
STATUTORY INSTRUMENTS

1995 No. 539

The Fresh Meat (Hygiene and Inspection) Regulations 1995

PART III

SUPERVISION AND CONTROL OF PREMISES

Supervision of premises

8.—(1) The Minister may designate veterinary surgeons as OVSs and shall, in relation to any premises, appoint one or more OVSs, in each case to be an authorised officer of the Minister authorised to act in relation to the examination and seizure of meat, to provide the health certification of fresh meat and to be responsible for the following functions in relation to those premises—

- (a) the ante-mortem health inspection of animals in accordance with Schedule 8;
- (b) the post-mortem health inspection of slaughtered animals in accordance with Schedule 10;
- (c) where appropriate, the examination of the fresh meat of swine and horses for trichinellosis in accordance with paragraphs 12 and 13 of Part IX of Schedule 10;
- (d) the health marking of fresh meat in accordance with Schedule 12; and
- (e) securing the observance of the requirements of Schedules 1, 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, 15 and 17.

(2) The Minister shall, in relation to any premises, appoint such number of other persons to act as inspectors in relation to the functions specified in paragraph (1) above as are necessary for the proper performance of those functions.

(3) The Minister may not appoint any person to be an inspector unless that person is—

- (a) a registered medical practitioner;
- (b) a Member of the Royal College of Veterinary Surgeons;
- (c) the holder of a qualification specified in paragraph 3 of the Schedule to the Authorised Officers (Meat Inspection) Regulations 1987(1); or
- (d) the holder of a certificate or other qualification in fresh meat inspection obtained in the United Kingdom or another relevant EEA State which the Minister has confirmed in writing as adequate for appointment as an inspector under these Regulations.

(4) An inspector shall act under the supervision and responsibility of an OVS and, in relation to the function specified in paragraph (1)(a) above, shall only make an initial check on animals and assist with purely practical tasks.

Revocation and suspension of designations of OVSs

9.—(1) Subject to paragraphs (2) and (3) below, the Minister may, at any time, revoke or suspend the designation of any person as an OVS if it appears to the Minister that the person in question is unfit to perform one or more of the functions of an OVS under these Regulations.

(1) S.I.1987/133; to which there is an amendment not relevant to these Regulations.

(2) Where the Minister revokes or suspends a designation under paragraph (1) above, he shall, as soon as possible, give to the person whose designation has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(3) A notice given under paragraph (2) above shall inform the person to whom it is given—

- (a) of his right to make representations in writing;
- (b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made;
- (c) of his right to be heard; and
- (d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(4) In the event of the designated person making any representations (whether orally or in writing) under paragraph (3) above the Minister shall reconsider whether that person is unfit to perform one or more of the functions of an OVS under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the designation under paragraph (1) above in the light of those representations.

Powers of OVSs and veterinary officers

10.—(1) Where it appears to an OVS that in respect of any premises—

- (a) any of the requirements of these Regulations as to hygiene is being breached; or
- (b) adequate health inspection in accordance with these Regulations is being hampered,

he may, by notice in writing given to the occupier of the premises—

- (i) prohibit the use of any equipment or any part of the premises specified in the notice; or
- (ii) require the rate of operation to be reduced to such an extent as is specified in the notice,

and the occupier shall comply with the notice.

(2) A notice given under paragraph (1) above shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a) above, it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as an OVS is satisfied that such action has been taken.

(5) So long as such a notice is in effect, the licence in respect of the premises shall be treated as being altered by the addition of the requirements specified in the notice and the other provisions of the licence shall be subject to those requirements.

(6) Subject to paragraph (8) below, an OVS, or a veterinary officer may subject any animal or any carcase or meat in any premises to such examinations (including the taking and analysis of samples) as he may reasonably consider to be necessary for the protection of public health.

(7) Subject to paragraph (8) below, an OVS, veterinary officer or inspector may, by notice in writing given to the occupier of any such premises, state that he requires to examine an animal, carcase or meat specified in the notice on the premises.

(8) The powers conferred by paragraphs (6) and (7) above are not exercisable in relation to any animal, carcase or meat not intended for sale for human consumption.

(9) Once a notice under paragraph (7) is received, the occupier shall detain the animal, carcase or meat until such time as he is informed in writing by the OVS or veterinary officer (as the case may be) that the result of the examination has been obtained.

(10) A veterinary officer may at any time give to an OVS such reasonable directions as he may consider necessary so as to ensure that the OVS performs his functions under these Regulations, and the OVS shall comply with any such directions.

(11) A person who is aggrieved by a decision of an OVS pursuant to paragraph (1) above may appeal to a magistrates' court or, in Scotland, to the sheriff.

(12) Section 37(3) to (6) of the Act shall have effect in relation to an appeal under this regulation as they have effect in relation to an appeal under that section but with the omission

- (a) of the references to appeals for which provision is made by regulations under section 37(2); and
- (b) of subsection (5)(b) and the word “or” immediately preceding it.

Inspection and health marking

11.—(1) The Minister shall arrange for

- (a) ante-mortem health inspections and post-mortem health inspections to be carried out at every slaughterhouse in accordance with Schedules 8 and 10 respectively; and
- (b) post-mortem health inspections to be carried out at every farmed game processing facility in accordance with Schedule 10.

(2) Where fresh meat intended for sale for human consumption—

- (a) has been passed fit for human consumption following ante- and post-mortem health inspections: and
 - (b) complies with the requirements of these Regulations,
- it shall be marked in accordance with the requirements of Schedule 12.

(3) No other meat shall be so marked.

(4) No person shall remove, or cause or permit to be removed, from a slaughterhouse or a farmed game processing facility any blood or any carcase or part of a carcase or any offal intended for sale for human consumption or any offal from a slaughtered animal intended for sale for human consumption until it has been inspected in accordance with these Regulations.

(5) The health mark shall be applied by persons acting under the responsibility of an OVS, and no other person shall apply the health mark or possess or use the equipment for applying the health mark.

(6) The equipment for applying the health mark and any labels on which the health mark is printed shall be kept under the responsibility of the OVS.

(7) No person shall use any mark so resembling a health mark, or in such a way, as to be likely to suggest that the product has been produced in accordance with these Regulations.

Notice of operation of licensed premises

12.—(1) Subject to the provisions of these Regulations, no person shall operate any licensed premises to produce fresh meat for sale for human consumption unless he has notified the Minister, in accordance with paragraph (2) below, of the day on which and the time and place at which they are to be operated.

(2) The notification referred to in paragraph (1) above shall be given to the Minister—

- (a) if the operation is to be the slaughter of farmed game, not less than 72 hours before the time of slaughter;

(b) if the operation is to be any other description of slaughter, not less than 24 hours before that time; and

(c) for any other kind of operation, not less than 24 hours before its commencement,

unless the Minister has agreed with the person required to give the notice that he will accept notice of a shorter duration, in which case the notice shall be of the agreed duration.

(3) Where it is the regular practice in any licensed premises to operate at fixed times on fixed days and written notice of this practice has been given to and accepted by the Minister, this shall, as respects any operation in accordance with such practice, be regarded as adequate compliance with paragraph (1) above;

(4) Paragraph (1) above does not apply to the slaughter of an animal where by reason of injury or by reason of the provisions of regulation 21 or, in Scotland, 11 of the Humane Conditions Regulations it is necessary that it should be slaughtered without delay.

(5) In that case the person who but for paragraph (4) above would have been required to give a notice under paragraph (1) above must inform the Minister of the circumstances.

(6) The information must be given as soon as reasonably possible.

(7) It may be given after the animal has been slaughtered if it is not reasonably possible to give it before.