



FOOD
STANDARDS
AGENCY

SCOTLAND

Buidheann
Inbhe-Bidhe
an Alba

EXECUTIVE NOTE

The Food Safety (General Food Hygiene) Amendment (Scotland) Regulations 2005 SSI/2005/435

1. The above instrument was made under the powers in sections 16(1)(d) and (f) and (3), 19(1)(b), 26(2)(a) and (d) and 48(1) of the Food Safety Act 1990. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The Food Safety (General Food Hygiene) Amendment (Scotland) Regulations 2005 will extend the duration of current butchers' shop licences until 31 December 2005. This transitional measure will enable the current licensing arrangements to be brought to an end with the minimum of bureaucracy and effort, while maintaining public health protection until the new EU food hygiene legislation takes effect on 1 January 2006.

Background

3. Butcher shop licensing was introduced in Scotland in May 2000 following a recommendation of the Pennington Group, which examined the fatal outbreak of *E.coli* O157 food poisoning in Central Scotland in 1996. The Pennington Group recommended licensing of butcher shops as a temporary measure, pending the introduction of a HACCP¹ requirement for all food businesses through EU legislation.
4. New EU hygiene regulations taking effect from 1 January 2006 introduce requirements substantially equivalent to the current butchers licensing requirements. In consequence, the FSA Board decided at its open meeting on 10 March 2005 that national butchers' licensing legislation should not be remade when the new EU hygiene rules take effect. This decision was informed by stakeholder consultation, which included a response from the Scottish Food Advisory Committee (SFAC) – of which Professor Hugh Pennington was then a member – in support of this option.
5. After considering a range of options, the Agency is proposing to amend The Food Safety (General Food Hygiene) Regulations 1995 in a way that would extend the duration of existing licences until licensing ceases on 1 January 2006. As a result, there would be no need for a licensing round this year, which would save businesses and local authorities time and money. Butchers would not have

¹ Hazard Analysis and Critical Control Point - a structured approach to managing food safety that involves the identification and control of hazards in food operations.

to pay the £100 licence fee. Public health would remain protected as now because butchers would remain subject to the licensing conditions during the transitional period.

6. However, butchers whose licences are due for renewal before 30 September 2005, and butchers who come within the scope of licensing for the first time after that date, but before 1 January 2006, must apply for a licence and pay the full licence fee as normal.

Consultation

7. The Agency held discussions with key stakeholders in Scotland in May this year to consider options for bringing butchers' licensing to an end in a sensible manner. A public consultation document was issued on 23 May outlining our proposals and seeking comments on draft legislation to achieve this. The consultation ended on 15 August 2005.
8. The Agency invited views on three options, indicating its preference for option three to amend the licensing legislation to extend the duration of existing licences until 31 December 2005. This option offers the best balance between protecting public health and responding positively to the concerns expressed about bureaucracy and costs associated with bringing the licensing arrangements to an end. All 12 consultation responses received in Scotland supported the Agency's view. Those in support include the Scottish Federation of Meat Traders Association, which is the main trade body for retail butchers in Scotland, Quality Meat Scotland, the Scottish Association of Meat Wholesalers, and the Scottish Consumer Council. The Agency has published the summary of consultation responses on its web site.

Other Administrations

9. There is separate butchers' licensing legislation in England, Wales and Northern Ireland. Following support in their public consultation exercises for the Agency's preferred option, colleagues in England and Northern Ireland are planning to introduce similar measures in those parts of the UK, which they will act separately to deliver. The Welsh Assembly Government's legislative procedures may not allow amending legislation to come into force within a time scale that will be of practical benefit to the majority of butcher shops in Wales.

Food Standards Agency Scotland
7 September 2005