, medical or veterinary school, laboratory or similar institution, or the premises of manufacturing chemist;
 - (ii) the premises of a manufacturer of products other than food;
 - (iii) the premises of a licensed waste food processor;
 - (iv) the premises of a steriliser of specified bovine offal; and

- (v) in the case of a bovine head from which the brain has not been removed, a specialist boning plant for the recovery of its meat (regulation 11);
- (g) provide for the issue of movement permits authorising the removal of specified bovine offal from slaughterhouses or other places and prescribe the conditions in relation thereto (regulation 11);
- (h) require the occupier of a specialist boning plant receiving a bovine head, from which the brain has not been removed, to sterilise or stain the skull immediately after removal of the meat (regulation 12);
- (i) provide for the separation of meat fit for human consumption from specified bovine offal during storage (regulation 13);
- (j) make provision for penalties and enforcement (regulation 14);
- (k) provide for the application of specified provisions of the Food and Drugs Act 1963 (regulation 15); and
- (m) amend the Slaughterhouses (Hygiene) Regulations 1978 so as to exclude specified bovine offal from the certificate of an authorised officer as to fitness for human consumption required under those Regulations when the dressed carcass of an animal slaughtered in a place other than a slaughterhouse is to be brought into a slaughterhouse (regulation 16).
- (n) Amend the Meat (Sterilization) Regulations 1975 to provide a new definition for Sterilised.

~~scribble~~