
STATUTORY INSTRUMENTS

1992 No. 2037

The Fresh Meat (Hygiene and Inspection) Regulations 1992

PART VI

ADMINISTRATION, PENALTIES AND ENFORCEMENT

Records of inspections

20. Every local authority shall keep in respect of each licensed premises, where appropriate, a record, for the purpose of compliance with the provisions of Council Directive 91/497/EEC, of the results of—

- (a) ante-mortem health inspections;
- (b) post-mortem health inspections; and
- (c) water testing

and the local authority shall supply to the appropriate Minister copies of any such records kept by them as the appropriate Minister may from time to time require; and shall retain any such record for a period of 3 years from the date of the inspection to which it relates.

Duties of occupier

21.—(1) The occupier of any licensed premises shall—

- (a) keep a record adequate to show the number of animals received into, and the amounts of fresh meat despatched from, the premises during each week;
- (b) take all practicable steps to secure compliance by any person employed by him or by any person invited on to the premises, with the provisions of these Regulations;
- (c) ensure that an official veterinary surgeon, inspector or a veterinary officer is provided with adequate facilities so as to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to records as he may from time to time require for that purpose;
- (d) take all necessary measures to ensure that, at all stages of production, the requirements of these Regulations are complied with and he shall carry out checks on the general hygiene of conditions of production in his establishment to ensure—
 - (i) that equipment and, if necessary, fresh meat, comply with the requirements of these Regulations;
 - (ii) that a record in permanent form, which shall be made available to the official veterinary surgeon or inspector upon request, is kept in respect of the matters specified in sub-paragraph (i) above for a period of at least two years;
 - (iii) the proper application of the health mark, as provided for in regulation 11(4) above, including any labels on which the health mark is printed;

- (iv) that the official veterinary surgeon, inspector or the appropriate Minister is notified immediately when any information at the occupier's disposal reveals a serious health risk; and
- (v) in the event of a serious health risk, the withdrawal of fresh meat which has been obtained under or stored in similar conditions (as the case may be) and is likely to present the same risk.

(2) The occupier of an approved premises shall arrange or establish a staff training programme to enable staff to comply with hygiene appropriate to the operations on those premises.

Offences and penalties

22.—(1) If any person contravenes or fails to comply with any provision of these Regulations he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

(2) No prosecution for an offence under these Regulations shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor, whichever is the earlier.

Application of various sections of the Act

23. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

- (a) section 3 (presumption that food is intended for sale for human consumption);
- (b) section 20 (offences due to fault of other person);
- (c) section 21 (defence of due diligence);
- (d) section 33 (obstruction, etc of officers);
- (e) section 36 (offences by bodies corporate).

Information to be provided by the local authorities

24. Every local authority shall provide the appropriate Minister with such information relating to the execution of its duties under these Regulations as he may from time to time require.

Enforcement

25. These Regulations, except regulations 4, 5, 6 and 9 shall be executed and enforced by the local authority within its area and regulations 4, 5, 6 and 9 shall be executed and enforced by the appropriate Minister.

Revocations

26. The regulations specified in Schedule 23 are hereby revoked to the extent specified in relation thereto in Column 3 of that Schedule.

Amendments

27.—(1) After regulation 4 in the Food Hygiene (Docks, Carriers, etc) Regulations 1960⁽¹⁾, there shall be inserted the following—

“4A. These Regulations shall not apply to premises to which the Fresh Meat (Hygiene and Inspection) Regulations 1992 apply.”

(2) In the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966⁽²⁾ for sub-paragraph (b) of the definition of “food business” in regulation 2 there shall be substituted the following—

“(b) so much of any trade or business as consists of the handling of food at any premises or place, other than a market or stall, to which the General Regulations apply or which is listed in regulation 4 of the Docks and Carriers Regulations or any premises to which the Fresh Meat (Hygiene and Inspection) Regulations 1992 apply;”.

(3) In the Food Hygiene (General) Regulations 1970⁽³⁾ for sub-paragraph (b) of regulation 3(2) there shall be substituted the following—

“(b) at any premises or place to which the Food Hygiene (Docks, Carriers, etc) Regulations 1960, or the Fresh Meat (Hygiene and Inspection) Regulations 1992, apply;”.

(4) In the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1990⁽⁴⁾, for the definition of “health inspection and control exercise” in regulation 2(1) there shall be substituted the following—

““health inspection and control exercise” means an inspection or supervisory function carried out by a food authority at any slaughterhouse, cutting premises or cold store under the Fresh Meat (Hygiene and Inspection) Regulations 1992; except in so far as such functions relate to farmed game meat;”.

(5) In the Food Premises (Registration) Regulations 1991⁽⁵⁾, for sub-paragraph (e) of regulation 3(2) there shall be substituted—

“(e) as premises in respect of which a licence is required under regulation 4(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1992;”.

(1) S.I.1960/1602.
(2) S.I. 1966/791.
(3) S.I. 1970/1172.
(4) S.I. 1990/2494.
(5) S.I. 1991/2825.