
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 84

**The Country of Origin of Certain
Meats (Scotland) Regulations 2016**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Country of Origin of Certain Meats (Scotland) Regulations 2016 and come into force on 14th March 2016.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised officer” means a person authorised by an enforcement authority (within the meaning of the Act) for the purposes of these Regulations;

“batch” has the meaning given in Article 2(2)(b);

“batch code” means any existing mark on a label or packaging, such as a date mark or lot number, which a food business operator can demonstrate, when cross referenced with other information, allows them to identify the origins of the meat;

“Commission Regulation” means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

“food authority” means a council constituted under section 2 of the Local Government (Scotland) Act 1994⁽¹⁾;

“food business operator” has the meaning given in point 3 of Article 3 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;

“mass caterer” has the meaning given in Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁽²⁾; and

“trimmings” has the meaning given in Article 2(2)(a).

(2) Except as otherwise provided, any reference in these Regulations to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference in these Regulations to the Commission Regulation is a reference to that Regulation as amended from time to time.

(1) 1994 c.39. Section 2 was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 232(1).

(2) OJ L 304, 22.11.2011, p.18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ L 27, 30.1.2014, p.7).

Competent authority

3. Each food authority in its area is the competent authority for the purposes of—
- (a) the third sub-paragraph of Article 5(1) (labelling of meat where specified rearing period not attained in any member State or third country); and
 - (b) Article 5(2) (labelling of meat where “origin” indicated on the label).

Enforcement authorities

4. These Regulations are enforced by—
- (a) Food Standards Scotland, for the purposes of ascertaining whether there is or has been any contravention of these Regulations in slaughterhouses and cutting plants; and
 - (b) local authorities, for the purposes of ascertaining whether there is or has been any contravention of these Regulations in retail establishments within the meaning of Regulation (EC) 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽³⁾ other than wholesalers which are also cutting plants.

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Offences and Penalties

6.—(1) A person who contravenes or fails to comply with the provisions of Articles 3 to 6 and 8 commits an offence.

(2) A person who contravenes or fails to comply with the provisions of regulation 5 commits an offence.

(3) A person who commits an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

7.—(1) Section 32 of the Act (powers of entry)⁽⁴⁾ applies, with the modifications specified in Part 1 of the Schedule, for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of regulation 5 or Articles 3 to 6 and 8;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(2) The provisions of the Act specified in the first column of the table in Part 2 of the Schedule apply with the modifications specified in the second column of that table for the purposes of these Regulations.

(3) OJ L 139, 30.4.2004, p 55, last amended by [Commission Regulation \(EU\) No 1137/2014](#) (OJ L 307, 28.10.2014, p.28).

(4) Section 32(5) and (6) were amended by the Criminal Justice and Police Act 2001 (c.16), Schedule 2, paragraph 18.

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