

SCHEDULE 4

Regulation 6

REGULATIONS RELATING TO MEAT HYGIENE, ETC.: CONSEQUENTIAL PROVISIONS

PART I

Consequential modifications to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992

1. In regulation 1, after paragraph (2) there is added the following—

“(3) In these Regulations “the Agency” means the Food Standards Agency;”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1) and (2), 7, 8(3), 9(1)(c), 11(3)(d), (4) and (5), 12(3) and 18(1)(a) and (6).

PART II

Consequential modifications to the Meat Products (Hygiene) Regulations 1994

1. In regulation 2(1) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are the definition of “approval authority” in regulation 2(1) and regulation 22.

3. For regulation 19(2) there is substituted the following—

“(2) The Agency shall be responsible for the supervision of, and the execution and enforcement of, these Regulations in relation to combined premises and shall be responsible through authorised officers for checks under Part IV of Schedule 2 in combined premises.”.

PART III

Consequential modifications to the Fresh Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are the definition of “OVS” in regulation 2(1), and regulations 4(1), (2), (3), (4) and (6A) to (10), (11)(b)(i) and (ii), (12) and (13), 5(1), (1)(a) and (e), (2) and (3), 6(1), (3) and (4), 8(1), (2) and (3), 9(1), (2) and (4), 11(1), 12(1), (2), (3) and (5), 13(3)(b), 19(1) and (2), 20(1)(d), 21(2)(b) and (3) and paragraph 1(b) of Part I

of Schedule 6, paragraphs 13 and 14 of Part IX of Schedule 10, paragraph 2(d) of Schedule 14, paragraph 2 of Schedule 16 and paragraphs 2(3), 3 and 4 of Schedule 21.

(3) In regulation 6(1), for the words “the Minister's” there is substituted the words “the Agency's”.

3. In the definition of “veterinary officer” in regulation 2(1), for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word this relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2) and 5(1).

5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4) and (5), (12), 5(2) (a) and 9(4).

6.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word this relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(2)(a)(i) to (vi), (b) and (5), 5(1), 9(2) and 12(2).

7. In paragraph 2(1) of Schedule 21 for the words “the appropriate Minister” there is substituted the words “the Agency”.

8. For regulation 23 that is substituted—

“**23.** These Regulations shall be enforced and executed in Scotland by the Agency.”

PART IV

Consequential modifications to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;”;

(b) in the definition of “licensed”, for the words “the Minister” there is substituted the words “the Agency”;

(c) in the definition of “official veterinary surgeon” for the words “the Minister” there is substituted the words “the Agency”; and

(d) in the definition of “veterinary officer” for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4)(c), 4(2), (3) and (4), (6) to (9), 5(1), (2) and (4), 6(1), (3) and (4), 8(1), (2) and (4), 9(1) to (3), 11(1), (3), (4) and (5), 12(1), 13(1) to (3), 16(3) and (4), 17(2), 18(1)(d) and (e)(iii), (3), 20(2)(b) and (3), 21, 22 and paragraphs 5, 7(a) and 14 of Schedule 7, paragraph 8(b)(iv) of Schedule 11, paragraphs 2(1) to (3), 3 and 4 of Schedule 15 and paragraph 3 and 4(d) of Schedule 16.

3. In regulation 4(2) for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 4(4), 5(2) and 11(5).

5. In regulations 9(2) and 13(2) for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

6.—(1) For regulation 23(1) there is substituted—

“(1) Subject to paragraph (2) below, these Regulations shall be enforced and executed by the Agency in Scotland”.

(2) Regulation 23(3) is deleted.

PART V

Consequential modifications to the Animal By-Products (Identification) Regulations 1995

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—
““the Agency” means the Food Standards Agency;”.

2. In regulation 3(3) for the words “the Minister or any Secretary of State” there is substituted the words “the Agency”.

3. For regulation 12 there is substituted the following—

“(12) These Regulations shall be enforced and executed in Scotland—

(a) in relation to premises licensed under the Hygiene Regulations, by the Agency;
and

(b) in any other case, by each food authority within its area.”

4. In regulation 13 for the words “the Minister” there is substituted the words “the Agency”.

PART VI

Consequential modifications to the Wild Game Meat (Hygiene and Inspection) Regulations 1995

1. In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following definition—

““the Agency” means the Food Standards Agency;”;

(b) in the definition of “licensed” for the words “the Minister” there is substituted the words “the Agency”;

(c) in the definition of “OVS” for the words “the Minister” there is substituted the words “the Agency”; and

(d) in the definition of “veterinary officer”, for the words “the Minister of Agriculture, Fisheries and Food” there is substituted the words “the Agency”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), (3), (4), (6) and (7), 4(1), (2) and (4), 5(1), (3) and (4), 6(1), (2) and (4), 7(1), (2) and (3), 9(1), (3), (4) and (5), 10(1), 11(1), (2) and (3), 14(1) and (2), 15(1)(d) and (3), 16(2)(b) and (3), paragraph 3(b)(iv) of Schedule 7 and paragraphs 2(1) to (3), 3 and 4 of Schedule 12.

3.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), 4(1), 6(2) and 9(3).

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “his”, where that word relates to “the Minister”, there is substituted the word “its”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(4), 4(2), 7(3) and 9(5).

5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2), 4(1), 7(2), 9(4) and 11(2).

6. For regulation 18 that is substituted—

“18. These Regulations shall be enforced and executed by the Agency in Scotland.”

PART VII

Consequential modifications to the Minced Meat and Meat Preparation (Hygiene) Regulations 1995

1. In regulation 2(1)—

(a) after the definition of “the Act” there is inserted the following—

““the Agency” means the Food Standards Agency;” and

(b) in the definition of “approval authority” for the words “the Minister” there is substituted the words “the Agency”.

2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 10 and 12(1), (2) and (3).

PART VIII

Consequential modifications to the Fresh Meat (Beef Controls) (No. 2) Regulations 1996

1. In regulation 2(1), the following definition is inserted in the appropriate alphabetical position—

““the Agency” means the Food Standards Agency;”.

2. In regulation 4(1) and (2), for the words “the Minister” there is substituted the words “the Agency”.

3. In regulation 5(2), after the words “the Minister” there is inserted the words “the Agency”.
4. For regulation 7 there is substituted—
 - “7. In premises in Scotland licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 these Regulations shall be enforced and executed by the Agency and, in any other premises in Scotland, shall be enforced and executed by the food authority in whose area those premises are situated.”
5. In Part II of Schedule 1—
 - (a) in paragraph 1, for the words “the Minister” there is substituted the words “the Agency”; and
 - (b) in paragraph 5, for the words “the Minister” there is substituted the words “the Agency”.

PART IX

Consequential modifications to the Beef Bones (Scotland) Regulations 1999

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—

““the Agency” means the Food Standards Agency;”.
2. In regulation 10(1) for the words “the Scottish Ministers” there is substituted the words “the Agency”.

PART X

Consequential modifications to the Specified Risk Material Regulations 1997

1. In regulation 2(1), after the definition of “the Act” there is added the following definition—

““the Agency” means the Food Standards Agency;”.
- 2.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
(2) The provisions referred to in sub-paragraph (1) above are the definition of “listed premises” in regulation 2(1) and regulations 9(1) to (5), 15(7) and (8), 16(4), 16A(4) and 18(5).
3. In regulation 6—
 - (a) for paragraph (1) there is substituted the following—
 - “(1) The Scottish Ministers may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if they are satisfied that the premises—
 - (a) are properly equipped to carry out the functions to which the approval relates; and
 - (b) comply with the requirements of that Part of these Regulations.
 - (1A) The Agency may, on application, authorise or register any premises for the purposes of Parts II (restrictions on use of specified risk material and vertebral column of ruminant animals), IV (prohibitions on the removal of certain specified risk materials for ruminant animals) or V (particular requirements in relation to sheep and goats) of these Regulations if it is satisfied that the premises—

- (a) are properly equipped to carry out the functions to which the authorisation or registration relates; and
 - (b) comply with the requirements of that Part of these Regulations to which authorisation or registration relates.”; and
- (b) in paragraph (3) for the words “the Minister” there is substituted the words “the Scottish Ministers or, as the case may be, the Agency”.
- 4.—(1) Where in any of the provisions specified in sub paragraph (2) below the words “him”, “his” or “he”, where these words relate to “the Minister”, occurs there is substituted the words “the Agency”, “its” or “the Agency” respectively.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 9(4) and (5), 15(7) and 26(1).
5. For regulation 31(1) there is substituted—
- “(1) These Regulations shall be enforced in Scotland—
 - (a) in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 by the Agency; and
 - (b) in relation to any other premises by the food authority in whose area the premises are situated.”.

PART XI

Consequential modifications to the Meat (Hygiene and Inspection) (Charges) Regulations 1998

1. In regulation 2(1)—
- (a) in the definitions of “accounting period” and “agreed PIA costs” for the words “the Minister” there is substituted the words “the Agency”; and
 - (b) after the definition of “accounting period” there is inserted the following definition—
- ““the Agency” means the Food Standards Agency;”.
- 2.—(1) For regulation 3(4) there is substituted—
- “(4) Any charge notified to an occupier under paragraph (1), (2) or (3) above shall be payable by him to the Scottish Ministers and shall be recoverable on demand by the Scottish Ministers, or by the Agency acting on their behalf, as a debt from the occupier concerned.”.
- (2) For regulation 3(10) there is substituted—
- “(10) Where, under paragraph (3)(b) or (5) above a sum is to be credited to an occupier, the Scottish Ministers, or the Agency acting on their behalf, may if they so determine pay such sum to the occupier concerned instead of crediting it to him.”.
- 3.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.
- (2) The provisions referred to in sub-paragraph (1) above are regulations 3(1), (2), (3) and (5), 4(1) and paragraphs 4(a)(ii), (b) and (b)(ii), 13, 14(b), 16 and 17(1)(a) of the Schedule.
- 4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (3) and 4(1)(b) and paragraph 13 of the Schedule.

5.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “he”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(2) and (3).

PART XII

Consequential modifications to the Specified Risk Material (Inspection Charges) Regulations 1999

1. In regulation 2(1)–

(a) the following definition shall be inserted in the appropriate alphabetical position–

““the Agency” means the Food Standards Agency;” and

(b) in the definitions of “SRM charge” and “SRM inspector” for the words “the Minister” there is substituted the words “the Agency”.

2. For regulation 3(2) there is substituted–

“(2) As soon as the SRM charge has been notified to an occupier in accordance with paragraph (1) above, both the occupier and the owner of the establishment in respect of which the charge arose shall be jointly and severally liable for the amount of that charge to the Scottish Ministers and that charge shall be recoverable by the Scottish Ministers, or by the Agency acting on their behalf, as a debt.”

3.—(1) In each of the provisions specified in sub-paragraph (2) below for the words “the Minister”, wherever they occur in those provisions, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulations 3(1) and (3) and 4(1) and paragraphs 2, 3(b) and 5 of the Schedule.

4.—(1) In each of the provisions specified in sub-paragraph (2) below for the word “him”, where that word relates to “the Minister”, there is substituted the words “the Agency”.

(2) The provisions referred to in sub-paragraph (1) above are regulation 4(1)(b) and paragraph 2 of the Schedule.