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STATUTORY INSTRUMENTS

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**1999 No. 399**

**FOOD**

**The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999**

*Made - - - - 15th February 1999*

*Laid before Parliament 22nd February 1999*

*Coming into force—*

*Regulations 1 to 4 15th March 1999*

*Regulation 5 and the  
Schedule—*

*in accordance with  
regulation 1(3)*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in 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 17(1) and 49(2) of the Food Safety Act 1990<sup>(1)</sup>, and in exercise of all other powers respectively enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests likely to be substantially affected as required by section 48(4) of the Food Safety Act 1990, hereby make the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999.

(2) Regulations 1 to 4 shall come into force on 15th March 1999.

(3) Regulation 5 and the Schedule to these Regulations shall come into force after regulations 1 to 4 on 15th March 1999 or, if later, the first date on which the Commission introduce in accordance with the procedure laid down in Article 12 of Council Directive 91/492/EEC<sup>(2)</sup> a standard registration document within the meaning of Council Directive 97/61/EC<sup>(3)</sup>.

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(1) 1990 c. 16. See section 4(1) which contains a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations.

(2) OJ No. L268, 24.9.91, p.1; Council Directive 91/492/EEC was last amended by Council Directive 97/61/EEC, OJ No. L295, 29.10.97, p.35.

(3) OJ No. L295, 29.10.97, p.35.

(4) In these Regulations “the principal Regulations” means the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998(4).

#### **Amendment of regulation 2(1) of the principal Regulations**

2. In regulation 2(1) (interpretation) of the principal Regulations—
- (a) in the definition of “movement document”, for the words “paragraph 6(4) and (5)” in paragraphs (a) and (c) of the definition there shall be substituted in both places the words “paragraphs 6(4) and 6A”;
  - (b) in the definition of “permanent transport authorization”, in paragraph (a), for the words “paragraph 6(8) of Chapter II” there shall be substituted the words “paragraph 6A(8) of Chapter II”.

#### **Amendment of regulation 19(1) of the principal Regulations**

3. In regulation 19(1)(g) of the principal Regulations (placing live shellfish on the market), for “Chapter VIII” there shall be substituted a reference to “Chapters VIII and IX respectively”.

#### **Amendment of Schedule 2 to the principal Regulations**

4.—(1) Schedule 2 (production and placing on the market conditions for live shellfish) to the principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In Chapter II (requirements for harvesting and transportation of batches to a dispatch or purification centre, relaying area or processing plant)—

- (a) paragraph 6(1) to (3) and (5) to (8) shall be deleted;
- (b) in paragraph 6(4) (live shellfish movement document form)—
  - (i) after the words “location of the production area” there shall be inserted the words “described in as precise detail as practicable”;
  - (ii) at the end of the box for the signature of the gatherer there shall be inserted the words “Date of Signature”; and
  - (iii) in the REMINDER for the words “not less than 60 days,” there shall be substituted the words “not less than 12 months and the gatherer is to keep a copy for the same period.”;
- (c) the following paragraph shall be inserted after paragraph 6—

“6A.—(1) A movement document for the identification of batches of live shellfish during transport from the production area to a dispatch centre, purification centre, relaying area or processing plant shall be issued by the food authority at the request of the gatherer.

(2) The gatherer shall ensure the completed movement document accompanies each batch at all times.

(3) If a batch in respect of which a movement document has been issued is split for any reason, the person having control of the original batch at the time of the splitting shall ensure that the information accompanying the original batch accompanies each sub-batch in the same form as the movement document together with the full name and address of the person splitting the batch.

(4) Subject to sub-paragraph (8), for each batch of live shellfish which are transported from the production area to a dispatch centre, purification centre, relaying area or processing plant—

(a) the gatherer must complete legibly and indelibly the relevant sections of the movement document with the following information—

(i) the gatherer's name and address;

(ii) the date of harvesting;

(iii) the location of the production area described in as precise detail as is practicable;

(iv) if the movement document relates to live bivalve molluscs, the class of the production area as referred to in Chapter I;

(v) the shellfish species and quantity indicated in as precise detail as is practicable;

(vi) the place of destination for wrapping, relaying, purification or processing and, where applicable, the approval number; and

(b) the movement document must be dated and signed by the gatherer.

(5) Movement documents must be numbered regularly and in sequence and the food authority must keep a register which indicates the numbers of the movement documents together with the names of the persons to whom they were issued.

(6) Subject to sub-paragraph (8), the person receiving a movement document for a batch of live shellfish shall put on it the date on which it is received by, as the case may be, a dispatch centre, purification centre, relaying area or processing plant and he shall keep it available for inspection for at least 12 months.

(7) The gatherer shall keep a copy of each such movement document for at least 12 months.

(8) However, if gathering is or is to be carried out by a person employed by the person who operates the dispatch centre, purification centre, relaying area or processing plant of destination, the food authority may, if satisfied that the gatherer will comply with the requirements of Part II concerning gathering and handling, issue to the gatherer a permanent transport authorization (which may be withdrawn at any time) absolving the gatherer from the requirement to use movement documents for transfers from a production area specified in that authorization to a dispatch centre, purification centre, relaying area, or processing plant specified in that authorization”.

(3) In Chapter III (conditions for relaying live bivalve molluscs), in point 9 for the words “the movement document referred to in paragraph 6 of Chapter II,” there shall be substituted the words “a movement document which, in addition to the other information required to be set out in it, includes information on the location of the relaying area and the duration of relaying, together with any other information needed to identify and trace the product,”.

(4) In Chapter IV, Section III (requirements for purification centres), in point 13 after the words “provide a movement document” there shall be inserted the words “(which, in addition to the other information required to be set out in it, sets out the approval number and address of the purification centre and the duration of purification, the dates of entering and leaving the purification centre, together with any other information needed to identify and trace the product)”.

(5) In Chapter IV, Section IV (requirements for dispatch centres)—

(a) in point 2, for the words “the movement document referred to in paragraph 6 of Chapter II,” there shall be substituted the words “a movement document”;

(b) the following point shall be substituted for point 4—

- “4. Dispatch centres must keep the following at the disposal of the food authority—
- the results of microbiological tests on live bivalve molluscs from an approved production area or relaying area or from a purification plant;
  - the dates and quantities of live shellfish delivered to the dispatch centre, together with the corresponding movement documents;
  - dispatch details including the names and addresses of consignees, the dates and quantities of live shellfish dispatched, together with the corresponding entry movement document numbers;

and they must be classified chronologically and preserved for a period to be laid down by the food authority, but not less than 12 months”.

(6) In Chapter V (requirements concerning live shellfish), after point 7 there shall be inserted the following point—

“7A. the total Amnesic Shellfish Poison (ASP) content in the edible parts of molluscs (the entire body or any part edible separately) must not exceed 20 micrograms of domoic acid per gram using the HPLC method;”.

#### **Amendments relating to introduction of the standard registration document**

5. The Schedule to these Regulations (amendments relating to the introduction of the standard registration document) shall have effect.

11th February 1999

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

10th February 1999

*Tessa Jowell*  
Minister of State for Public Health,  
Department of Health

10th February 1999

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

15th Febraury 1999

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

## THE SCHEDULE

Regulations 1(3) and 5

### AMENDMENTS RELATING TO INTRODUCTION OF THE STANDARD REGISTRATION DOCUMENT

#### **Amendment of regulation 2(1) of the principal Regulations**

1. In regulation 2(1) (interpretation)—
  - (a) the definition of “movement document” shall be deleted;
  - (b) after the definition of “purification centre” there shall be inserted the following definition—

““registration document” means a document for the identification of live shellfish during transport from a production area to a dispatch centre, purification centre, relaying area or processing plant which—

    - (a) conforms with the standard registration document contained in a measure intended to give effect to the requirements of point 6 of Chapter II of the Live Bivalve Molluscs Directive<sup>(5)</sup> that has been made in accordance with the procedure laid down in Article 12 of the Live Bivalve Molluscs Directive; and
    - (b) is issued by—
      - (i) a competent authority within the meaning of the Live Bivalve Molluscs Directive; or
      - (ii) where the document meets the requirements of that Directive and any law in force in the Channel Islands or the Isle of Man, a competent authority in those Islands or that Isle;”.

#### **Amendment of regulation 19 of the principal Regulations**

2. In regulation 19(1)(b) (placing live shellfish on the market) of the principal Regulations, for the words “movement document” there shall be substituted the words “registration document”.

#### **Amendment of regulation 38 of the principal Regulations**

3. In regulation 38(2) (placing processed shellfish on the market), for the words “movement documents” there shall be substituted the words “registration documents”.

#### **Amendment of Schedule 2 to the principal Regulations**

4. In Schedule 2 (production and placing on the market conditions for live shellfish) to the principal Regulations, in Chapter II (requirements for harvesting and transportation of batches to a dispatch or purification centre, relaying area or processing plant), paragraph 6(4) shall be deleted.

#### **Amendment of references to movement documents in Schedule 2 to the principal Regulations**

- 5.—(1) For the words “movement document” in each place in which they occur in the following provisions of Schedule 2 to the principal Regulations there shall be substituted the words “registration document”—
  - (a) Chapter II, paragraph 6A;
  - (b) Chapter III, point 9;

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(5) The relevant amending instrument is Council Directive [97/61/EC](#) (OJ No. L295, 29.10.97, p.35.)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) Chapter IV, Section III, points 12 and 13;
- (d) Chapter IV, Section IV, points 2 and 4.

(2) For the words “movement documents” in each place in which they occur in the following provisions of Schedule 2 to the principal Regulations there shall be substituted the words “registration documents”—

- (a) Chapter II, paragraphs 6A(5) and 7;
- (b) Chapter IV, Section IV, point 4.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (“the principal Regulations”) to implement Council Directive [97/61/EC](#) (OJNo. L295, 29.10.97, p. 35) (“the Directive”) which amends Council Directive [91/492/EEC](#) on the health conditions for the production and placing on the market of live bivalve molluscs (OJ No. L268, 24.9.91, p. 1, as amended and as adapted for the purposes of the EEA Agreement).

Regulation 2 amends the definition of “movement document” to implement those changes to the definition which can be implemented before the introduction of the standard registration document.

Regulation 3 amends regulation 19 of the principal Regulations so that the provisions relating to the transport of shellfish from dispatch centres in Chapter IX of Schedule 2 to the principal Regulations apply to all persons who place live shellfish on the market for immediate human consumption. This corrects a drafting error in the principal Regulations.

Regulation 4 implements several requirements of the Directive relating to the information which must be given in the documents which must accompany live shellfish when they are moved. It also implements Article 1.5 of the Directive which restricts the total Amnesic Shellfish Poison content in the edible parts of molluscs.

Regulation 5 and the Schedule implement the remaining requirements of the Directive. They relate to the introduction of registration documents based on a standard registration document which the Commission is required to introduce. These registration documents will replace the movement documents which at present accompany live shellfish when they are moved. Regulation 1(3) will bring regulation 5 and the Schedule into force when the European Community introduce the standard registration document.

A Regulatory Impact Assessment has been prepared and copies may be obtained from the Department of Health, Room 501A, Skipton House, 80 London Road, London SE1 6LW, or the Scottish Office Agriculture and Environment and Fisheries Department, Room 358, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW. A copy has also been placed in the library of each of the Houses of Parliament.