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trading standards law explained

Fallen stock and the disposal of animal by-products

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Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

This guidance is for Scotland

The Animal By-Products (Enforcement) (Scotland) Regulations 2013 require that fallen farm animals (including stillborn animals) are collected, transported and disposed of, by authorised means, without undue delay. Burial or burning is not permitted, except in the designated 'remote' areas.

Carcases from fallen cattle aged over 48 months (not slaughtered for human consumption) must be tested for bovine spongiform encephalopathy (BSE).

Animal by-products must be transported in covered leakproof containers / vehicles and be accompanied by a commercial document.

Definition of 'animal by-products'

'Animal by-products' are defined in assimilated Regulation (EC) 1069/2009 *laying down health rules as regards animal by-products and derived products not intended for human consumption* as "entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not

intended for human consumption, including oocytes, embryos and semen".

Animal by-product, for the purpose of this guide, includes:

- animals and parts of animals that have died other than by being slaughtered for human consumption
- where specified risk material has not been removed, entire bodies of dead animals containing specified risk material

Categories

Animal by-products can fall into one of three categories:

- category 1 material is the highest risk and consists principally of material that is considered a transmissible spongiform encephalopathy (TSE) risk, such as specified risk material (SRM*, which are those parts of an animal considered most likely to harbour a disease such as BSE - for example, bovine spinal cord). Pet animals, zoo and circus animals and experimental animals are also classified as category 1 material
- category 2 material includes fallen stock, manure and digestive tract content
- category 3 material includes parts of animals that have been passed fit for human consumption in a slaughterhouse but are not intended for consumption, either because they are not parts of animals that we normally eat (for example, hides, hair, feathers and bones that had no sign of infectious disease at death) or for commercial reasons

[*For the full definitions of what constitutes SRM in cattle, sheep and goats, see 'Home slaughter for private consumption'.

Collection, transportation and disposal

The Animal By-Products (Enforcement) (Scotland) Regulations 2013 require that fallen farm animals (generally category 2 material, including stillborn animals) are collected and transported without undue delay to one of the following:

- knacker
- hunt kennel
- maggot farm
- incinerator
- renderer

More information on fallen stock and safe disposal of dead animals can be found on the GOV.UK website.

All animal by-products must be collected, identified and disposed of without undue delay, in order to prevent risks arising to public and animal health.

Animal by-products must be transported in sealed new packaging, or covered leakproof containers or vehicles.

Containers should be dedicated to the use of specific categories of animal by-products; if not, they must be cleaned and disinfected after each use in order to prevent cross-contamination.

Animal by-products must be identified in accordance with the Animal By-Products (Enforcement) (Scotland) Regulations 2013:

- category 1 material must be labelled 'For disposal only'
- category 2 material must be labelled 'Not for animal consumption' (with limited exceptions)
- category 3 material must be labelled 'Not for human consumption'

You must ensure all animal by-products are covered or contained whilst awaiting collection / disposal to prevent animals and birds gaining access.

Documentation

The person consigning the animal by-product must keep a record of each consignment and ensure that identifying documentation (a commercial document) accompanies the by-product during its transport. Such records must show as a minimum:

- date of transport*
- quantity and description of material and animal identification (for example, ear tag) if applicable*
- category description of the material*
- name and address of origin of material
- name and address of transporter*
- name and address of destination and approval / registration number (if applicable)*
- signature of responsible person (generally the person producing the document)

[*As a consignor of animal by-product waste, you must keep a record showing the bullet points asterisked above. In most cases, the copy of the commercial document can serve as your record. However, it is advisable to have additional records in book form or electronically, as appropriate.]

A commercial document template is attached for your use. Ideally, this needs to be carbon-copied so that the transporter and the premises of origin can keep a copy (see below).

If the document is produced by the consignor, it should be signed by the consignor. If the document is produced by the transporter, it should be signed by the transporter.

Each movement of animal by-products and derived products must be accompanied by the top copy of the commercial document, which has to be left at the destination premises. The premises of origin and the transporter each retain a copy also.

Commercial documents and all records relating to animal by-products must be retained for at least two years and produced on demand to an inspector.

Keepers must also correctly record and report any deaths in accordance with the requirements for each species. Species-specific information can be found in the following guides:

- 'Cattle Identification' ('What records am I required to keep?' section)
- 'Sheep: identification, records and movement' ('Recording movements and other information in the holding register' section)
- 'Goats: identification, records and movement' ('Recording movements and other information in the holding register' section)
- 'Identification and movement of pigs' ('Movement record' section)
- 'Horse passports' ('What do I do if my horse dies?' section)
- 'Registration and records of poultry and other captive birds' ('Farm records' section)

Derogations

Various derogations are available regarding the disposal of animal by-products (ABPs). The Government has applied the following derogations, amongst others.

Burial or burning on site of farm animal carcases is only permitted in parts of the Highlands and Islands of Scotland. Disposal in this way is subject to strict rules and record keeping and does not include TSE-suspect animals.

The burial of dead pet animals is allowed. The definition of 'pet animal' in assimilated Regulation (EC) No 1069/2009 is "any animal belonging to species normally nourished and kept but not consumed, by humans for purposes other than farming". Normal farm species such as sheep, cattle, pigs, goats and poultry fall outside this definition; therefore they can never legally be regarded as pets and must be disposed of by an approved route other than burial.

The burial of pet horses is allowed. Before burying a horse, advice should be sought on the correct procedure - for example, deciding on the location of the burial site to take account of factors such as access by animals and the potential for leaching into watercourses.

Local authority and Scottish Environment Protection Agency guidelines must always be followed. These are likely to require horse burial sites to:

- be at least 250 metres away from any well borehole or spring that supplies water
- be at least 50 metres from any other spring or watercourse and at least 10 metres from a field drain
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the carcase
- be free of water at the bottom of the hole, when first dug

Further guidance can be found in the PEPFAA Code (*Code of Good Practice for Prevention of Environmental Pollution From Agricultural Activity*).

BSE monitoring

Carcases of fallen cattle that die or are killed on-farm or in transit (other than for human consumption) must be tested for BSE if they are over:

- 48 months old for all cattle born in the United Kingdom or in EU Member States, except Bulgaria and Romania
- 24 months old if born in Bulgaria, Romania or any non-EU country other than the UK

Farmers must contact a collector within 24 hours of death to arrange delivery to an approved sampling site.

If delivering the carcases themselves, they should contact an approved sampling site to agree to this within 24 hours, and must deliver the carcase within 48 hours. Contact your normal collector or the National Fallen Stock Company (NFSCo) on 01335 320014.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

Information added on recording and reporting deaths.

Last reviewed / updated: October 2024

Key legislation

- assimilated Regulation (EC) No 1069/2009 *laying down health rules as regards animal by-products and derived products not intended for human consumption (Animal by-products Regulation)*
- Animal By-Products (Enforcement) (Scotland) Regulations 2013

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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