
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 186

FOOD

The Beef Bones (Scotland) Regulations 1999

Made - - - - 16th December 1999
Laid before the Scottish
Parliament - - - - 16th December 1999
Coming into force - - 17th December 1999

The Scottish Ministers, in exercise of the powers conferred on them by sections 6(4), 16(1)(a), (b), (c), (d) and (f) and (3), 26 and 48(1) of, and paragraphs 2(1), 3(1), 5(1) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Beef Bones (Scotland) Regulations 1999 and shall come into force on 17th December 1999.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“additive” means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritional value, used in the preparation, packaging, transport or storage of a food which results, or may reasonably be expected to result, in it or its by-products becoming directly a component of the food;

“bone-in beef” means a carcase or any fresh meat which contains or to which there is attached any bone;

“bone” means any bone (including bone marrow and any part of a bone) of a bovine animal, including the bones of the tail and feet, but excluding cartilage;

(1) 1990 c. 16; the functions of the Ministers, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act \(c.46\)](#).

“bovine animal” means any bovine animal aged over six months at slaughter which is a food source, including buffalo of the species *Bubalis bubalis* and *Bison bison*;

“carcase” means the whole body of a slaughtered bovine animal;

“fresh meat” means any part of a bovine animal suitable for human consumption, including chilled or frozen meat, which has not undergone any preserving process and includes any meat vacuum wrapped or wrapped in a controlled atmosphere;

“ingredient” means any substance, including any additive, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

“occupier” means the person carrying on a food business; and

“ultimate consumer” means any person who buys otherwise than for the purposes of a food business.

(2) For the purposes of these Regulations, the age at slaughter of a bovine animal shall be presumed to be over six months unless it can be shown, by reference to such records as are available in relation to the age at slaughter of the animal, that it was aged six months or less at slaughter.

(3) For the purposes of these Regulations, the delivery in the course of a business of bones or food to, or to the order of, their owner for human consumption shall be deemed to be a sale.

Bone-in beef

3.—(1) Subject to paragraphs (2) and (3) below, no person shall use any bone-in beef in the preparation, in the course of a business, of any food or ingredient for human consumption.

(2) Paragraph (1) above shall not apply to the use of bone-in beef in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

(3) Nothing in paragraph (1) shall prohibit the processing or treatment of bone-in beef for sale as such.

Bones

4.—(1) Subject to paragraph (3) below, no person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation, in the course of a business, of any food or ingredient for human consumption.

(2) Subject to paragraph (4) below, no person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation, in the course of a business, of any food or ingredient for human consumption.

(3) Paragraph (1) above shall not apply to the sale of bones for use in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale to the ultimate consumer involves delivery of take-away food.

(4) Paragraph (2) above shall not apply to the use of bones in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

Food and food ingredients

5.—(1) Subject to paragraph (5) below, no person shall, in the course of a business, sell for human consumption any food an ingredient of which consists of bones removed from bone-in beef deboned in Great Britain.

(2) Subject to paragraph (6) below, no person shall, in the course of a business, sell for human consumption any food an ingredient of which is derived from bones removed from bone-in beef deboned in Great Britain.

(3) No person shall sell any substance derived from bones removed from bone-in beef deboned in Great Britain for use in the preparation, in the course of a business, of any food or ingredient for human consumption.

(4) Subject to paragraph (7) below, no person shall use any substance derived from bones removed from bone-in beef deboned in Great Britain in the preparation, in the course of a business, of any food or ingredient for human consumption.

(5) Paragraph (1) above shall not apply to the sale of any food, an ingredient of which consists of bones, direct to the ultimate consumer at the premises where it was produced, including the case where the sale involves delivery of take-away food, if the bones were added to the food at those premises.

(6) Paragraph (2) above shall not apply to the sale of food direct to the ultimate consumer at the premises where it was produced, including the case where the sale involves delivery of take-away food, if the ingredient was derived from the bones concerned at those premises.

(7) Paragraph (4) above shall not apply to the use of a substance in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food, if that substance was derived from the bones concerned at those premises.

(8) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone-in beef regardless of whether it was derived from the bones before, during or after their removal from the bone-in beef.

Storage of bones and substances

- 6.—(1) Subject to paragraph (2) below, the operator of any food premises shall ensure that—
- (a) all bones at the premises which have been removed from bone-in beef deboned in Great Britain; and
 - (b) all substances at the premises which have been derived from bones removed from bone-in beef deboned in Great Britain,

are stored separately from and do not come into contact with any other food at those premises.

(2) Paragraph (1) above shall not apply to the storage of bones and substances at any premises at which (pursuant to these Regulations) the bones and substances are used in the production of food for sale direct to the ultimate consumer at those premises.

Records

7.—(1) Subject to paragraph (4) below the occupier of any food premises at which bones are removed from bone-in beef shall make a record of the place to which, and of any person to whom, those bones are consigned.

(2) Subject to paragraph (4) below, a person to whom bones are consigned as described in paragraph (1) above shall make a record of the place to which, and of any person to whom, he in turn consigns those bones.

(3) A record required to be made under this regulation shall be kept by the person making it for at least 2 years from the date of its being made.

- (4) This regulation shall not apply in respect of any bones which are—
- (a) disposed of by way of sale to the ultimate consumer, or

- (b) not consigned for human consumption.

Offences and penalties

8.—(1) An occupier of food premises shall take all practicable steps to secure compliance by each of his employees with the provisions of these Regulations which apply to those premises.

(2) If any person contravenes—

- (a) paragraph (1) above; or
 (b) any other provision of these Regulations,

he shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) Proceedings for an offence under any of the provisions mentioned in paragraph (2) above may, subject to paragraph (4) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) No such proceedings shall be begun more than three years after the commission of the offence.

(5) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and
 (b) a certificate stating that matter purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(6) Section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽²⁾ (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

Application of provisions of the Food Safety Act 1990

9. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations—

- section 2 (extended meaning of “sale” etc.);
 section 3 (presumptions that food intended for human consumption);
 section 9 (inspection and seizure of suspected food), subject to the modification that it shall apply to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;
 section 20 (offences due to fault of another person);
 section 21 (defence of due diligence);
 section 33 (offence of obstruction, etc. of officers);

(2) 1995 c. 46.

section 36 (offences by bodies corporate), subject to the modification that a reference to a body corporate shall include a Scottish partnership and a reference to a director shall include a partner in a Scottish partnership;

section 44 (protection of officers acting in good faith).

Enforcement

10.—(1) These Regulations shall be enforced—

- (a) by the Scottish Ministers in relation to premises in Scotland licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽³⁾; and
- (b) in relation to any other premises, by the food authority in whose area the premises are situated.

(2) On an inspection of any food or ingredient intended for human consumption an authorised officer of a food authority or an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995) may certify that the food or ingredient fails to comply with these Regulations.

(3) Where the food or ingredient is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements.

Revocation

11. The Beef Bones Regulations 1997⁽⁴⁾ are revoked.

St Andrew's House,
Edinburgh
16th December 1999

SUSAN C DEACON
A member of the Scottish Executive

⁽³⁾ S.I. 1995/539; relevant amendments are S.I. 1995/2148 and 3189, S.I. 1996/1148 and S.I. 1997/2074.

⁽⁴⁾ S.I. 1997/2959

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Beef Bones Regulations 1997 (S.I.1997/2959) (regulation 10) in so far as they apply to Scotland. Those Regulations principally prohibited the sale of bone-in beef or its use in the preparation of food.

These Regulations—

- (a) prohibit the use of bone-in beef in the commercial preparation of food or ingredients unless in the production of food sold at the premises, where the preparation took place, direct to the ultimate consumer (regulation 3);
- (b) prohibit the sale or use of any bone removed from bone-in beef deboned in Great Britain for the production of a food or ingredient unless sold at the premises where the production took place, direct to the ultimate consumer (regulation 4);
- (c) prohibit the sale or use of any ingredient in food made from such a bone or any substance derived from such a bone unless sold direct to the ultimate consumer at the premises where the ingredient or substance was produced (regulation 5);
- (d) make provision for the storage of such bones or substances derived from them in food (regulation 6);
- (e) make provision for records of consignments of bones (regulation 7);
- (f) create offences and penalties (regulation 8);
- (g) apply certain provisions of the Food Safety Act 1990 (regulation 9);
- (h) make provisions for enforcement by the Scottish Ministers or a food authority (regulation 10).