



Jersey

ANIMAL HEALTH (ANIMAL BY-PRODUCTS) (JERSEY) ORDER 2018

Arrangement

Article

1	Interpretation.....	3
2	Application.....	4
3	Collection, transport and traceability of certain animal by-products.....	5
4	Disposal of milk.....	6
5	Disposal of remains of pet animals.....	6
6	Disposal of aquaculture and aquatic animals.....	7
7	Animal by-products for feeding to zoo animals and other animals.....	7
8	Disposal of oocytes, embryos, semen and apiculture by-products.....	7
9	Safety measures in respect of manure.....	8
10	Imported waste containing animal by-products.....	9
11	Storage prior to disposal.....	9
12	Order not to limit Minister's powers.....	9
13	Licences and fees.....	9
14	Citation and commencement.....	10

SCHEDULE **11**

CLEANSING AND DISINFECTION		11
1	General.....	11
2	Parts of vehicles and containers required to be cleansed.....	11
3	Disinfection.....	11
4	Method of cleansing.....	12
5	Disposal of material after cleansing.....	12
6	Records.....	12



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*Made**12th July 2018**Coming into force**19th July 2018*

THE MINISTER FOR THE ENVIRONMENT, in pursuance of Articles 2(2), 4(2), 7(1) and 32 of the Animal Health (Jersey) Law 2016¹, orders as follows –

1 Interpretation

(1) In this Order –

“anaerobic digester” means the anaerobic digester plant at Bellozanne;

“animal by-products” means carcasses, products of animal origin or other products obtained from animals, which are not intended for human consumption, including oocytes, embryos and semen;

“animal carcase incinerator” means the animal carcase incinerator at La Rue D’Asplet, Trinity, JE3 5JF;

“animal gathering” means an occasion at which animals are gathered for either of the following purposes –

- (a) a sale, show or exhibition;
- (b) collection for onward consignment within Jersey;

“apiculture by-products” means untransformed or unprocessed honey, beeswax, royal jelly, propolis or pollen;

“aquatic animals” means any –

- (a) fish belonging to the superclass Agnatha and to the classes Chondrichthyes and Osteichthyes;
- (b) mollusc belonging to the Phylum Mollusca; and
- (c) crustacean belonging to the Subphylum Crustacea;

“centrifuge or separator waste” means material collected as a by-product of the purification of raw milk or the separation of skimmed milk and cream from raw milk;

“cleansed and disinfected” means cleansed and disinfected in accordance with the Schedule;

“double bagged” means placed inside a bag which is then placed inside another bag;

“farm deadstock” means dead animals and birds that, when alive, were kept on a farm as part of its business, and includes stillborn animals and afterbirth;

“Law” means the Animal Health (Jersey) Law 2016²;

“licensed transporter” means a person licensed under Article 3(1);

“manure” includes non-mineralised guano;

“milk” includes milk products, colostrum and centrifuge or separator waste;

“necrophagous birds” means birds that feed on carcasses;

“operator” means any person who has, under his or her control, an animal by-product or any product derived from an animal by-product and includes any carrier, trader or user;

“products of animal origin” means –

- (a) food of animal origin, including honey and blood;
- (b) live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods, intended for human consumption; and
- (c) other animals intended to be supplied live to the final consumer;

“raw milk” means milk that has not been heated to more than 40°C nor undergone any treatment that has an effect equivalent to such heating.

(2) For the purposes of this Order –

- (a) the definition of “disease” in Article 2(1) of the Law is extended to include –
 - (i) botulism caused by the bacterium *Clostridium botulinum*, and
 - (ii) any disease of fish;
- (b) the definition of “animal” in Article 4(1) of the Law is extended to include any living being of the kingdom *Animalia* other than a human being.

2 Application

(1) This Order applies to –

- (a) animal by-products; and
- (b) the following products if the operator decides (which decision is irreversible) that they are intended for purposes other than human consumption –
 - (i) products of animal origin intended for human consumption, and

-
- (ii) raw materials for the production of products of animal origin.
- (2) However, this Order does not apply to the following animal by-products –
- (a) carcasses or parts of wild animals (other than aquatic animals landed for commercial purposes) where there is no significant risk of their being infected or contaminated with an agent that can cause disease in humans or animals;
 - (b) carcasses or parts of wild game that are not collected after killing, in accordance with good hunting practice;
 - (c) animal by-products from wild game and from wild game meat supplied by hunters directly to the final consumer or to retail establishments in Jersey that directly supply the final consumer;
 - (d) oocytes, embryos and semen destined for breeding purposes;
 - (e) raw milk, colostrum and products derived therefrom that are obtained, kept, disposed of or used on the farm of origin;
 - (f) shells from shellfish with the soft tissue and flesh removed so that there is no visible sign of soft tissue or flesh;
 - (g) waste food (within the meaning of the Animal Health (Waste Food) (Jersey) Order 2018³);
 - (h) material from vessels acquired in the course of their fishing operations and disposed of at sea, other than material derived from on-board evisceration of fish showing signs of disease, including parasites, communicable to humans;
 - (i) raw pet food originating from retail shops, where the cutting and storage of that food are performed solely for the purpose of immediate supply to the customer;
 - (j) raw pet food derived from animals slaughtered on the farm of origin for private domestic consumption;
 - (k) excrement other than manure, and urine;
 - (l) products obtained from one or more treatments, transformations or steps of processing of animal by-products;
 - (m) samples used in the fields of science and technology for diagnostic, educational or research purposes; and
 - (n) animal by-products lawfully imported in accordance with any other legislation or international trade agreement.

3 Collection, transport and traceability of certain animal by-products

- (1) A person must not transport animal by-products that originate from a slaughterhouse or a dairy or consist of farm deadstock, unless the person is licensed to do so by an inspector and the animal by-products are transported only in such vehicles as may be specified by the licence granted by the inspector under this paragraph.

- (2) The person responsible for any slaughterhouse or dairy must keep a record of –
 - (a) the quantity and description of the animal by-product removed from those premises;
 - (b) the date of its removal; and
 - (c) the licensed transporter who removed it,for a period of 2 years from the date of the removal.
- (3) The owner of farm deadstock –
 - (a) must arrange for the deadstock to be collected as soon as reasonably practicable by a licensed transporter;
 - (b) must not burn or bury the deadstock, or deliberately feed the deadstock to necrophagous birds without the authority of the States Veterinary Officer;
 - (c) must ensure to the extent reasonably practical that animals and birds cannot gain access to the deadstock; and
 - (d) must keep a record of the numbers of deadstock (or an estimate where it includes large numbers of dead birds), the date of removal from the premises and the licensed transporter who removed the deadstock, for a period of 2 years from the date of the removal.

4 Disposal of milk

A person disposing of milk other than under Article 3 must –

- (a) transport it to the Energy from Waste facility at La Colette or the anaerobic digester for disposal;
- (b) transport it there as soon as reasonably practicable in leak-proof and rodent-proof containers that are either cleansed and disinfected after use or incinerated; and
- (c) keep a record of the type, quantity and place or origin of milk so transported and retain the record for 2 years from the date on which the transportation occurred.

5 Disposal of remains of pet animals

- (1) A person must not dispose of the remains of a pet animal other than –
 - (a) by burial –
 - (i) on the owner's premises in such a way that carnivorous or omnivorous animals cannot gain access to the remains,
 - (ii) at the pet cemetery for which the Jersey Society for the Prevention of Cruelty to Animals is responsible, or
 - (iii) at any other premises licensed for such disposal by a veterinary inspector;
 - (b) by transport for disposal at the JSPCA incinerator or at any pet incinerator authorized under the Waste Management (Jersey) Law 2005⁴; or

- (c) in accordance with the procedure set out in Article 3(3) that applies to farm deadstock.
- (2) In this Article “pet animal” means a horse and any animal belonging to species normally nourished and kept by humans for purposes other than farming and excludes any animal kept for use as food.

6 Disposal of aquaculture and aquatic animals

- (1) Animal by-products consisting of aquaculture or aquatic animals must be transported –
 - (a) directly to the Energy from Waste facility at La Colette for disposal;
 - (b) in a leak-proof and rodent-proof container,
and that container must be cleansed and disinfected or incinerated after use.
- (2) Nothing in paragraph (1) limits the use of animal by-products consisting of aquatic animals as bait provided that they are taken direct to the place where they are to be used as bait in a hygienic manner.

7 Animal by-products for feeding to zoo animals and other animals

- (1) Animal by-products other than slaughterhouse waste and farm deadstock (including from animal gatherings) may be transported to and used for feeding to –
 - (a) zoo animals;
 - (b) reptiles and birds of prey kept otherwise than in a zoo;
 - (c) dogs housed in kennels or packs of hounds; and
 - (c) endangered or protected species of necrophagous birds and other bird species living in their natural habitat, for the promotion of biodiversity.
- (2) The animal by-products must be transported –
 - (a) directly to their destination;
 - (b) in a leak-proof and rodent-proof container,
and that container must be cleansed and disinfected or incinerated after use.

8 Disposal of oocytes, embryos, semen and apiculture by-products

- (1) Oocytes, embryos and semen not intended for breeding purposes must be transported –
 - (a) directly to the animal carcass incinerator for disposal;
 - (b) either double bagged or placed in a leak-proof and rodent-proof container,

and where placed in a container, the container must be cleansed and disinfected or incinerated after use.

- (2) Apiculture by-products must be either burnt on the premises of origin or double bagged and disposed of by a waste disposal service.
- (3) In paragraph (2) “waste disposal service” means any public authority (within the meaning of Article 1 of the Freedom of Information (Jersey) Law 2011⁵) exercising the function of the collection or disposal of waste.

9 Safety measures in respect of manure

- (1) Manure must be –
 - (a) transported to the anaerobic digester; or
 - (b) where it is lawful to do so, spread on land.
- (2) Manure transported for the purposes of paragraph (1)(a) must be transported in covered leak-proof containers or in vehicles that prevent animals or birds having access to it.
- (3) Manure may be spread on land under paragraph (1)(b) only if steps have been taken to prevent animals from grazing the land for a period of 21 days or, in the case of pigs, for 2 months, after it has been spread.
- (4) In the case of manure consisting of poultry litter, it can be spread on land only if –
 - (a) whilst poultry were on the litter, the flock was inspected regularly and carcasses removed;
 - (b) the litter was not used to dispose of feathers and cracked eggs; and
 - (c) before use the litter was stored as far as possible from livestock and fenced so that livestock could not gain access to it.
- (5) If a botulism outbreak is traced to the premises of origin of poultry litter, a veterinary inspector may serve a notice on –
 - (a) those premises;
 - (b) any other premises to which the poultry litter was sent; and
 - (c) any other premises that the veterinary inspector considers to have an epidemiological link to the premises mentioned in sub-paragraph (a) or (b) such that there has been a risk of *Clostridium botulinum* bacteria being spread to those other premises.
- (6) The notice must state –
 - (a) what must happen to any remaining poultry litter on the premises;
 - (b) the biosecurity measures that must be applied to any animals on the premises; and
 - (c) any other biosecurity measures that the veterinary inspector considers necessary to reduce the risk of the spread of *Clostridium botulinum* bacteria.

10 Imported waste containing animal by-products

Waste containing any animal by-products imported into Jersey must be transported to the Energy from Waste facility at La Colette for disposal in a leak proof and rodent proof container that is cleansed and disinfected or incinerated after use.

11 Storage prior to disposal

- (1) Where animal by-products mentioned in Articles 4, 6, 7 and 10 are stored on premises prior to disposal, the person responsible for the premises must –
 - (a) provide a container for the storage of the animal by-products that –
 - (i) has a closable lid,
 - (ii) is leak-proof,
 - (iii) prevents pets, wild animals or birds having access to the animal by-products, and
 - (iv) is capable of being cleansed and disinfected;
 - (b) place the animal by-products as quickly as possible into such a container; and
 - (c) keep the container –
 - (i) in a state of repair such that it always meets the requirements of sub-paragraph (a),
 - (ii) with its lid closed at all times except when it is being filled or emptied, and
 - (iii) in a hygienic state by regular cleansing and disinfection.
- (2) Where any animal by-products mentioned in Article 8 are stored on premises prior to disposal, the person responsible for the premises must –
 - (a) comply with paragraph (1) as if that paragraph applied to those animal by-products; or
 - (b) double bag them and keep the bagged product in a place where pets, wild animals or birds cannot gain access to it.

12 Order not to limit Minister's powers

Nothing in this Order limits any other powers of the Minister in respect of the control or eradication of disease or control of a specified pathogen.

13 Licences and fees

- (1) A person may apply for a licence for the purposes of this Order to the States Veterinary Officer who may provide an appropriate form for the purposes of the application.
- (2) The application must be accompanied by the application fee set out in paragraph (3).

- (3) The amount of the fee is –
 - (a) for a licence under Article 3(1), £106;
 - (b) for checking suitability of vehicles to be listed on licence under Article 3(1), £70;
 - (c) for licensing a burial under Article 5(a)(iii), £106.
- (4) A licence granted under this Order expires in accordance with the terms of its duration.

14 Citation and commencement

This Order may be cited as the Animal Health (Animal By-Products) (Jersey) Order 2018 and shall come into force 7 days after it is made.

DEPUTY J.H. YOUNG OF ST. BRELADE

Minister for the Environment

SCHEDULE

(Article 1(1), 4, 6-8 and 10-11)

CLEANSING AND DISINFECTION**1 General**

All cleansing and disinfection must be carried out in accordance with this Schedule so as to reduce, as far as reasonably practicable, the risk of transmission of disease.

2 Parts of vehicles and containers required to be cleansed

- (1) The following must be cleansed whether or not they are soiled –
 - (a) all the inside surfaces of those parts of a vehicle in which animal by-products are transported; and
 - (b) the interior of any container of animal by-products.
- (2) The following must be cleansed if they are soiled –
 - (a) any detachable parts of a vehicle used for the transportation of livestock;
 - (b) any other part of that vehicle;
 - (c) any equipment carried with the vehicle; and
 - (d) the exterior of a container used for the transportation of a live animal and any other parts of the vehicle carrying the container.

3 Disinfection

- (1) Every part of the vehicle or container required to be cleansed must also be disinfected with a disinfectant that is –
 - (a) an approved disinfectant that is published as being approved in respect of General Orders; and
 - (b) used at the approved dilution rate and in accordance with the manufacturer's instructions.

- (2) In this paragraph –

“approved dilution rate” means the dilution rate indicated for an approved disinfectants product in the relevant column in the statutory table under the heading that states General Orders;

“Orders”, in relation to General Orders, means Orders of the description stated in the relevant column heading of the statutory table;

“statutory table” means the table of Disinfectants Approved for use in England, Scotland and Wales published by the Department of Environment, Food and Rural Affairs under powers that include those in the English Disinfectants Order.

4 Method of cleansing

Cleansing must be carried out by removing any remaining animal by-product using any appropriate means, and then cleansing with water, steam or where appropriate chemicals or chemical compounds (or, if necessary, any combination of these).

5 Disposal of material after cleansing

- (1) Any animal by-product (other than milk) removed from a vehicle during cleansing and disinfection –
 - (a) if the cleansing and disinfection is undertaken at the animal carcase incinerator, must be disposed of at that incinerator;
 - (b) if the cleansing and disinfection is not undertaken at that incinerator, must be transported to the appropriate disposal site for the animal by-product concerned within 2 weeks of the cleansing and disinfection.
- (2) Where sub-paragraph (1)(b) applies the animal by-product must, prior to disposal, comply with Article 11(1) but need not be transported to the animal carcase incinerator, directly or separately from other consignments.
- (3) Any milk that is washed out during the cleansing and disinfection of a vehicle may be disposed of where the cleansing and disinfection takes place.

6 Records

The person in charge of a vehicle or container that is cleansed and disinfected under this Schedule must ensure that a written record of the cleansing and disinfection is made, including the date and time the cleansing and disinfection was carried out, and that the record is kept for 6 months from that date.

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- 1 *chapter 02.020*
 - 2 *chapter 02.020*
 - 3 *R&O.79/2018*
 - 4 *chapter 22.950*
 - 5 *chapter 16.330*