

HOME SLAUGHTER OF LIVESTOCK: A GUIDE TO THE LAW IN NORTHERN IRELAND

August 2010

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Summary

Intended audience:	This guide is applicable to: <ul style="list-style-type: none">• Keepers of animals who slaughter livestock on farm for their own consumption or by members of their immediate family living there.• Enforcement Authorities who are responsible for the enforcement of Food Hygiene and Transmissible Spongiform Encephalopathy (TSE) Regulations on farms.
Regional coverage:	This guide is applicable in Northern Ireland only. Parallel guidance applies in other parts of the UK.
Legal status:	This is intended to accompany relevant EU and national legislation relating to TSEs and meat hygiene.
Purpose:	To provide information on the law covering the home killing of livestock.

Purpose and Legal status

The guide provides advice on the legal requirements of the EU Food Hygiene Regulation (EC) No. 853/2004 (as amended)¹, EU Transmissible Spongiform Encephalopathies (TSE) Regulation (EC) No. 999/2001 (as amended)², Food Hygiene Regulations (Northern Ireland) 2006 (as amended)³ and The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008⁴. The guide should be read in conjunction with the legislation itself. This is not an authoritative interpretation of the law, as only the Courts have that power. Every effort has been made to make these guidance notes as helpful as possible. However, it is ultimately the responsibility of individual businesses to ensure their compliance with the law. Livestock keepers or businesses with specific queries may wish to seek the advice of their local Department of Agriculture and Rural Department Divisional Veterinary Office (DVO) or their District Council, Environmental Health Department (DC).

¹ Regulation (EC) No. 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin

² Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies

³ Food Hygiene Regulations (NI) 2006, SR 2006 No 3, amended by SR 2007 No 16

⁴ Transmissible Spongiform Encephalopathies Regulations (NI) 2008, SR 2008 No 508

Introduction

1. In the guide “a home kill” is the slaughter of a livestock animal by the animal’s owner outside an approved slaughterhouse⁵ on their property for their own personal consumption or by members of their immediate family living there.
2. The term “home kill” should not be confused with the term “private slaughter” in an approved slaughterhouse i.e. when the owner of the animal sends it to an approved slaughterhouse to be slaughtered and the carcass is returned to the owner.
3. The EU Food Hygiene Regulation (EC) No. 853/2004 provides that only meat from animals slaughtered in approved premises may be “placed on the market” for sale for human consumption. Such slaughter would, among other things, be subject to ante mortem and post mortem inspection by the Department of Agriculture and Rural Development’s Veterinary Public Health Unit (DARD VPHU). Only in very limited circumstances may livestock animals slaughtered on-farm in an emergency or due to animal welfare or safety considerations be placed on the market for sale for human consumption⁶. This guide explains what “placing on the market” means in the context of home kills and how Transmissible Spongiform Encephalopathy (TSE) controls affect the lawful options.

Public Health Risks

4. Slaughter that does not take place in an approved establishment is likely to carry a greater human health risk than slaughter in an approved establishment. There are a number of reasons for this:
 - (a) such slaughter would take place without official DARD VPHU ante mortem and post mortem inspection and supervision;

⁵ Means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and approved to do so by the Food Standards Agency under Regulation (EC) No. 853/2004

⁶ A booklet on the emergency slaughter of cattle is available on the British Cattle Veterinary Association website at www.bcva.org.uk

- (b) the TSE controls may not have been followed, in particular the removal of specified risk material (SRM) or the requirements for BSE testing;
- (c) hygiene requirements may not have been followed;
- (d) the skill levels of the personnel involved in the slaughter may be limited.

In addition, such slaughter is difficult for enforcement authorities to monitor given that they will often not know where and when it might take place. This difficulty increases the risk that meat from home kills could be unlawfully diverted on to the market. This increased risk is of particular concern when some home kills might not observe the hygiene requirements or the TSE controls such as the removal of specified risk material (SRM) or BSE testing.

Enforcement

- 5. DCs are responsible for enforcing on farm the domestic Food Hygiene Regulations. DARD Veterinary Service (VS) is responsible for enforcing on farm the domestic TSE Regulations. These domestic Regulations provide for the enforcement of the EU Food Hygiene Regulations and the EU TSE Regulations.

Food Hygiene Regulations⁷

- 6. EU Food Hygiene Regulation (EC) No 853/2004 does not apply to home kills as defined in paragraph 1 where there is no intention to “place meat on the market” for human consumption.
- 7. When carrying out inspections in relation to illegal activity on farm, DC officers may certify that meat has not been produced, processed or distributed in accordance with the Food Hygiene Regulations. Such meat would then be treated

⁷ Food Hygiene Regulations (Northern Ireland) 2006 SR 2006 No 3, amended by SR 2007 No 16

as failing to comply with food safety requirements under article 8 of the Food Safety (Northern Ireland) Order 1991. An order for its condemnation could then be obtained from a Justice of the Peace. In carrying out this enforcement role, DC officers may on occasion need to liaise with DARD VPHU (in relation to activities in approved establishments) or with the Food Standards Agency (in relation to approval status). A list of contact points is at Annex A.

TSE Regulations⁸

8. The domestic TSE Regulations make provision for the enforcement of the EU TSE Regulation in Northern Ireland. Like all EU Regulations, the EU TSE Regulation is “directly applicable” in all Member States (i.e. it is automatically the law in those States with effect from the date from which it applies).
9. The domestic TSE Regulations allow DARD VS to authorise officers to enforce the legislation and provide powers for officers to enter premises, seize any carcass or part thereof and dispose of them as necessary. Alternatively, an officer may serve a notice requiring disposal.

The Legal Position

10. The following information on the legal position represents the Agency’s understanding of a complex area of law. However, convictions previously obtained and other Court rulings support the Agency’s understanding of the law.

EU Food Hygiene Regulations

11. EU Food Hygiene Regulation 853/2004 states that (with limited exceptions) meat sold for human consumption must be from animals slaughtered in an approved slaughterhouse.

⁸ The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008 SR 2008 No 508

12. There are some circumstances where poultry and rabbits (lagomorphs) do not have to be slaughtered in an approved slaughterhouse before their meat can be lawfully placed on the market for human consumption⁹.

13. Under the EU food hygiene legislation, the legality of slaughter outside approved premises depends on whether placing on the market is intended. “Placing on the market” is defined as “the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer themselves” (Regulation (EC) No. 178/2002, Art.3). The supply of a carcass back to the owner by an approved slaughterhouse or slaughterman amounts to placing on the market under this definition because:
 - (a) there would be the supply of food in the course of a business; and
 - (b) such supply would amount to a contract for the supply of goods, rather than of services, in that what is returned after slaughter (i.e. the carcass or dressed meat) is fundamentally different in kind from what was delivered to the slaughterhouse or slaughterman (i.e. the live animal).

A “home kill”, where an owner slaughters an animal to supply only his household, does not fall into the definition of “placing on the market” and is therefore legal.

EU TSE Regulations

14. The European Commission considers that the EU TSE Regulation applies where a TSE susceptible animal is killed on farm. Specified Risk Material (SRM) (including the vertebral column of cattle over 30 months of age at slaughter) must be removed, stained and disposed of by rendering and incineration in accordance with both the EU TSE Regulation (EC) No. 999/2001 (SRM controls) and Regulation (EC) No. 1774/2002 (the Animal By-Products Regulations). SRM is

⁹ Further details of this exemption are given in Part 1, Section 7.13 of the Meat Industry Guide section “On farm slaughter of small quantities of poultry and lagomorphs” available at www.food.gov.uk/foodindustry/meat/guidehygienemeat

that tissue most likely to be infected with BSE in an infected animal. A full list of SRM is at Annex C.

15. In addition, cattle¹⁰ over 48¹¹ months of age at slaughter must have a negative test result for BSE before the meat can be consumed. Testing involves taking a sample of the animal's brain stem. This task should only be undertaken by a suitably trained person under the supervision of a qualified veterinarian. The sample must then be sent to an approved laboratory (see details in Annex A). Sample results are normally available in 24 hours.
16. The SRM controls only apply to cattle, bison, buffalo, sheep and goats. No other species are subject to the requirements of the EU TSE Regulations.

Welfare Regulations

17. There is also legislation to protect the welfare of livestock (both red meat animals and poultry) during the slaughter or killing process. Whenever livestock is slaughtered (death caused by bleeding after stunning) or killed (immediate death), it must be carried out in accordance with the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (as amended)(WASK). These Regulations apply to slaughter or killing processes whether inside or outside approved slaughterhouses (i.e. this includes home kills). Under these Regulations, religious slaughter is only permitted in approved slaughterhouses. The Regulations make it an offence to cause or permit any avoidable excitement, pain or suffering to any animal or bird during the slaughter or killing process.
18. The Regulations also require everyone carrying out such operations to have the knowledge and skill necessary to perform the tasks humanely and efficiently. Only the permitted stunning and killing methods laid down in the Regulations may be used. The Regulations also require people involved in the slaughter or killing

¹⁰ For the purposes of the TSE controls "Cattle" includes bison and buffalo

¹¹ Imported cattle not born in Belgium, Denmark, Germany, Republic of Ireland, Greece, Spain, France, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom (i.e. countries not listed in the Annex to Commission Decision 2008/908) must be tested at Over 30 months or over 24 months if subject to Emergency slaughter

process to be licensed, although there are a number of exemptions from this requirement. These exemptions include:

- (i) the slaughtering or killing of an animal or bird by the owner for his/her private consumption;
- (ii) the slaughtering or killing of any animal other than for a commercial purpose;
- (iii) the use of a free bullet to kill an animal in the field; and
- (iv) the killing of a bird by dislocation of the neck on premises on which the bird was reared.

DARD VS is responsible for legislation on animal health and welfare. A point of contact is also provided at Annex A.

Furthermore, the Humane Slaughter Association has published a leaflet entitled *On-farm slaughter of Livestock for Consumption* which provides detailed information on legislation and best practice for farmers on humane slaughtering on farm. The leaflet can be found at www.hsa.org.uk.

Examples illustrating what the legal requirements mean in practice

19. The following examples illustrate the practical application of the legal requirements. In a “home kill” situation, the competent enforcement authority for food hygiene would be the relevant DC, DARD VS would be the enforcement authority in relation to TSE.

Home slaughter by the farmer for his own consumption only and/or that of his immediate family living in the same household

20. This is **lawful**. As there is no “placing on the market”, EU Food Hygiene Regulation 853/2004 does not apply. However animals slaughtered for home consumption fall within the scope of the TSE Regulations, so SRM must be removed. Cattle over 48 months at slaughter must be tested for BSE and the

vertebral column of cattle aged over 30 months must be removed and disposed of as SRM. In addition to the SRM controls, any parts of the carcass (including blood) that the farmer chose not to consume would be classed as animal by-products under the EC Animal By-Products Regulation (1774/2002). The waste material would have to be disposed of in line with that Regulation. SRM would have to be stained and disposed of as a category 1 animal by-product.

Home slaughter by the farmer for consumption by guests at their bed and breakfast enterprise

21. This is **unlawful** (other than as described in paragraphs 12 and 13). The farmer would be supplying the meat in the course of a business i.e. carrying out the slaughter of his animal with the intention of supplying it to the guests staying at the farm's bed and breakfast business. This would contravene the Food Hygiene Regulation (EC) No. 853/2004. Meat supplied to bed and breakfast guests must be from animals slaughtered in an approved slaughterhouse.

Slaughter on-farm by an itinerant slaughterman

22. It is unlawful for a farmer to use the services of an itinerant slaughterman both to kill his animal and to dress it as the slaughterman would be supplying goods (i.e. a dressed carcass) in the course of his business. If, however, the slaughterman killed the animal and left the farmer to dress and cut the carcass, the Courts may be more inclined to conclude that the slaughterman was supplying services. If so, this activity may be held to be **lawful**, (i.e. the EU Regulation 853/2004 would not prohibit it) although the issue is far from clear. The EU TSE controls would still apply.

Slaughter in someone else's unapproved premises

23. This is unlawful. Unapproved premises means any place used for slaughtering animals other than an approved slaughterhouse (e.g. field, barn, warehouse, vehicle, unapproved slaughterhouse). The operator of the unapproved premises

would be supplying goods (i.e. meat) back to the farmer in the course of a business. They would therefore be placing the meat on the market.

Private slaughter in an approved slaughterhouse

24. This is lawful. Private slaughter of an animal (excluding a bovine born or reared in the UK before 1 August 1996) may lawfully take place in an approved slaughterhouse¹². The slaughterhouse would be supplying the meat from the slaughtered animal in the course of its business, so there is placing on the market. The EU Food Hygiene Regulations and, where relevant, the SRM controls and BSE testing therefore apply, and these are all enforced within approved slaughterhouses. This means, it would be lawful to place the meat on the market (e.g. in a farm shop or bed and breakfast enterprise) as the meat would have been produced lawfully and would have been health marked as fit for human consumption, subject to compliance with the relevant legal provisions. This includes the requirement that any subsequent cutting for placing on the market should take place in an approved cutting plant.
25. For further information, see contacts at Annex A. There is also a Question and Answer brief attached at Annex B.

¹² Cattle aged over thirty months and cattle aged over 48 months which require BSE testing must only be sent to slaughterhouses approved to slaughter that age range. A list of these premises is available at <http://www.defra.gov.uk/animalh/bse/otm/review/guidance-otm.htm>

Contact Points and further information**Northern Ireland Contact Points****FSA**

Jim Ross	Food Standards Agency NI 10a-10c Clarendon Road Belfast, BT1 3BW	Telephone: 028 9041 7710 Fax: 028 9041 7726 email: jim.ross@foodstandards.gsi.gov.uk
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Joy Cresswell	Food Standards Agency NI 10a-10c Clarendon Road Belfast, BT1 3BW	Telephone: 028 9041 7759 Fax: 028 9041 7726 Email: joy.cresswell@foodstandards.gsi.gov.uk
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**DARD Veterinary Service, Veterinary Public Health Unit
(responsibilities include the licensing of slaughtermen)**

Giovanni Borla	Veterinary Public Health Unit Manor House Loughgall Belfast, BT61 8JA	Telephone: 028 3889 2328 Fax: 028 3889 2385 Email: giovanni.borla@dardni.gsi.gov.uk
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DARD Veterinary Service – Disposal of Animal By-Product Issues

Gerry McElvogue	Portal Inspection Office Coastal House 17 Herdman Channel Road Belfast Harbour Estate Belfast, BT3 9AL	Telephone: 028 9075 8969 Email: gerry.mcelvogue@dardni.gov.uk
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DARD Animal, Identification, legislation and Welfare - Animal Welfare General Issues

Hazel Devlin	Room 728 Dundonald House Upper Newtownards Road Belfast, BT4 3SB	Telephone: 028 9052 5272 Fax: 028 9052 5281 Email: hazel.devlin@dardni.gov.uk
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DARD Food Policy Branch- Welfare of Animals at Slaughter

Graham Spence	Room 142 Dundonald House Upper Newtownards Road Belfast BT 4 3SB	Telephone: 028 9052 4816 Fax: 028 9052 5594 Email: graham.spence@dardni.gov.uk
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Humane Slaughter Association – ‘On-Farm Slaughter of Livestock for Consumption

Charlie Mason	HSA The Old School Brewhouse Hill Wheathampstead Herts, AL4 8AN	Telephone: 01582 831 919 Fax: 01582 831 414 Email: charlie@hsa.org.uk
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**Approved Laboratories in Northern Ireland
(for TSE brainstem sampling)**

TSE Surveillance	AFBI Stoney Road Belfast, BT4 3SD	Telephone: 028 9052 5813 Fax: 028 9052 5750 Email: info@afbini.gov.uk
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Slaughterhouses approved to slaughter OTM cattle:

A list can be obtained from Danielle Gamble at the email address below
Danielle.Gamble@foodstandards.gsi.gov.uk

Cutting plants authorised to process carcasses of OTM cattle:

www.food.gov.uk/foodindustry/meat/meatplantsprems/otmplants

HOME KILLS QUESTIONS & ANSWER BRIEF

Farmers/Keepers

Q1. *My bovine animal is restricted on farm by IRM restrictions (such as NNO, IDQ or DOBQ). Can I carry out a home kill?*

Yes. The Cattle Identification legislation does not prohibit cattle keepers from slaughtering their cattle on farm for their own consumption even if they are restricted due to non-compliance with identification, registration and movement rules, subject to the normal rules for home kills.

Q2. *Can I eat any meat from my own animals?*

Yes. You must however, ensure that your animal is slaughtered and prepared lawfully (see below).

There are two lawful ways in which to have your animals slaughtered and prepared for your own consumption:

- (a) in an approved slaughterhouse; or
- (b) on your farm by *you*.

The Food Standards Agency advises that option (a) would generally carry a lower risk to your health than option (b).

It would be unlawful in all cases to employ anyone else - including a slaughterman – subject to what is said in paragraph 22 above. It would also be unlawful to have the animal slaughtered anywhere else away from your property other than in an approved slaughterhouse.

Q3. *What should I do with the waste material?*

If you slaughter the animal yourself on your farm, any part of the carcass you do not consume would be classed as animal by-products under the EU Animal By-Products Regulation (EC) No.1774/2002. The waste material must be disposed of in compliance with the above Regulation. Your local DVO or district council can advise on the legal requirements. SRM must be removed from cattle, sheep and goats and must be disposed of as Category 1 animal by-product.

Q4. Can I sell the meat from my own animals?

Yes, provided that (with the limited exceptions described in paragraph 12) the meat sold has originated from animals slaughtered in an approved slaughterhouse.

Q5. Does the restriction on supplying home killed meat apply to partnerships or joint owners?

Yes. The restriction does apply. It is unlikely that a Court would decide that supplying meat from a home kill would be rendered lawful simply because the supply was carried out within a partnership or to a co-owner.

Q6. What about TSE controls for home killed pigs, poultry, farmed game and rabbits?

The TSE Regulations do not apply to pigs, poultry, farmed game and rabbits.

Q7. Can I eat my home-bred cow which was born before 1 August 1996?

No. European rules state that all body parts of cattle born or reared in the UK before 1 August 1996 must be disposed of as animal by-products.

It is an offence to send cattle born or reared in the UK before 1 August 1996 to an approved slaughterhouse.

Approved slaughterhouse operators

Q8. Can I undertake a private kill for a farmer?

Yes – if the slaughter takes place on your premises. A private kill would be subject to exactly the same rules and procedures as a conventional (commercial) kill.

Q9. Can a farmer have an animal privately slaughtered other than in an approved slaughterhouse?

No – Other than by himself or herself on farm or in an emergency following an accident where the animal is unable to be moved to the slaughterhouse for welfare reasons¹³. There is, however, an exemption which allows a farmer to slaughter on his holding small quantities of poultry or lagomorphs reared there and place them on the market for human consumption, subject to certain conditions¹⁴.

¹³ See emergency slaughter booklet available at www.bcva.org.uk

¹⁴ See *On farm slaughter of small quantities of poultry and lagomorphs* in Part 1, Section 7.13 of the Meat Industry Guidance available at www.food.gov.uk/foodindustry/meat/guidehygienemeat

DEFINITION OF SPECIFIED RISK MATERIAL

<p>Cattle</p> <p>Ref: 999/2001 Annex V</p>	<p>All ages</p> <p>The tonsils, the intestines, from the duodenum to the rectum, and the mesentery;</p> <p>Over 12 months Skull excluding the mandible but including the brains and eyes, and spinal cord.</p> <p>Over 30 months Vertebral column, excluding the vertebrae of the tail the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but including the dorsal root ganglia .</p>
<p>Sheep and goats</p> <p>Ref: 999/2001 Annex V</p>	<p>All ages The spleen and the ileum</p> <p>Over 12 months (or permanent incisor erupted) Skull including the brains and eyes, tonsils, spinal cord.</p>

STAINING REQUIREMENTS FOR SRM

**Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2008
Schedule 7, paragraph 15.**

Staining involves treating the material (whether by immersion, spraying or other application) with;

- (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(a)); or
- (ii) such other colouring agent as may be approved in writing by the Secretary of State or the Food Standards Agency; and

The stain must be applied in such a way that the colouring is and remains clearly visible;

- over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and
- in the case of all other specified risk material, over the whole surface of the material.