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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 69**

**The Food Hygiene (Scotland) Amendment Regulations 2010**

**Citation and commencement**

1. These Regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations 2010 and come into force on 13th April 2010.

**Amendments to the Food Hygiene (Scotland) Regulations 2006**

2.—(1) The Food Hygiene (Scotland) Regulations 2006(1) are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) for the definitions of the EU instruments appearing after the definition of “the Community Regulations” substitute—

““Decision 2006/766”, “Decision 2009/951”, “Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 2076/2005”, “Regulation 1662/2006”, “Regulation 1663/2006”, “Regulation 1664/2006”, “Regulation 1666/2006”, “Regulation 1791/2006”, “Regulation 479/2007”, “Regulation 1243/2007”, “Regulation 1244/2007”, “Regulation 1245/2007”, “Regulation 1246/2007”, “Regulation 1441/2007”, “Regulation 439/2008”, “Regulation 1250/2008”, “Regulation 146/2009”, “Regulation 219/2009”, “Regulation 596/2009”, and “Regulation 669/2009” have the meanings respectively given to them in Schedule 1;”.

(3) For regulation 17 (offences and penalties) substitute—

**“Offences and penalties**

17.—(1) Subject to paragraphs (4) to (8), any person who contravenes or fails to comply with any of the specified Community provisions is guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations is liable—

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

(3) A person guilty of an offence under regulation 15 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) Provided the requirements of Schedule 3 are complied with, a person shall be considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004 as read with paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs).

(5) Provided the requirements of Schedule 3A are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(6) Provided the requirements of Schedule 3B are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(7) Provided the requirements of Schedule 3C are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

(8) Provided the requirements of Schedule 3D are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).”.

(4) For Schedule 1 (definitions of Community legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

(5) After Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats or of raw sugar) insert the Schedules set out in Schedule 2 to these Regulations.

### **Revocation**

- 3.** The Food Hygiene (Scotland) Amendment Regulations 2007(2) are revoked.

St Andrew’s House,  
Edinburgh  
25th February 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers