

2002 No. 87

FOOD

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat
(Hygiene and Inspection) Amendment (Scotland) Regulations
2002

<i>Made</i>	<i>5th March 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>6th March 2002</i>
<i>Coming into force</i>	<i>1st April 2002, except for regulation 2(2), (3), (4), (5) and (6), which come into force on 1st December 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(b), (c), (d), (e), (f) and (3), 17(1), 19(1)(b), 26 and 48(1) of, and paragraphs 5(1)(a) and (2)(a) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990(a), having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act, and by section 2(2) of the European Communities Act 1972(c), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2002.

(2) These Regulations shall come into force on 1st April 2002, except for regulation 2(2), (3), (4), (5) and (6), which shall come into force on 1st December 2002.

(3) These Regulations shall extend to Scotland only.

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

2.—(1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(d) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions:—

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- (a) 1990 c.16; sections 16(1), 19(1) and 48(1) were amended by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by Schedule 6 of the 1999 Act; 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) 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 Scotland Act 1998.
- (b) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.
- (c) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- (d) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205, 1997/1729, S.S.I. 2000/62, 171 and 288.

““farmer” means any person who is an agricultural producer and manages a holding;” and
““holding” means an agricultural production unit situated in the United Kingdom managed by a farmer;”.

- (3) In regulation 3(1) (exemptions and saving for existing licences)–
- (a) sub-paragraph (b) shall be replaced with the following sub-paragraphs:–
- “(b) subject to paragraphs (2), (3) and (4) below, to a farmer, with an annual production on the aggregate of all of that farmer’s holdings of less than 10,000 birds or 10,000 rabbits, who sells small quantities of fresh poultry meat, small quantities of fresh farmed game bird meat or small quantities of fresh rabbit meat derived from those birds or rabbits produced on the holding–
- (i) direct to the final consumer at the holding where the birds or the rabbits were produced;
- (ii) direct to the final consumer at the local market nearest to the holding where the birds or the rabbits were produced; or
- (iii) direct to retailers for sale direct to the final consumer, provided the retailers make such sales in the same locality as, or in a neighbouring locality to, the holding where the birds or the rabbits were produced;
- (bA) to a producer, with an annual production of less than 10,000 rabbits, who sells fresh rabbit meat derived from such rabbits produced at premises under the control of the producer direct to a person who buys the meat for that person’s own consumption;” and
- (b) in sub-paragraph (g), “(bA),” shall be inserted before “(c)”.
- (4) For regulation 3(2) there shall be substituted–
- “(2) The exemptions in paragraph (1)(b) and (bA) above shall not apply in relation to any itinerant sale or sale by mail order or, as regards a sale by a retailer, any sale by the retailer at a market.”.
- (5) In regulation 3(3), for “slaughterhouse” there shall be substituted “holding”.
- (6) In regulation 3(4), for “occupier of any such slaughterhouse” there shall be substituted “farmer”.
- (7) In regulation 13 (notice of operation of licensed premises)–
- (a) in paragraph (1, for “paragraph (3)” there shall be substituted “paragraphs (3) and (4)”; and
- (b) after paragraph (3) there shall be inserted–
- “(4) No person shall operate any licensed low throughput slaughterhouse unless the person has notified the Agency of the number and origin of the birds or rabbits to be slaughtered there.”.
- (8) In each of paragraphs (1) and (2) of regulation 15 (transport documentation), “Subject to paragraph (3) below,” shall be omitted.
- (9) Regulation 15(3) shall be omitted.
- (10) In regulation 18(1)(a)(i)(a) (duties of occupier), “and origin” shall be inserted after “species”.
- (11) For Schedule 5 (construction, layout and equipment of low throughput slaughterhouses and low throughput cutting premises), Part I, paragraph 5 there shall be substituted–
- “5. Refrigeration equipment which–
- (a) is adequate to keep the internal temperature of meat at the levels required by Schedule 12; and
- (b) has a drainage system linked to the waste water pipes which minimises the risk of contamination of meat.”.
- (12) In Schedule 8 (hygiene requirements for slaughter and the handling of fresh meat), paragraph 11(j), for “producer” there shall be substituted “occupier”.
- (13) For Schedule 14 (transport), paragraph 1(a) there shall be substituted–

(a) Regulation 18(1)(a)(i) was inserted by S.S.I. 2000/171.

“(a) fresh meat shall be transported–

- (i) from a licenced slaughterhouse or licensed cutting premises, other than any low throughput slaughterhouse or low throughput cutting premises, by a means of transport fitted with a hermetic closing system or, in the case of fresh meat imported from or intended to be transported through a third country, in a sealed means of transport, which in each case is designed and equipped in such a way that the temperatures specified in Schedule 12 are maintained throughout transportation; and
- (ii) from a slaughterhouse licensed as a low throughput slaughterhouse, or cutting premises licensed as low throughput cutting premises, by means of transport designed and equipped in such a way that the temperatures specified in Schedule 12 are maintained throughout transportation;”.

Consequential amendment

3. In Schedule 2 (regulations relevant to intra-Community trade), paragraph 7 of the Products of Animal Origin (Import and Export) Regulations 1996(a) for “The Meat (Disease Control) (Scotland) Regulations 2000”, there shall be substituted–

“S.S.I. 2000/288;

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2002;”.

MARY MULLIGAN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
5th March 2002

(a) S.I. 1996/3124, amended by S.I. 1997/3023, 1998/994, 1999/683 and S.S.I. 2000/62, 171 and 288, 2001/169 and 257.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (“the principal Regulations”). These Regulations extend to Scotland only. The amendments have effect to—

- (a) exempt from the principal Regulations certain local sales of small quantities of poultry meat or rabbit meat by farmers with an annual production of less than 10,000 birds or 10,000 rabbits (regulation 2(2) to (6)); the definition of ‘holding’ in regulation 2(2) is made under section 2(2) of the European Communities Act 1972;
- (b) prohibit a person from operating a licensed low throughput slaughterhouse unless that person has notified the Food Standards Agency of the number and origin of the birds and rabbits to be slaughtered there (regulation 2(7));
- (c) revoke regulation 15(3) (exemption from requirement in respect of transport documentation) and make consequential amendments to regulation 15(1) and (2) (regulation 2(8) and (9));
- (d) amend regulation 18(1)(a)(i) (duty of occupier to keep records) to require the occupier of licensed premises to record the origin of meat entering the premises (regulation 2(10));
- (e) amend the requirements in Schedule 5, Part I, paragraph 5 in relation to refrigeration equipment in low throughput slaughterhouses and low throughput cutting premises (regulation 2(11));
- (f) correct an error in Schedule 8, paragraph 11 (regulation 2(12)); and
- (g) amend the requirements in Schedule 14, paragraph 1(a) in relation to the transport of fresh meat of birds from low throughput slaughterhouses and low throughput cutting premises (regulation 2(13)).

The amendments made by these Regulations come into force on 1st April 2002 except for those made by regulation 2(2), (3), (4), (5) and (6), which come into force on 1st December 2002.

These Regulations implement further the provisions of—

- (a) Council Directive 91/495/EEC concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (O.J. No. L 268, 24.9.91, p.41); and
- (b) Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultry meat, a consolidated text of which is annexed to Council Directive 92/116/EEC (O.J. No. L 62, 15.3.93, p.1).

Regulation 3 (made under section 2(2) of the European Communities Act 1972) makes a consequential amendment to the Products of Animal Origin (Import and Export) Regulations 1996.

A Regulatory Impact Assessment for these Regulations, which includes a compliance cost assessment of the effects which these Regulations would have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Meat Hygiene Division of the Food Standards Agency, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

£1.75

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