SCHEDULE 7

Regulation 33

Consequential amendments

The Colours in Food Regulations 1995

1. In the Colours in Food Regulations 1995(**1**) in regulation 4 (health marking etc. of certain meat and meat products), for "health marking as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "health mark referred to in Article 5 of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (**2**)".

The Animal By-Products (Identification) Regulations 1995

2. The Animal By-Products (Identification) Regulations 1995(**3**) are amended as provided in paragraphs 3 to 11.

3. In regulation 2(1) (interpretation)–

(a) for the definition of "animal by-products premises" substitute–

> ""animal by-products premises" means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;";

(b) for the definition of "cold store" substitute–

> ""cold store" means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;";

(c) after the definition of "the Community Regulation", insert–

"Regulation 854/2004" has the same meaning as in Schedule 1 to the Hygiene Regulations";

(d) for the definition of "cutting premises" substitute–

> ""cutting plant" has the meaning given in regulation 5(7) of the Hygiene Regulations;";

(e) for the definition of "game processing facility" substitute–

> ""game-handling establishment" has the meaning given in regulation 5(7) of the Hygiene Regulations;";

(f) for the definition of "the Hygiene Regulations" substitute–

> ""the Hygiene Regulations" means the Food Hygiene (Scotland) Regulations 2006(**4**);";

(g) for the definition of "occupier" substitute–

> ""occupier" means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;";

(h) for the definition of "slaughterhouse" substitute–

(**1**) S.I.1995/3124, to which there are amendments not relevant to these Regulations.
(**2**) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).
(**3**) S.I. 1995/614, amended by S.I. 1995/1955, 1996/3124, 1997/2073, S.S.I. 2000/62, 2002/283, 2003/53 and 411 and 2005/470.
(**4**) S.S.I. 2006/ 3 .

""slaughterhouse" has the meaning given in regulation 5(7) of the Hygiene Regulations;"; and

(i) for the definition of "wild game" substitute–

"wild game" means–

(i) wild ungulates and lagomorphs, as well as other land mammals that are hunted for human consumption, including mammals living in enclosed territory under conditions of freedom similar to those of wild game; and

(ii) wild birds that are hunted for human consumption.

4. In regulation 3(1)(iv) (meaning of "animal by product") for "in accordance with the Hygiene Regulations" substitute "in accordance with the Hygiene Regulations and Regulation 854/2004".

5. In regulation 4(a) (scope) for "in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995" substitute "in accordance with the Hygiene Regulations and Regulation 854/2004".

6. In regulation 5(2)(c) (exemptions) for the words "cold store, cutting premises, slaughterhouse, game processing facility" substitute "cutting plant, game-handling establishment, slaughterhouse".

7. For regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) substitute–

"**Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses**

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which–

(a) is–

(i) immediately moved to accommodation in the relevant cold store, cutting plant, game- handling establishment or slaughterhouse;

(ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect; and

(iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

(b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.".

8. For regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) substitute–

"**Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse**

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2)."

9. In regulation 9 (storage and packaging of animal by-products)–

(a) for paragraph (2) substitute–

"(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect."; and

(b) in paragraph (3) for "cutting premises, game processing facility" substitute "cutting plant, game-handling establishment".

10. In regulation 10 (restriction on movement of animal by-products)–

(a) in paragraph (1)–

(i) for "cutting premises, game processing facility" substitute "cutting plant,"; and

(ii) for "game processing facility" substitute "game-handling establishment"; and

(b) in paragraph (2), for "cutting premises, game processing facility" substitute "cutting plant, game-handling establishment".

11. In regulation 12 (enforcement)–

(a) in paragraph (a), for "in relation to premises licensed under the Hygiene Regulations" substitute "in relation to any cutting plant, game-handling establishment or slaughterhouse"; and

(b) for paragraph (b) substitute–

"(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.".

The Food Labelling Regulations 1996

12. The Food Labelling Regulations 1996(**5**) are amended as provided in paragraphs 13 to 18.

13. In regulation 2 (interpretation), omit the definition of "raw milk".

14. In each of regulations 23(2)(b) (food which is not prepacked and similar food, and fancy confectionary products), 26(2) (small packages and certain indelibly marked bottles) and 27(2) (certain food sold at catering establishments), omit "and, if such milk is raw milk, the particulars required by regulation 5(e)(i)".

15. Omit regulation 31 (raw milk).

(**5**) S.I. 1996/1499 amended by S.I. 1998/2424, 141 and 1398, 1999/747, 982, 1136, 1483, 1603 and 1540, S.S.I. 2000/83 and 309, 2001/38, 2002/524, 2003/145, 291, 293, 311, 527, 569 and 578, 2004/06, 133, 269, 395 and 472 and 2005/222 and 456.

16. In regulation 37 (milk)–

(a) in paragraph (1), omit "Subject to paragraph (2) of this regulation,"; and

(b) omit paragraph (2).

17. In regulation 39 (field of vision), omit paragraph (d).

18. In Schedule 3 (generic names in list of ingredients), Part I (general), in the entry for ""Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes", in column 2 for "any products covered by the European Community definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat as last amended by Council Directive 95/23/EC" substitute–

> "the product obtained by removing the meat from flesh-bearing bones after boning or from carcases of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure".

The Products of Animal Origin (Import and Export) Regulations 1996

19. In the Products of Animal Origin (Import and Export) Regulations 1996(**6**), in regulation 1(1) (title, commencement, interpretation and extent) for the definition of "the Hygiene Regulations" substitute–

> ""the Hygiene Regulations" means the Food Hygiene (Scotland) Regulations 2006(**7**);".

The Specified Risk Material Order 1997

20. The Specified Risk Material Order 1997(**8**) is amended as provided in paragraphs 21 and 22.

21. In article 2(1) (interpretation) after the definition of "specified solid waste" insert–

> ""Regulation 853/2004" has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006;".

22. In Schedule 1 (foods and feeding stuffs requiring import certificates)–

(a) for paragraph 1 substitute–

> "**1.** Fresh meat, as defined in paragraph 1.10 of Annex I to Regulation 853/2004.";

(b) for paragraph 2 substitute–

> "**2.** Minced meat and meat preparations as defined in paragraphs 1.13 and 1.15 respectively of Annex I to Regulation 853/2004.";

(c) for paragraph 3 substitute–

> "**3.** Meat products and greaves as defined in paragraphs 7.1 and 7.6 respectively of Annex I to Regulation 853/2004.";

(d) for paragraph 8 substitute–

> "**8.** Rendered animal fat as defined in paragraph 7.5 of Annex I to Regulation 853/2004.".

(**6**) S.I. 1996/3124.
(**7**) S.S.I. 2006/3 .
(**8**) S.I. 1997/2964.

The Beef Bones (Scotland) Regulations 1999

23. The Beef Bones (Scotland) Regulations 1999(**9**) are amended as provided in paragraphs 24 and 25.

24. In regulation 2(1) (interpretation)–

(a) after the definition of "carcase", insert–

""cutting plant" has the meaning given in regulation 5(7) of the Hygiene Regulations;";

(b) after the definition of "fresh meat", insert–

""game-handling establishment" has the meaning given in regulation 5(7) of the Hygiene Regulations;

"the Hygiene Regulations" means the Food Hygiene (Scotland) Regulations 2006"; and

(c) after the definition of "occupier", insert–

""official veterinarian" means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;

"Regulation 854/2004" has the same meaning as in Schedule 1 to the Hygiene Regulations;

"slaughterhouse" has the meaning given in regulation 5(7) of the Hygiene Regulations; and".

25. In regulation 10 (enforcement)–

(a) for paragraph (1) substitute–

"(1) These Regulations shall be enforced–

(a) by the Agency in relation to any cutting plant, game-handling establishment or slaughterhouse; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated"; and

(b) in paragraph (2), for "an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "an official veterinarian".

Amendments to the Cattle Identification Regulations 1998

26. The Cattle Identification Regulations 1998(**10**) are amended as provided in paragraphs 27 to 29.

27. In regulation 2(1), for the definition of "official veterinary surgeon" substitute "official veterinarian" means a person who is registered in the register of veterinary surgeons or the supplementary veterinary register provided for under sections 2 and 8 of the Veterinary Surgeons Act 1966(**11**), who is appointed by the Agency in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006 and is qualified in accordance with Regulation No. 853/2004;".

28. In regulation 2(1) after the definition of "official veterinary surgeon" insert–

(**9**) S.S.I. 1999/186.
(**10**) S.I. 1998/871.
(**11**) 1966 c. 36.

"Regulation 853/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006(**12**);".

29. In regulation 2(1), in the definition of "licensed slaughterhouse", for "licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006".

The Bovine and Bovine Products (Trade) Regulations 1999

30. The Bovine and Bovine Products (Trade) Regulations 1999(**13**) are amended as provided in paragraphs 31 to 34.

31. In regulation 10(3) for sub-paragraph (a) substitute "(a) the establishment is a slaughterhouse as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006".

32. In regulation 10(3)(b) for "in the OVS room (as defined in regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "in the room required to be provided for the use of the official veterinarian under paragraph 9 of Chapter II of Annex III to Regulation (EC) No. 853/2004".

33. In regulation 10 after paragraph 6 insert–

"(7) In this regulation, Regulation 853/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006".

34. In regulation 11(2)(a) for "the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "the Food Hygiene (Scotland) Regulations 2006".

The TSE (Scotland) Regulations 2002

35. The TSE (Scotland) Regulations 2002(**14**) are amended as provided in paragraphs 36 to 42.

36. In regulation 3(1) (interpretation)–

(a) after the definition of "The Community Transitional Measures" insert–

"Regulation 854/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006;";

(b) for the definition of "cutting premises" substitute–

"cutting premises" means a cutting plant as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006;

(c) in paragraph (b) of the definition of "inspector", for "designated as an OVS or as a meat hygiene inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "appointed as an authorised officer in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006";

(d) for the definition of "OVS" substitute–

""official veterinarian" means a veterinarian who is registered in the register of veterinary surgeons or the supplementary veterinary register provided for under sections 2 and 8 of the Veterinary Surgeons Act 1966, is appointed by the Agency in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006 and is qualified in accordance with Regulation 854/2004 ;";

(e) for the definition of "occupier" substitute–

(**12**) S.S.I. 2006/ 3 .
(**13**) S.I. 1999/1103.
(**14**) S.S.I. 2002/255.

""occupier" means a person carrying on the business of any cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;" and

(f) for the definition of "slaughterhouse" substitute–

""slaughterhouse" has the meaning given in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006;".

37. In regulation 43(1)(c), for "the Fresh Meat (Hygiene and Inspection) Regulations 1995" substitute "in accordance with Regulation (EC) No. 854/2004".

38. In regulation 55(4)(a) (licensing of premises), for "cutting premises" substitute "cutting plants".

39. In regulations 4(3), 10A(1) and (3), 41(3)(a) and (c) and (5), 42(1) to (4), 74 and 78(3), for "OVS" in each place where it occurs substitute "official veterinarian".

40. For regulation 49 (mechanically recovered meat) substitute–

"**Mechanically separated meat**

49.—(1) No person shall contravene or fail to comply with point 3 of Part A of Annex XI to the Community TSE Regulation.

(2) No person shall use any mechanically separated meat which is derived from a bovine, ovine or caprine animal in the preparation of any food for human consumption or any feedingstuff.".

41. In regulations 81(1), 88(2) and 89(1), for "premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995" in each place where it occurs substitute "a slaughterhouse":

42. In regulation 99 (enforcement), for paragraph (1) substitute–

"(1) Part II and Part IV of these Regulations shall be enforced–

(a) in relation to a slaughterhouse, by the Agency or by the Scottish Ministers; and

(b) in relation to any other premises, by the Local Authority.".

The Condensed Milk and Dried Milk (Scotland) Regulations 2003 (2003/311)

43. In the Condensed Milk and Dried Milk (Scotland) Regulations 2003(**15**), in note 4 of Schedule 1, omit "Without prejudice to the generality of Part V of the Dairy Products (Hygiene) (Scotland) Regulations 1995".

The Animal By-Products (Scotland) Regulations 2003

44. In the Animal By-Products (Scotland) Regulations(**16**), in regulation 49, for paragraph (1) substitute "These Regulations shall be enforced by the Scottish Ministers in relation to premises defined as a cutting plant, game-handling establishment or slaughterhouse by regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006."

(**15**) S.S.I. 2003/311.
(**16**) S.S.I. 2003/411.

The Eggs (Marketing Standards) (Enforcement) Scotland Regulations 2005

45. For regulation 4(3) (enforcement authorities) of the Egg (Marketing Standards) (Enforcement) (Scotland) Regulations 2005(**17**) substitute–

> "The Scottish Ministers shall execute and enforce the specified Community provisions insofar as they do not relate to the matters referred to in paragraph (1).".

The Official Feed and Food Control (Scotland) Regulations 2005

46. The Official Feed and Food Control (Scotland) Regulations 2005(**18**) are amended as provided in paragraphs 47 to 51.

47. In regulation 2(1), for "and "Regulation 1688/2005"" substitute ", "Regulation 1688/2004", "Regulation 2073/2005", "Regulation 2074/2005" and "Regulation 2076/2005"".

48. In regulation 15, for "the staff" substitute "a member of staff".

49. In regulation 43(2)(a), for "a 7 days" substitute "a date 7 days".

50. In regulations 4(5) and (6) and 13(7), Schedule 2, paragraph (e) and Schedule 3, paragraph (c), for "the Food Hygiene (Scotland) Regulations 2005(**19**)" in each place where it occurs substitute "the Food Hygiene (Scotland) Regulations 2006".

51. For the definitions contained in Schedule 1, substitute–

> ""Directive 2004/41" means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(**20**);
>
> "Regulation 178/2002" means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as last amended by Regulation 1642/2003;
>
> "Regulation 1642/2003" means Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
>
> "Regulation 852/2004" means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**21**) as read with Regulation 2073/2005;
>
> "Regulation 853/2004" means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**22**) as amended by Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;
>
> "Regulation 882/2004" means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance

(**17**) S.S.I. 2005/332. Regulation 4(3) was substituted by S.S.I. 2005/505, regulation 33. These Regulations revoke and replace that amendment.
(**18**) S.S.I. 2005/616.
(**19**) S.S.I. 2005/505.
(**20**) O.J. No. L 157, 30.4.04, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (O.J. No. L 195, 2.6.04, p.12).
(**21**) O.J. No. L 139, 30.4.04, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.3).
(**22**) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

with feed and food law, animal health and animal welfare rules(**23**) as read with Regulation 2074/2005 and Regulation 2076/2005;

"Regulation 1688/2005" means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(**24**);

"Regulation 2073/2005" means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**25**);

"Regulation 2074/2005" means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**26**); and

"Regulation 2076/2005" means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**27**).".

(**23**) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1).
(**24**) O.J. No. L 271, 15.10.05, p.17.
(**25**) O.J. No. L 338, 22.12.05, p.1.
(**26**) O.J. No. L 338, 22.12.05, p.27.
(**27**) O.J. No. L 338, 22.12.05, p.83.