
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 6

FOOD

COMPOSITION AND LABELLING

The Meat Products (Scotland) Regulations 2004

<i>Made</i>	- - - -	<i>14th January 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>14th January 2004</i>
<i>Coming into force</i>	- -	<i>4th February 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(a), (e) and (f), 26(1) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, having had regard, in accordance with section 48(4A)⁽²⁾ of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B)⁽³⁾ of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Meat Products (Scotland) Regulations 2004 and shall come into force on 4th February 2004.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“the Act” means the Food Safety Act 1990;

“the 1996 Regulations” means the Food Labelling Regulations 1996⁽⁴⁾;

“catering establishment” has the meaning assigned to it by the 1996 Regulations;

(1) 1990 c. 16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c. 28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 to the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(3) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(4) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136 and 1483, and S.S.I. 2002/524.

“cooked”, in relation to a food, means subjected to a process of cooking throughout the whole food so that the food is sold for consumption without further cooking, and “uncooked” shall be construed accordingly;

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride alone is to be regarded as a curing salt when used in a meat product only if used in sufficient quantity to have a significant preserving effect on the meat product;

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area⁽⁵⁾ signed at Oporto on 2nd May 1992 as adjusted by the Protocol⁽⁶⁾ signed at Brussels on 17th March 1993;

“free circulation” has the same meaning as in Article 23 of the Treaty establishing the European Community;

“meat” has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽⁷⁾, as amended by Commission Directive 2001/101/EC⁽⁸⁾ which is itself amended by Commission Directive 2002/86⁽⁹⁾;

“meat product” means any food, other than one specified in Schedule 1, which consists of meat or which contains as an ingredient, or as ingredients, any of the following: meat; mechanically recovered meat (subject to the provisions of regulation 49 of the TSE (Scotland) Regulations 2002⁽¹⁰⁾); or, from any mammalian or bird species recognised as fit for human consumption, heart, tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail;

“mechanically recovered meat” has the same meaning as in Council Directive 64/433/EC⁽¹¹⁾ on health problems affecting intra community trade in fresh meat as last amended by Council Directive 95/23⁽¹²⁾;

“sell” includes offer or expose for sale or have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“ultimate consumer” has the meaning assigned to it by the 1996 Regulations.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to meat products which are ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations shall not apply in respect of any food which is—

- (a) not intended for sale for human consumption; or
- (b) marked or labelled with a clear indication that the food is intended exclusively for consumption by babies or young children.

(5) O.J. No. L 1, 3.1.94, p.1.

(6) O.J. No. L 1, 3.1.94, p.571.

(7) O.J. No. L 109 6.5.00, p.29.

(8) O.J. No. L 310, 28.11.01, p.19.

(9) O.J. No. L 305, 7.11.02, p.19.

(10) S.S.I. 2002/255, amended by S.S.I. 2003/198 and 411.

(11) O.J. No. P 121, 29.7.64, p.2012.

(12) O.J. No. L 243, 11.10.95, p.7.

(3) Regulation 4 (restrictions on the use of certain names) shall not apply in respect of any food which is brought into Scotland from—

- (a) an EEA State (other than the United Kingdom) having been lawfully produced there and lawfully sold;
- (b) a Member State (other than the United Kingdom) in which it was in free circulation and lawfully sold;
- (c) another part of the United Kingdom in which it was lawfully sold—
 - (i) having been lawfully produced there;
 - (ii) having been lawfully produced in an EEA State; or
 - (iii) having been in free circulation and lawfully sold in a Member State.

Restrictions on the use of certain names

4.—(1) For the purposes of the 1996 Regulations, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a meat product as the name of the food, whether or not qualified with other words unless either—

- (a) the meat product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b) the name is used in accordance with paragraph (2).

(2) A name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the meat product designated by that name is an ingredient of the food unless either—

- (a) (i) that meat product is an ingredient of the food, and
(ii) that meat product complied, at the time of preparation of the food, with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b) (i) the name used as the name of the food for that food is a name which appears in column 1 of that Schedule, and
(ii) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(3) No person shall sell or advertise for sale a food in the labelling of which a name is used in contravention of the foregoing paragraphs.

Name of the food for certain meat products

5.—(1) Subject to paragraphs (3) and (4), this regulation shall apply where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case, whether cooked or uncooked).

(2) For the purposes of regulation 6(1) of the 1996 Regulations, the name used as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of—

- (a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and
- (b) any added ingredient to which sub-paragraph (a) does not apply other than an ingredient specified in Schedule 3.

(3) For the purposes of paragraph (2), no account shall be taken of the presence in or on the meat product of any gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2, whether or not qualified by other words, or to a food having the appearance of minced uncooked meat which has been shaped.

Parts of the carcass in uncooked meat products

6.—(1) No person shall sell an uncooked meat product in the preparation of which any part specified in paragraph (2) of the carcass from any mammalian species has been used as an ingredient.

(2) Subject to the TSE (Scotland) Regulations 2002(13), the specified parts of the carcass are: brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition contained in paragraph (1) shall not extend to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation the word “sausage” includes chipolata, frankfurter, link, salami and any similar product.

Penalties and enforcement

7.—(1) Any person who contravenes or fails to comply with regulations 4, 5(2) or 6(1) shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority shall enforce and execute these Regulations in its area.

Transitional provision and defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that—

- (a) (i) the act was committed before 4th August 2004;
- (ii) the matters constituting the alleged offence would not have constituted an offence under the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984(14) if those Regulations had been in force when the food was marked or labelled; and
- (iii) the 1996 Regulations are complied with; or
- (b) the food in respect of which the offence is alleged to have been committed was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence.

Application of various provisions of the Food Safety Act 1990

9.—(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);

(13) S.S.I. 2002/255; amended by S.S.I. 2003/198 and 411.

(14) S.I. 1984/1714, amended by S.I. 1985/1068, 1986/1288, 1990/2625, 1991/1476, 1992/2596, 1995/3123, 3124 and 3187, 1996/1499 and 1998/1398.

- (d) section 21 (defence of due diligence as it applies for the purposes of sections 8, 14 or 15 of the Act);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) and (2) as applied by sub-paragraph (g) above;
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships); and
- (k) section 44 (protection of officers acting in good faith).

Amendment of the Food Labelling Regulations 1996

10. The 1996 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), after the definition of “liqueur wine” insert—
“meat product” has the meaning assigned to it by the Meat Products (Scotland) Regulations 2004;;
- (b) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products), in paragraph (2)—
 - (i) at the end of sub-paragraph (a) omit “and”, and
 - (ii) at the end of sub-paragraph (b) insert—
“; and
- (c) in the case of a meat product other than one listed in Schedule 4A, the particulars required by regulation 5(bA) in respect of those of its ingredients being meat, within the meaning assigned to meat by Directive [2000/13/EC](#) of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive [2001/101/EC](#) which is itself amended by Commission Directive 2002/86;”;
- (c) after Schedule 4 insert as Schedule 4A the contents of Schedule 4 to these Regulations.

Amendments and revocations

11.—(1) The following entries relating to the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984 are omitted—

- (a) in the Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985(**15**), in Schedule 1;
- (b) in the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990(**16**), in Schedule 1, Part I, Schedule 3, Part II and Schedules 5 and 8;
- (c) in the Food Safety (Exports) Regulations 1991(**17**), in Schedule 2;
- (d) in the Food (Forces Exemptions) (Revocations) Regulations 1992(**18**), in the Schedule, Part II;

(15) S.I. [1985/1068](#).

(16) S.I. [1990/2625](#) to which there are amendments not relevant to these Regulations.

(17) S.I. [1991/1476](#) to which there are amendments not relevant to these Regulations.

(18) S.I. [1992/2596](#).

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- (e) in the Sweeteners in Food Regulations 1995(**19**), in regulation 10(3)(b);
- (f) in the Colours in Food Regulations 1995(**20**), in regulation 12(5);
- (g) in the Miscellaneous Food Additives Regulations 1995(**21**), in regulation 10(11) and Schedule 9;
- (h) in the 1996 Regulations, in regulation 49(9) and Schedule 9;
- (i) in the Food Labelling (Amendment) Regulations 1998(**22**), in regulation 18(2);
- (j) in the Sweeteners in Food (Amendment) Regulations 1999(**23**), in regulation 3(2)(b)(ii); and
- (k) in the Miscellaneous Food Additives (Amendment) Regulations 1999(**24**), in regulation 14(1).

(2) The Meat Products and Spreadable Fish Products (Scotland) Regulations 1984 and the Meat Products and Spreadable Fish Products (Scotland) (Amendment) Regulations 1986(**25**) are hereby revoked.

St Andrew's House, Edinburgh
14th January 2004

TOM McCABE
Authorised to sign by the Scottish Ministers

(19) S.I. [1995/3123](#) to which there are amendments not relevant to these Regulations.
(20) S.I. [1995/3124](#) to which there are amendments not relevant to these Regulations.
(21) S.I. [1995/3187](#) to which there are amendments not relevant to these Regulations
(22) S.I. [1998/1398](#).
(23) S.I. [1999/982](#).
(24) S.I. [1999/1136](#) to which there are amendments not relevant to these Regulations.
(25) S.I. [1986/1288](#).

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SCHEDULE 1

Regulation 2

FOODS WHICH ARE NOT MEAT PRODUCTS
FOR THE PURPOSES OF THESE REGULATIONS

1. Raw meat to which no ingredient, or no ingredient other than proteolytic enzymes has been added.
2. Poultry meat falling within the scope of Council Regulation (EEC) No. 1906/90(26) on certain marketing standards for poultry, as amended (in so far as is relevant to these Regulations) by Council Regulation (EEC) No. 317/93(27) and Council Regulation (EC) No. 3204/93(28), and as read with Commission Regulation (EEC) No. 1538/91(29) introducing detailed rules for implementing Regulation (EEC) No. 1906/90, as amended (in so far as is relevant to these Regulations) by Commission Regulation (EEC) No. 2891/93(30), Commission Regulation (EC) No. 2390/95(31) and Commission Regulation (EC) No. 1000/96(32).
3. Any product containing the fat, but no other meat, of any bird or animal.

SCHEDULE 2

Regulation 4(1) and (2)

RESERVED DESCRIPTIONS

<i>Column 1</i> <i>Name of Meat Product</i>	<i>Column 2</i> <i>Meat or Cured Meat Content Requirements</i>	<i>Column 3</i> <i>Additional Requirements</i>
	The food shall contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:	
	Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only
1. Burger <i>—whether or not forming part of another word or phrase, but excluding any</i>	67%	55%
		Meat or, as the case may be, cured meat from other species or other mixtures of meat
		62%
		1. Where the name “hamburger” is used, the meat used in the preparation of the

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

(26) O.J. No. L 173, 6.7.90, p.1.
 (27) O.J. No. L 37, 13.2.93, p.8.
 (28) O.J. No. L 289, 24.11.93, p.3.
 (29) O.J. No. L 143, 7.6.91, p.11.
 (30) O.J. No. L 263, 22.10.93, p.12.
 (31) O.J. No. L 244, 12.10.95, p.60.
 (32) O.J. No. L 134, 5.6.96, p.9.

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<i>Column 1</i> <i>Name of Meat Product</i>	<i>Column 2</i> <i>Meat or Cured Meat Content Requirements</i>	<i>Column 3</i> <i>Additional Requirements</i>
<i>name falling within items 2 or 3 of this Schedule</i>		<p>food must be beef, pork or a mixture of both.</p> <p>2. Where either of the names “burger” or “economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the name type of cured meat is prepared at least equal to the minimum required meat content for that meat product.</p> <p>3. Where any of the names “burger”, “economy burger” or “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.</p> <p>4. Where any of the names “burger”, “economy burger” or “hamburger” are used to refer to a compound</p>

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

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<i>Column 1</i> <i>Name of Meat Product</i>	<i>Column 2</i> <i>Meat or Cured Meat Content Requirements</i>	<i>Column 3</i> <i>Additional Requirements</i>
		ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements shall apply only to the meat mixture, as if the meat mixture were the meat product in the labelling or advertising of which the name was used as the name of the food.
2. Economy Burger –whether or not “burger” forms part of another word or phrase.	50% 41%	47%
3. Hamburger – whether or not forming part of another word or phrase.	67% Not applicable	62%
4. Chopped X , there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat.	75% 62%	70% No additional requirement.
5. Corned X , there being inserted in place of “X” the name “meat” or the	120% 120%	120% 1. The meat product shall consist wholly of meat that has been corned.

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

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<i>Column 1</i> <i>Name of Meat Product</i>	<i>Column 2</i> <i>Meat or Cured Meat Content Requirements</i>			<i>Column 3</i> <i>Additional Requirements</i>
<i>name of a type of meat, unless qualified by words which include the name of a food other than meat.</i>				<p>2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food shall be wholly of the named type.</p> <p>3. The total fat content of the food shall not exceed 15%.</p>
<p>6. Luncheon meat</p> <p>Luncheon X, <i>there being inserted in place of “X” the name of a type of meat or cured meat.</i></p>	67%	55%	62%	No additional requirement.
<p>7. Meat pie</p> <p>Meat pudding <i>the name “pie” or “pudding” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat.</i></p>				<p>1. Where the name “Melton Mowbray pie” is used, the meat used in the preparation of the food must be meat from pigs only.</p>
Melton Mowbray pie	12.5%	12.5%	12.5%	
<p>Game pie</p> <p>Based on the weight of the ingredients</p>				

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

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<i>Column 1</i> <i>Name of Meat Product</i>	<i>Column 2</i> <i>Meat or Cured Meat Content Requirements</i>			<i>Column 3</i> <i>Additional Requirements</i>
when the food is uncooked.				
But if the food weighs–				
not more than 200g and not less than 100g	11%	11%	11%	
less than 100g	10%	10%	10%	
8. Scotch pie	10%	10%	10%	No additional requirement.
Based on the weight of the ingredients when the food is uncooked.				
9. The name “ pie ” or “ pudding ” qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat–				No additional requirement.
where the former (meat related) qualification precedes the latter.	7%	7%	7%	
where the latter (non meat related) qualification precedes the former	6%	6%	6%	
based on the weight of the ingredients when the food is uncooked.				

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

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<i>Column 1</i> Name of Meat Product	<i>Column 2</i> Meat or Cured Meat Content Requirements			<i>Column 3</i> Additional Requirements
10. Pasty or Pastie	6%	6%	6%	No additional requirement
Bridie				
Sausage roll				
Based on the weight of the ingredients when the food is uncooked.				
11. Sausage (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), link, chipolata or sausage meat				No additional requirement
Where the name is qualified by the name “pork” but not by the name of any other type of meat.	42%	Not applicable	Not applicable	
In all other cases	32%	26%	30%	

Note: The meat or cured meat content requirements specified in column 2 of this Schedule are calculated by weight. In relation to items 1 to 6, and 11, they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

SCHEDULE 3

Regulation 5(2)(b)

ADDED INGREDIENTS WHICH ARE NOT REQUIRED TO BE INDICATED IN THE NAME OF THE MEAT PRODUCT IN THE CASE OF A MEAT PRODUCT TO WHICH REGULATION 5 APPLIES

1. Any additive.
2. Any curing salt.
3. Any ingredient used solely as a garnish or decorative coating.
4. Any ingredient (not being an additive) that is added only in order to impart odour or taste or both.
5. Any salt, herb or spice used as seasoning.
6. Any starch that is added only for a technological purpose.

7. Any protein (of either animal or vegetable origin) that is added only for a technological purpose.

8. Any sugar that is added only in order to impart a sweet taste.

9. In the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up not more than 5% of the weight of the product.

10. In the case of uncooked cured meat, added water making up not more than 10% of the weight of the product.

Notes:

For the purposes of item 1 of this Schedule, “additives” means any substance permitted for use in food by the Colours in Food Regulations 1995, the Flavourings in Food Regulations 1992(33), the Miscellaneous Food Additives Regulations 1995 or the Sweeteners in Food Regulations 1995.

For the purposes of items 6 and 7 of this Schedule, “technological purpose” means any purpose within the meaning of “technological purposes” in point 4 of Chapter V of Annex B to Council Directive 77/99/EEC on health problems affecting intra Community trade in meat products, as amended and updated by Council Directive 92/5/EEC(34) and as further amended by Council Directive 97/76/EC(35).

SCHEDULE 4

Regulation 10(c)

SCHEDULE TO BE INSERTED INTO THE FOOD LABELLING REGULATIONS 1996

“SCHEDULE 4A

Regulation 23(2)(c)

MEAT PRODUCTS NOT REQUIRED TO BEAR AN INDICATION OF THE QUANTITY OF AN INGREDIENT OR CATEGORY OF INGREDIENTS WHEN SOLD NOT PREPACKED OR PREPACKED FOR DIRECT SALE

1. Sandwiches, filled rolls and similar products, which are ready for consumption without further processing, other than products containing meat which are sold under a name, whether or not qualified by other words, included in the items “burger”, “economy burger” or “hamburger” in Schedule 2 (reserved descriptions) to the Meat Products (Scotland) Regulations 2004.

2. Pizzas and similar topped products.

3. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.

4. A food consisting of an assemblage of two or more ingredients, which has not been subjected to any processing or treatment once it has been assembled, and which is sold to the ultimate consumer as an individual portion intended to be consumed without further processing or treatment.”

(33) S.I. 1992/1971, amended by S.I. 1994/1486 and S.I. 1996/1499.

(34) O.J. No. L 57, 2.3.92, p.1.

(35) O.J. No. L 10, 16.1.98, p.25.

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EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations, which extend to Scotland only, revoke and replace the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984 (S.I.1984/1714, as amended). The Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC (O.J. No. L 204, 21.7.98, p.37), as amended by Directive 98/48/EC (O.J. No. L 217, 5.8.98, p.18).

These Regulations—

- (a) define “meat” and “meat product” for the purposes of these Regulations and provide an exception for certain meat products (regulation 2 and Schedule 1);
- (b) specify the scope of the Regulations (regulation 3);
- (c) restrict the use of reserved descriptions to the meat products to which they relate (regulation 4 and Schedule 2);
- (d) prescribe additional labelling requirements for certain meat products (regulation 5);
- (e) subject to an exception, prohibit the sale of uncooked meat products which include as ingredients specified parts of the carcase of mammals (regulation 6);
- (f) specify a penalty and enforcement authorities (regulation 7);
- (g) include a transitional provision relating to offences under the Regulations committed before 4th August 2004 and a defence in relation to exports (regulation 8);
- (h) subject to a modification, apply specified provisions of the Food Safety Act 1990 for the purposes of the Regulations (regulation 9);
- (i) amend the Food Labelling Regulations 1996 (S.I. 1996/1499 as amended) by—
 - (i) inserting in regulation 2(1) a definition of “meat product”, and
 - (ii) inserting in regulation 23 a new paragraph 2(c) requiring that the meat content of certain meat products be quantified in the list of ingredients, and provide exceptions in a new Schedule 4A (regulation 10 and Schedule 4); and
- (j) provide an exemption from labelling requirements for prescribed additional ingredients (Schedule 3).

These Regulations differ from the previous Regulations by—

- (a) bringing the meat component of meat products into line with Commission Directive 2001/101/EC (O.J. No. L 310, 28.11.01, p.19) amending Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs; and
- (b) introducing a new provision requiring the declaration in the name of the food of the presence of any animal proteins which are different from the species of the meat ingredient used and of added water above a specified unit.

A regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.