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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 69**

**FOOD**

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

*Made* - - - - 25th February 2010  
*Laid before the Scottish  
Parliament* - - - - 26th February 2010  
*Coming into force* - - 13th April 2010

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and all other powers enabling them to do so. There has been consultation as required by Article 9 of 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<sup>(2)</sup>.

**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<sup>(3)</sup> 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”,

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- (1) 1972 c.68 (“the 1972 Act”) as amended by the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008 (c.7). Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not so transferred and insofar as relating to food (including drink) including the primary production of food, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (2) O.J. No. L 31, 1.2.02, p.1 as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.2003, p.4), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.2006, p.3), Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.2008, p.17) and Regulation (EC) No. 596/2009 of the European Parliament and of the Council (O.J. No. L 188, 18.7.2009, p.14).
- (3) S.S.I. 2006/3 as amended by S.S.I. 2007/11.

“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(4) are revoked.

St Andrew’s House, Edinburgh  
25th February 2010

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Regulation 2(4)

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE  
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006

## “SCHEDULE 1

## DEFINITIONS OF EU LEGISLATION

“Decision 2006/766” means Commission Decision [2006/766/EC](#) establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted<sup>(5)</sup> as last amended by Decision 2009/951;

“Decision 2009/951” means Commission Decision 2009/951/EU amending Annexes I and II to Decision [2006/766/EC](#) establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted<sup>(6)</sup>;

“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](#)<sup>(7)</sup>;

“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<sup>(8)</sup> as last amended by Regulation 596/2009;

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs<sup>(9)</sup> as amended by Regulation 219/2009 and 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<sup>(10)</sup> as amended by Regulation 2074/2005, Regulation 2076/2005, Regulation 1662/2006, Regulation 1791/2006, Regulation 1243/2007 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(11)</sup> as amended by Regulation 882/2004, Regulation 2074/2005, Regulation 2076/2005, Regulation 1663/2006, Regulation 1791/2006 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005, Regulation 2076/2005 and Decision 2006/766;

“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 with feed and

(5) O.J. No. L320, 18.11.2006, p.53.

(6) O.J. No. L328, 15.12.2009, p.70.

(7) O.J. No. L 157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (O.J. No. L 195, 2.6.2004, p.12).

(8) O.J. No. L 31, 1.2.2002, p.1.

(9) O.J. No. L 139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p.3) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26).

(10) O.J. No. L 139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.2004, p.22) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.26).

(11) O.J. No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (O.J. No. L204, 4.8.2007, p.26).

food law, animal health and animal welfare rules(12) as last amended by Regulation 596/2009 and as read with Regulation 2074/2005, Regulation 2076/2005 and Regulation 669/2009;
“Regulation 1688/2005” means <a href="#">Commission Regulation (EC) No. 1688/2005</a> 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(13);
“Regulation 2073/2005” means <a href="#">Commission Regulation (EC) No. 2073/2005</a> on microbiological criteria for foodstuffs(14) as amended by Regulation 1441/2007;
“Regulation 2074/2005” means <a href="#">Commission Regulation (EC) No. 2074/2005</a> 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(15) as amended by Regulation 1664/2006, Regulation 1244/2007 and Regulation 1250/2008;
“Regulation 2075/2005” means <a href="#">Commission Regulation (EC) No. 2075/2005</a> laying down specific rules on official controls for <i>Trichinella</i> in meat(16) as last amended by Regulation 1245/2007;
“Regulation 2076/2005” means <a href="#">Commission Regulation (EC) No. 2076/2005</a> 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(17) as amended by Regulation 1666/2006, Regulation 479/2007, Regulation 1246/2007, Regulation 439/2008 and Regulation 146/2009;
“Regulation 1662/2006” means <a href="#">Commission Regulation (EC) No. 1662/2006</a> amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(18);
“Regulation 1663/2006” means <a href="#">Commission Regulation (EC) No. 1663/2006</a> amending Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(19);
“Regulation 1664/2006” means <a href="#">Commission Regulation (EC) No. 1664/2006</a> amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(20);
“Regulation 1666/2006” means <a href="#">Commission Regulation (EC) No. 1666/2006</a> amending 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(21);

(12) O.J. No. L 165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.2004, p.1) which should be read with a further Corrigendum (O.J. No. L 204, 4.8.2007, p.29).

(13) O.J. No. L 271, 15.10.2005, p.17.

(14) O.J. No. L 338, 22.12.2005, p.1, as read with the corrigenda at O.J. No. L 278, 10.10.2006, p.32 and O.J. No. L 283, 14.10.2006, p.62.

(15) O.J. No. L 338, 22.12.2005, p.27.

(16) O.J. No. L 338, 22.12.2005, p.60.

(17) O.J. No. L 338, 22.12.2005, p.83.

(18) O.J. No. L 320, 18.11.2006, p.1.

(19) O.J. No. L 320, 18.11.2006, p.11.

(20) O.J. No. L 320, 18.11.2006, p.13.

(21) O.J. No. L 320, 18.11.2006, p.47.

*Status: This is the original version (as it was originally made). Scottish Statutory Instruments are not carried in their revised form on this site.*

<p>“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(22);</p>
<p>“Regulation 479/2007” means Commission Regulation (EC) No. 479/2007 amending 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(23);</p>
<p>“Regulation 1243/2007” means Commission Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin(24);</p>
<p>“Regulation 1244/2007” means Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat(25);</p>
<p>“Regulation 1245/2007” means Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005, as regards the use of liquid pepsin for the detection of <i>Trichinella</i> in meat(26);</p>
<p>“Regulation 1246/2007” means Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption(27);</p>
<p>“Regulation 1441/2007” means Commission Regulation (EC) No. 1441/2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(28);</p>
<p>“Regulation 439/2008” means Commission Regulation (EC) No. 439/2008 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Fiji(29).</p>
<p>“Regulation 1250/2008” means Commission Regulation (EC) No. 1250/2008 amending Regulation (EC) No. 2074/2005 as regards certification requirements for import of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption(30);</p>
<p>“Regulation 146/2009” means Commission Regulation (EC) No. 146/2009 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Cameroon(31);</p>
<p>“Regulation 219/2009” means Regulation (EC) No. 219/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Two(32);</p>

(22) O.J. No. L 363, 20.12.2006, p.1.

(23) O.J. No. L 111, 28.4.2007, 46.

(24) O.J. No. L 281, 25.10.2007, p.8.

(25) O.J. No. L 281, 25.10.2007, p.12.

(26) O.J. No. L 281, 25.10.2007, p.19.

(27) O.J. No. L 281, 25.10.2007, p.21.

(28) O.J. No. L 322, 7.12.2007, p.12.

(29) O.J. No. L 132, 22.5.2008, p.16.

(30) O.J. No. L 337, 16.12.2008, p.31.

(31) O.J. No. L 50, 21.2.2009, p.3.

(32) O.J. No. L 87, 31.3.2009, p.109.

“Regulation 596/2009” means Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four(33); and

“Regulation 669/2009” means Commission Regulation (EC) No. 669/2009 implementing Commission Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC(34).”

## SCHEDULE 2

Regulation 2(5)

### SCHEDULES INSERTED AFTER SCHEDULE 3 TO THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006

## “SCHEDULE 3A

Regulation 17(5)

### REQUIREMENTS REFERRED TO IN REGULATION 17(5)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(35);
- (b) the condition of meat derived from domestic ungulates slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
- (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse;
- (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked ‘detained meat’ and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
  - (i) name and address of slaughterhouse of origin;
  - (ii) name and address of alternative detention facility;
  - (iii) number of carcasses or cuts; and
  - (iv) species of animal; and
- (e) no processing for human consumption of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III to the Community TSE Regulation, require BSE testing at slaughter or of swine (domestic and farmed game), solipeds and other species susceptible to Trichinosis that, under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require examination for Trichinosis takes place at the slaughterhouse.

For the purposes of this Schedule the “Community TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform

(33) O.J. No. L 188, 18.7.2009, p.14.

(34) O.J. No. L 194, 25.7.2009, p.11.

(35) S.I. 1995/539, revoked as regards Scotland by S.S.I. 2005/505.

encephalopathies<sup>(36)</sup> as last amended by Regulation (EC) No. 220/2009 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as regards the implementing powers conferred on the Commission<sup>(37)</sup> and as read with—

- (i) Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1st August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC<sup>(38)</sup>;
- (ii) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk<sup>(39)</sup>; and
- (iii) Commission Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes<sup>(40)</sup> as amended by Commission Decision 2010/66/EU amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes<sup>(41)</sup>.

### SCHEDULE 3B

Regulation 17(6)

#### REQUIREMENTS REFERRED TO IN REGULATION 17(6)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995<sup>(42)</sup>;
- (b) the condition of meat derived from poultry or lagomorphs slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
- (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse; and
- (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked ‘detained meat’ and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
  - (i) name and address of slaughterhouse of origin;
  - (ii) name and address of alternative detention facility;
  - (iii) number of carcasses or cuts; and
  - (iv) species of animal.

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<sup>(36)</sup> O.J. No. L147, 31.5.2001, p.1.

<sup>(37)</sup> O.J. No. L87, 31.3.2009, p.155.

<sup>(38)</sup> O.J. No. L155, 15.6.2007, p.74.

<sup>(39)</sup> O.J. No. L172, 30.6.2007, p.84.

<sup>(40)</sup> O.J. No. L256, 29.9.2009, p.35.

<sup>(41)</sup> O.J. No. L35, 6.2.2010, p.21.

<sup>(42)</sup> S.I. 1995/540, revoked by S.S.I. 2005/505.

### SCHEDULE 3C

Regulation 17(7)

#### REQUIREMENTS REFERRED TO IN REGULATION 17(7)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the slaughterhouse only accepts domestic ungulates that have been transported direct from the holding of origin or from a market;
- (c) the food business operator responsible for transporting the domestic ungulates undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (d) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (c) for one year; and
- (e) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

### SCHEDULE 3D

Regulation 17(8)

#### REQUIREMENTS REFERRED TO IN REGULATION 17(8)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the holding of origin of the poultry or lagomorphs transports them from that holding direct to the slaughterhouse and undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (c) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (b) for one year; and
- (d) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.”

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Food Hygiene (Scotland) Regulations 2006 (“the 2006 Regulations”) by updating the definitions of certain EU instruments that are referred to in those Regulations and by providing that when certain requirements are complied with a person shall be

considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin.

These Regulations amend the 2006 Regulations to update the definitions of certain EU instruments by—

- (a) substituting definitions of certain EU instruments for the definitions of the EU instruments that currently appear after the definition of “the Community Regulations” in paragraph (1) of regulation 2 (interpretation) (*regulation 2(2)*); and
- (b) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (*regulation 2(4)*).

These Regulations also amend the 2006 Regulations to provide that when certain requirements are complied with a person shall be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 by substituting a revised regulation 17 (offences and penalties) and inserting new Schedules (*regulation 2(3) and (5)*).

The specified provisions of EU legislation and the related requirements that must be complied with if a person is to be considered not to have contravened or failed to comply with them are set out in the following paragraphs together with the relevant provision of revised regulation 17—

- (a) Article 3(1) or 4(1)(a) of Regulation (EC) No. 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) and the related requirements are set out in new Schedule 3A (new regulation 17 (5));
- (b) Article 3(1) or 4(1)(a) of Regulation (EC) No. 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) and the related requirements are set out in new Schedule 3B (new regulation 17(6));
- (c) Article 3(1) or 4(1)(a) of Regulation (EC) No. 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) and the related requirements are set out in new Schedule 3C (new regulation 17(7));
- (d) Article 3(1) or 4(1)(a) of Regulation (EC) No. 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) and the related requirements are set out in new Schedule 3D (new regulation 17(8)).

These Regulations also revoke the Food Hygiene (Scotland) Amendment Regulations 2007 (regulation 3).

These Regulations contain certain provisions which constitute a “technical regulation” within the meaning of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations. The provisions were notified in draft to the European Commission in accordance with that Directive.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.