
STATUTORY INSTRUMENTS

1991 No. 1593

FOOD

The Hormonal Substances (Food Sources) (Animals) Regulations 1991

<i>Made</i>	- - - -	<i>5th July 1991</i>
<i>Laid before Parliament</i>		<i>18th July 1991</i>
<i>Coming into force</i>	- -	<i>8th August 1991</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 6(4), 16(1)(a) and (f), 26(3), 45(1) and (2) and 48(1) of, and paragraphs 3(1)(b) and 7 of Schedule 1 to, the Food Safety Act 1990(1) and of all other powers enabling them in that behalf, after consultation in accordance with section 48 of that Act with such organisations as appear to them to be representative of interests likely to be affected by the Regulations, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Hormonal Substances (Food Sources) (Animals) Regulations 1991 and shall come into force on 8th August 1991.

Interpretation

2. In these Regulations, except where the context requires otherwise—

“animals” means the following food sources namely domestic animals of the bovine species, swine, sheep, goats, solipeds and poultry, and wild animals of those species and wild ruminants which have been raised on a holding;

“authorised officer” means any person (whether or not an officer of the enforcement authority) who is authorised by the enforcement authority in writing, either generally or specially, to act in matters arising under these Regulations;

“commercial operation” means, in relation to an animal, deriving food from it for the purpose of sale or for purposes connected with sale;

“enforcement authority”, subject to regulation 6(4) below, means the Ministers;

“holding” has the same meaning as it has for the purposes of the Medicines (Stilbenes and Thyrostatic Substances Regulations 1982⁽²⁾ and the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988⁽³⁾;

“hormonal substance” means any substances within either of the following categories–

- (a) stilbenes and thyrostatic substances;
- (b) substances with oestrogenic, androgenic or gestagenic action;

“the Ministers” means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland;

“prohibited substance”, in relation to an animal, means any hormonal substance administered to that animal contrary to the prohibition in regulation 3 below;

“stilbenes” has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982;

“thyrostatic substances” has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982.

Prohibitions on administration to animals of hormonal substances

3. –

(1) The administration to animals of hormonal substances is hereby prohibited as hereinafter provided.

(2) For the purposes of this regulation the provisions of–

- (a) regulation 3 of the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982 including paragraph (2) thereof, and
- (b) regulation 3 of the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988 including paragraph (2) thereof,

shall have effect and shall be construed as if they were set out in this regulation.

Inspection of animals

4. An authorised officer may, by notice in writing given to the person in charge of an animal, require him to detain the animal at the place where it then is until the animal has been inspected by an authorised officer for the purpose of ascertaining whether any prohibited substance is present in it.

Prohibition of movement of animals in which prohibited substances are suspected of being present

5. Where it appears to an authorised officer, on such an inspection as is referred to in regulation 4 above, that any prohibited substance is present in an animal he may give notice in writing to the person in charge of the animal that, until the notice is withdrawn by a further notice in writing–

- (a) no commercial operations are to be carried out with respect to the animal; and
- (b) the animal is not to be moved from the place where it then is or is not to be so moved except to a place specified in the notice.

(2) S.I.1982/626.
(3) S.I. 1988/705.

Notice requiring slaughter of a suspected animal

6. –

(1) Where, on further investigation, it appears to an authorised officer that a prohibited substance is present in an animal which is the subject of a notice given under regulation 5 above, the authorised officer may give notice in writing to the person in charge of the animal requiring him to slaughter the animal, or to cause the animal to be slaughtered, in such a manner and within such a period as may be specified in the notice.

(2) If any person on whom a notice has been served under paragraph (1) above fails to comply with the requirements of the notice relating to the slaughter of an animal, an authorised officer may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out such requirements.

(3) Where an authorised officer has exercised the powers conferred on him under paragraph (2) above the enforcement authority may make a charge of an amount equal to the amount of expenses reasonably incurred by the authorised officer in doing so, which charge shall be payable by the person in default and shall be recoverable by the enforcement authority as a civil debt.

(4) For the purposes of recovery of any amount payable under this regulation “enforcement authority” means–

- (a) where the slaughter takes place in England, the Minister of Agriculture, Fisheries and Food,
- (b) where the slaughter takes place in Wales, the Secretary of State for Wales, and
- (c) where the slaughter takes place in Scotland, the Secretary of State for Scotland.

Prohibition on disposal of slaughtered animals

7. Where an animal has been slaughtered under regulation 6 above, no person shall–

- (a) sell the carcase of that animal, or any part of such carcase, for human consumption; or
- (b) dispose of the carcase of that animal, or any part of such carcase, for human or animal consumption.

Offences and penalties

8. If any person contravenes, or fails to comply with, any provision of a notice given to him under these Regulations, or contravenes regulation 7 above, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

Defence available to person charged with an offence

9. –

(1) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) above involves the allegation that the commission of the offence was due to the act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless–

- (a) at least seven clear days before the hearing; and

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(b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first appearance, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(3) In paragraph (2) above any reference to appearing before a court shall be construed as including a reference to being brought before a court.

Enforcement

10. These Regulations shall be executed and enforced by the enforcement authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th July 1991.

L.S.

Signed by authority of the Secretary of State for Health

4th July 1991.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

5th July 1991

Stephen Dorrell
Parliamentary Under Secretary of State for
Health

4th July 1991

Strathclyde
Secretary of State for Scotland

5th July 1991

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable an authorised officer of an enforcement authority (being the Minister of Agriculture, Fisheries and Food and the Secretary of State for Health and the Secretary of State for Wales in relation to England and Wales and the Secretary of State for Scotland in relation to Scotland)–

(1) to give notice in writing to the person in charge of an animal requiring him to detain the animal at the place where it then is until it has been inspected in order to ascertain whether it contains a prohibited substance (regulation 4);

(2) where it appears on such an inspection that a prohibited substance is present in an animal, to give notice in writing to the person in charge of the animal prohibiting any commercial operations from being carried out in respect of it and prohibiting it from being moved from the place where it has been detained until such notice is withdrawn (regulation 5); and

(3) where it appears on further investigation that a prohibited substance is present in an animal, to give notice in writing to the person in charge of the animal requiring it to be slaughtered in a specified manner and within a specified period (regulation 6(1)).

The Regulations also prohibit the sale for human consumption and the disposal for human or animal consumption of an animal which has been slaughtered under them (regulation 7).

The contravention or failure to comply with any provision of a notice given by an authorised officer and the contravention of regulation 7 are offences in respect of which a person is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine (regulation 8).

For the purposes of the Regulations–

- (a) “animals” means domestic animals of the bovine species, swine, sheep, goats, solipeds and poultry, and wild animals of those species and wild ruminants which have been raised on a holding, and
- (b) “prohibited substance” means any hormonal substance the administration to an animal of which is prohibited by reference to the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982 or the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988.