The Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“batch” means a quantity of live bivalve molluscs collected from a production area and subsequently intended for delivery to an approved dispatch centre, purification centre, relaying area or processing plant;

“bivalve molluscs” means filter-feeding lamellibranch molluscs;

“clean sea water” means sea water or brackish water which is to be used under the conditions laid down in these Regulations and which is free from microbiological contamination and toxic and objectionable substances occurring naturally or after discharge in the environment, including those listed in the Annex to Directive 79/923/EEC (quality required of shellfish waters), in such quantities as may adversely affect the health quality of bivalve molluscs or other shellfish or impair their taste;

“conditioning” means storage in tanks or any other installation containing clean sea-water or in natural sites to remove sand, mud or slime;

“consignment” means a quantity of either live bivalve molluscs or other shellfish, or both, handled in a dispatch centre or treated in a purification centre and subsequently intended for one or more customers;


“derogation” means the grant pursuant to the Derogations Regulations of a further period within which to comply fully with the conditions for the approval of dispatch centres and purification centres specified in the relevant section of the Schedule to the Derogations Regulations;

“the Derogations Regulations” means the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992(3);

“designated bivalve production area” has the meaning given in regulation 3;

“dispatch centre” means any on-shore or off-shore installation for the reception, conditioning, washing, cleaning, grading or wrapping of either live bivalve molluscs or other shellfish, or both, for human consumption;

“E.coli” means faecal coliforms which also form indole from tryptophan at 44° C ± 0.2° C within 24 hours;

(1) OJ No. L281, 10.11.1979, p.47.
(3) S.I. 1992/1508.
“establishment” includes a dispatch centre, a purification centre or a processing plant;
“faecal coliform” means facultative, aerobic, gram-negative, non-sporeforming, cytochrome oxidase negative, rod-shaped bacteria that are able to ferment lactose with gas production in the presence of bile salts, or other surface active agents with similar growth-inhibiting properties at 44° C plus or minus 0.2° C within at least 24 hours;
“final consumer” means a person who buys live bivalve molluscs or other shellfish(a) for his own consumption or consumption by his partner, family or other person in solely domestic context; (b) for direct transport to, and consumption on, premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him; or (c) for cooking on premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him for sale as take-away food for consumption off those premises;
“food authority” means an authority specified in regulation 20 which is to enforce and execute these Regulations;
“gatherer” means any person who collects live bivalve molluscs or other shellfish by any means from a harvesting area for the purpose of handling and placing on the market;
“healthmark” means a certificate in the form specified in paragraph 1 of Schedule 1 containing the information specified in that form and that Schedule as required by regulation 11(1)(h);
“laying” means a foreshore, bed, pond, pit, ledge, float or similar place including a relaying area where live bivalve molluscs or other shellfish are liable to be taken harvested or deposited;
“marine biotoxins” means poisonous substances accumulated by bivalve molluscs feeding on plankton containing toxin;
“means of transport” means those parts of road or rail vehicles, aircraft or ships, including containers and trailers used in conjunction with any such transport, constructed or adapted for the transport of goods;
“movement document” means a document in the form specified in Schedule 2 containing the information specified in that form and that Schedule, as required by regulation 11(1)(b);
“other shellfish” means live echinoderms, tunicates and marine gastropods;
“permanent transport authorisation” means a written authorisation issued pursuant to regulation 11(1)(b) and in accordance with the form and procedure prescribed in paragraph 6(8) of Schedule 2;
“placing on the market” means, in relation to live bivalve molluscs or other shellfish for human consumption, whether raw or for the purpose of processing, the holding, exposure, displaying for sale, offering for sale, selling, consigning, delivering or any other associated activities of marketing;
“potable water” means water within the meaning of Directive 80/778/EEC(4) (the quality of water intended for human consumption);
“private laying” means a laying where live bivalve molluscs or other shellfish are usually harvested or deposited by the owner or by a tenant of the laying and “tenant” includes any person authorised by the owner or by a tenant of that laying so to harvest or deposit;
“production area” means any sea, estuarine or lagoon area containing either natural deposits of bivalve molluscs or, sites used for the cultivation of bivalve molluscs, including relaying areas, from which live bivalve molluscs are taken;
“public laying” means a laying which is not a private laying;

“purification centre” means an establishment with tanks fed by naturally clean sea water or sea water that has been cleaned by appropriate treatment, in which live bivalve molluscs are placed for the time necessary to remove microbiological contamination, so making them fit for human consumption;

“relaying” means a transfer of live molluscs to an area of sea, estuary or lagoon for the purpose of removing any contamination, for the time necessary to remove such contamination, but does not include transfers to areas more suitable for further growth or fattening;

“relaying area” means any area of sea, estuary or lagoon within boundaries clearly marked and indicated by buoys, posts or any other fixed means and which is used exclusively for the natural purification of live bivalve molluscs;

“Sea Fisheries Committee” means a local fisheries committee for a sea fisheries district constituted under the Sea Fisheries Regulation Act 1966(5);

“wrapping” means the placing of a live bivalve mollusc in packaging material adequate for the purpose.

(2) For the purpose of these Regulations a live bivalve mollusc or other shellfish shall be treated as if it is a food or food source even though it is usually supplied alive to the final consumer.

(3) In these Regulations—

(a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations which bears that number;

(b) a reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation which bears that number.

(4) For the purposes of these Regulations the Schedule to the Derogations Regulations shall be construed as follows—

(a) references to the competent authority in paragraph 4 of Section III and paragraph 1(a) of Section IV of that Schedule shall be taken to be references to the Ministers;

(b) references to the competent authority in paragraph 11 of Section III and paragraphs 3 and 4 of Section IV of that Schedule shall be taken to be references to the food authority;

(c) the reference to the competent authority in paragraph 12 of Section III of that Schedule shall be taken to be references to the food authority or a person authorised by the Ministers;

(d) references to Chapter V shall be taken to be reference to Schedule 5 to these Regulations;

(e) references to the registration document referred to in Chapter II, section 6 shall be taken to be references to a movement document or, where the requirements of paragraph 6 or Schedule 2 are met, to a permanent transportation authorisation;

(f) the period laid down in paragraph 4 of Section IV for the preservation of data is six months.