
STATUTORY INSTRUMENTS

1992 No. 2061 (S.208)

FOOD

**The Poultry Meat (Hygiene) (Scotland)
Amendment Regulations 1992**

Made - - - - - *28th August 1992*

Laid before Parliament *10th September 1992*

Coming into force

*(a) for the purposes of
regulations 6, 7, 9, 10 and
16*

1st October 1992

(b) for all other purposes

1st January 1993

The Secretary of State, in exercise of the powers conferred on him by sections 4(1), 6(4), 16(1) (b), (c), (d) and (f), 17(1), 19(1)(b), 26, 37(2), 48(1) of, and paragraph 2(1)(a) of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and of all other powers enabling him in that behalf; being the Minister designated⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽³⁾ in relation to the Common Agricultural Policy of the European Economic Community, in exercise (so far as is required for the amendment and revocation of regulations made under the said section 2(2)) of the powers conferred on him by the said section 2(2), and of all other powers enabling him in that behalf; after consultation in accordance with the said section 48 of the Act of 1990 with such organisations as appear to him to be representative of interests likely to be substantially affected by the Regulations (in so far as the Regulations are made in exercise of the powers conferred by the said sections of the said Act of 1990) and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992⁽⁴⁾, hereby makes the following Regulations:

Citation, extent and commencement

1. These Regulations may be cited as the Poultry Meat (Hygiene) (Scotland) Amendment Regulations 1992 shall apply to Scotland only and shall come into force for the purposes of regulations 6, 7, 9, 10 and 16 on 1st October 1992 and for all other purposes on 1st January 1993.

(1) 1990 c. 16; “the Minister” is defined in section 4(1) of the Act.

(2) S.I.1972/1811.

(3) 1972 c. 68.

(4) 1992 c. 53.

Amendments

2. The Poultry Meat (Hygiene) (Scotland) Regulations 1976(5) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1) (interpretation) after the definition of “transport” there shall be inserted the following definition—

““veterinary officer” means a veterinary officer appointed by the Secretary of State;”.

4. In regulation 3 (sale of poultry meat)—

(a) in paragraph (1) after the words “no person shall” there shall be inserted the words “, on or after 1st January 1993,”; and

(b) in paragraphs (1)(a)(i) and (1)(b)(i)—

(i) for the words “a local authority” there shall be substituted the words “the Secretary of State”; and

(ii) after the word “supervised” there shall be inserted the words “by a local authority”.

5. In regulation 4 (exemptions)—

(a) in paragraph (1) for the words “the local authority” in both places where they occur there shall be substituted the words “the Secretary of State”; and

(b) sub-paragraphs (1)(a) and (b) and paragraphs (4), (5) and (6) shall be deleted.

6. In paragraph (2) of regulation 11 (slaughterhouses and cutting premises to be licensed) for the words “the local authority” there shall be substituted the words “the Secretary of State”.

7. For regulation 12 there shall be substituted the following regulation—

“Licences and application for licences

12.—(1) Where the Secretary of State receives from the occupier of, or a person proposing to occupy, any premises, an application for the grant of a licence authorising him to occupy those premises as a slaughterhouse or cutting premises, as the case may be, then the Secretary of State shall request a veterinary officer to inspect the premises and, if he is satisfied, to certify that—

(a) the requirements of Schedule 3 are complied with; and

(b) the requirements of Schedules 1 or 2, as the case may be, are, or within a reasonable time will be, complied with.

(2) If the Secretary of State is satisfied that such prescribed requirements are or will be complied with he shall, subject to sub paragraph (6) below, grant the licence in accordance with the application. If he is not satisfied he shall refuse to grant the licence.

(3) The Secretary of State shall notify the local authority in writing of each such application.

(4) Where a local authority has been notified under paragraph (3) above of an application for the approval of any premises, it must, within 14 days after the receipt of such notification, submit to the Secretary of State—

(a) written notification that it is making arrangements for the appointment of an adequate number of official veterinary surgeons to supervise those premises under regulation 24; and

(b) where appropriate, written representations relating to that application, a copy of which it shall send to the applicant.

(5) Within 14 days after the receipt of a copy of any representations submitted by the local authority under paragraph (4) above the applicant may submit written observations on those representations to the Secretary of State.

(6) In determining whether or not to license any premises under paragraph (2) above the Secretary of State shall have regard to—

(a) any representations submitted by the local authority under paragraph (4) above; and

(b) any observations submitted by the applicant under paragraph (5) above.”.

8. For regulation 13 there shall be substituted the following regulation—

“Revocation of licences

13. The Secretary of State may, at any time, revoke a licence granted by him under regulation 12 if, after an inspection of, or an inquiry into, the method of operation of the premises and a report by an official veterinary surgeon, a veterinary officer or a suitably qualified officer designated by the Secretary of State, any requirement of Schedules 1, 2 or 3 to these Regulations is no longer being complied with in respect of the premises.”.

9. For regulation 14 there shall be substituted the following regulation—

“Notification of refusal of licence

14.—(1) If the Secretary of State refuses to grant a licence, or decides to revoke a subsisting licence, he shall forthwith give notice to the applicant and the local authority of his decision in the matter and a statement of the grounds on which that decision was based shall be included in the notice.

(2) Every notice under paragraph (1) above of this regulation shall state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made by regulation 15, and the time within which such an appeal shall be lodged.”.

10. For regulation 15 there shall be substituted the following regulation—

“Appeals Tribunal

15.—(1) Where the Secretary of State has refused to license any premises under regulation 12 or has revoked the licence of any premises under regulation 13, the owner or occupier of, or the person proposing to occupy, the premises may, within 21 days of being notified of that decision in accordance with regulation 14(2), appeal to a Meat Hygiene Appeals Tribunal.

(2) The provisions of Schedule 15 shall apply in respect of the constitution, appointment of members, remuneration of members, and staffing of a Meat Hygiene Appeals Tribunal.

(3) Where on an appeal under paragraph (1) above a Meat Hygiene Appeals Tribunal determines that the issue of a licence under regulation 12 should not be refused by the Secretary of State or reverses the decision of the Secretary of State to revoke a licence under regulation 13, the Secretary of State shall give effect to the determination of the Tribunal.”.

11. In regulation 16 (right to continue to use premises pending appeal) for the words “a local authority to cancel” there shall be substituted the words “the Secretary of State to refuse a licence or to revoke” and for the words “the local authority was given” there shall be substituted the words “the Secretary of State was given”.

12. In regulation 17 (temporary continuance of licence on death) for the words “the local authority” there shall be substituted the words “the Secretary of State”.

13. Regulations 18 (form of application) and 19 (form of licence) shall be deleted.

14. For regulation 20 (record of licence) there shall be substituted the following regulation—

“Supply of information regarding licences

20.—(1) Subject to paragraph (2) below, the Secretary of State shall, at the request of a local authority, supply to the authority—

- (a) copies of licences granted which are currently in force;
- (b) copies of licences that have expired or ceased to have effect for any reason;
- (c) the approval number of each licence; and
- (d) particulars of any exemption granted under regulation 4.

(2) The Secretary of State need not supply to a local authority under paragraph (1) above copies of any licence in respect of which a period of at least five years has elapsed since it expired or ceased to have effect.”.

15. For regulation 21 (information to be supplied to the Secretary of State) there shall be substituted the following regulation—

“Information to be provided by local authorities

21. Each local authority shall provide the Secretary of State with—

- (a) such information relating to the execution of their duties under these Regulations as he may from time to time require;
- (b) details of existing licences granted by the local authority, within a reasonable time of request.”.

16. For regulations 22 and 23 (charges by local authorities) there shall be substituted the following regulation—

“Validity of licences

22.—(1) Any licence previously granted under regulation 11(2) by the local authority shall cease to have effect from 31st December 1992.

(2) Applications for the grant of a licence under regulation 11(2) may be made to the Secretary of State from the date these Regulations come into force.

(3) Any licence granted under regulation 11(2) by the Secretary of State shall have effect from 1st January 1993 until it is revoked or until the licence holder dies and the licence expires in accordance with the provisions of regulation 17.

(4) Any such licence shall be personal to the licence holder (including a body corporate) and shall not be transferable.”.

17. In regulation 30 (administration and enforcement), for paragraph (1) there shall be substituted the following paragraph—

“(1) These Regulations, except regulation 11(1) shall be executed and enforced by each local authority within its area and regulation 11(1) shall be executed and enforced by the Secretary of State.”.

18. In sub-paragraph 1(v) of Schedule 1 (requirements applicable to occupiers of slaughterhouses) the words from “but in respect of slaughterhouses” to “15th February 1980;” shall be deleted.

19. In sub-paragraph 1(k) of Schedule 2 (requirements applicable to occupiers of cutting premises) the words from “but in respect of cutting premises” to “15th February 1980;” shall be deleted.

20. For Schedule 15 there shall be substituted Schedule 15 as set out in the Schedule to these Regulations.

St. Andrew’s House,
Edinburgh
28th August 1992

Allan Stewart
Parliamentary Under Secretary of State, Scottish
Office

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SCHEDULE

Regulation 20

“SCHEDULE 15

Regulation 15(2)

MEAT HYGIENE APPEALS TRIBUNAL

1. Each Tribunal shall consist of a Chairman or Deputy Chairman and two other members.
- 2.—(1) The Chairman or Deputy Chairman shall be an independent person appointed by the Secretary of State.
(2) One member shall be a person nominated by the Royal College of Veterinary Surgeons, who shall not be a member of the State Veterinary Service nor an official veterinary surgeon.
(3) One member shall be a person whom the Secretary of State considers to be representative of the interests of licensed premises.
3. Each Tribunal may be serviced by a secretary and such other staff as the Secretary of State may appoint.
4. The terms of appointment and the remuneration of the members, secretary and other staff of a Tribunal shall be determined by the Secretary of State.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Poultry Meat (Hygiene) (Scotland) Regulations 1976. In addition to some minor and consequential drafting amendments, the principal changes are —

- (a) on and after 1st January 1993 slaughterhouses and cutting premises must be licensed or exempted from the need to be licensed by the Secretary of State (instead of the local authority) (regulations 4 and 5);
- (b) the Secretary of State will grant a licence in respect of slaughterhouses and cutting premises if a veterinary officer certifies that the premises comply with the prescribed requirements (regulations 6 and 7);
- (c) the Secretary of State may revoke any such licence if the prescribed requirements are no longer complied with (regulation 8);
- (d) if the Secretary of State refuses to grant a licence or decides to revoke an existing licence, there is a right of appeal to a Meat Hygiene Appeals Tribunal (regulation 9);
- (e) the composition and powers of the Tribunal are set out in regulation 10 and in the Schedule (regulations 10 and 20), the procedural rules in respect of an appeal are prescribed in the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992;
- (f) if the local authority so requests, the Secretary of State will supply copies and details of licences and exemptions (regulation 14);
- (g) the local authority shall provide information relating to the execution of their prescribed duties to the Secretary of State at his request and copies of existing licences (regulation 15);

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- (h) licences granted by the local authority will cease to have effect from 31st December 1992; applications to the Secretary of State for licences to be granted by him can be made now and will take effect from 1st January 1993 (regulation 16);
- (i) specified regulations will be executed and enforced by each local authority within its area; one specified regulation will be executed and enforced by the Secretary of State (regulation 17).