



8 September 2010

**CONSULTATION ON THE NEW ANIMAL BY-PRODUCTS (ENFORCEMENT)(ENGLAND)
REGULATIONS 2011 TO IMPLEMENT REGULATION (EC) NO. 1069/2009 AND ITS
CORRESPONDING IMPLEMENTING REGULATION ON CONTROLS FOR ANIMAL BY-
PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION**

INTRODUCTION

1. The UK Environmental Law Association (**UKELA**) aims to make the law work for a better environment and to improve understanding and awareness of environmental law. UKELA's members are involved in the practice, study and formulation of environmental law in the UK and the European Union. UKELA attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors.
2. UKELA prepares advice to government with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared with the help of the Waste Working Party.
3. UKELA wishes to comment only in relation to one question (22) in DEFRA's consultation on the new Animal By-Products (Enforcement) (England) Regulations 2011 to implement Regulation (EC) No. 1069/2009 and its corresponding Implementing Regulation on controls for animal by-products not intended for human consumption.

Q22: DO YOU AGREE WITH OUR PROPOSED REGIME FOR ENFORCEMENT AND PENALTIES? WHAT ALTERNATIVES MIGHT BE CONSIDERED (E.G. CIVIL SANCTIONS)?

4. UKELA supports DEFRA's proposals to maintain the current system of criminal offences and penalties to enforce breaches of the obligations in Regulation (EC) No. 1069/2009 and agrees that it is necessary to have in place such criminal sanctions given the risks to animal and human health that can arise if such obligations are breached.
5. UKELA does not believe that any alternative penalties should be considered. The civil sanctions regime is still at an early stage and UKELA does not believe it would be prudent to extend civil sanctions to animal by-products until civil sanctions have been demonstrated to be effective in other areas. UKELA also notes that the enforcement bodies under the Animal By-Products (Enforcement) (England) Regulations 2011 are local authorities and that local authorities have not yet been given powers to use civil sanctions. Powers to use civil sanctions should not be given to local authorities in relation to animal by-products unless and until such powers are given to local authorities more generally.

UK Environmental Law Association: making the law work for a better environment

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President: Rt. Hon. Lord Justice Carnwath C.V.O.



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