
STATUTORY INSTRUMENTS

2010 No. 534

FOOD, ENGLAND

The Food Hygiene (England) (Amendment) Regulations 2010

Made - - - - 25th February 2010

Laid before Parliament 5th March 2010

Coming into force - - 13th April 2010

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972(1).

The Secretary of State has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(2).

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3) there has been open and transparent public consultation during the preparation of the following Regulations.

Title and commencement

1. These Regulations may be cited as the Food Hygiene (England) (Amendment) Regulations 2010 and come into force on 13th April 2010.

Amendments to the Food Hygiene (England) Regulations 2006

2.—(1) The Food Hygiene (England) Regulations 2006(4) are amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation) for the references to the EU instruments appearing immediately after the definition of “the Community Regulations” there are substituted the following references-

““Decision 2006/766”, “Decision 2009/951”, “Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 2076/2005”, “Regulation 1662/2006”, “Regulation 1663/2006”,

(1) 1972 c.68.

(2) S.I. 2003/2901.

(3) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14).

(4) S.I. 2006/14, amended by S.I. 2007/56.

“Regulation 1664/2006”, “Regulation 1666/2006”, “Regulation 1791/2006”, “Regulation 479/2007”, “Regulation 1243/2007”, “Regulation 1244/2007”, “Regulation 1245/2007”, “Regulation 1246/2007”, “Regulation 1441/2007”, “Regulation 439/2008”, “Regulation 1250/2008”, “Regulation 146/2009”, “Regulation 219/2009”, “Regulation 596/2009”, and “Regulation 669/2009” have the meanings respectively given to them in Schedule 1.”

(3) For regulation 17 (offences and penalties) there is substituted the following regulation—

“Offences and penalties

17.—(1) Subject to paragraphs (4) to (8), any person who contravenes or fails to comply with any of the specified Community provisions shall be guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations shall be liable—

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

(3) A person guilty of an offence under regulation 15 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) Provided the requirements of Schedule 3 are complied with, a person shall be considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004 as read with paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs).

(5) Provided the requirements of Schedule 3A are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(6) Provided the requirements of Schedule 3B are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(7) Provided the requirements of Schedule 3C are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

(8) Provided the requirements of Schedule 3D are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the

cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).”.

(4) For Schedule 1 (definitions of Community legislation) there is substituted the Schedule (definitions of EU legislation) set out in Schedule 1 to these Regulations.

(5) Immediately after Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport of raw sugar) there are inserted the Schedules set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Health

25th February 2010

Gillian Merron
Minister of State,
Department of Health

SCHEDULE 1

Regulation 2(4)

SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE
FOOD HYGIENE (ENGLAND) REGULATIONS 2006

“SCHEDULE 1

DEFINITIONS OF EU LEGISLATION

“Decision 2006/766” means Commission Decision [2006/766/EC](#) establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted⁽⁵⁾ as last amended by Decision 2009/951;

“Decision 2009/951” means Commission Decision 2009/951/EU amending Annexes I and II to Decision [2006/766/EC](#) establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted⁽⁶⁾;

“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)⁽⁷⁾;

“Regulation 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁸⁾ as last amended by Regulation 596/2009;

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs⁽⁹⁾ as amended by Regulation 219/2009 and as read with Regulation 2073/2005;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹⁰⁾ as amended by Regulation 2074/2005, Regulation 2076/2005, Regulation 1662/2006, Regulation 1791/2006, Regulation 1243/2007 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹¹⁾ as amended by Regulation 882/2004, Regulation 2074/2005, Regulation 2076/2005, Regulation 1663/2006, Regulation 1791/2006 and Regulation 219/2009 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005, Regulation 2076/2005 and Decision 2006/766;

“Regulation 882/2004” means Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and

(5) OJ No. L320, 18.11.2006, p.53.

(6) OJ No. L328, 15.12.2009, p.70.

(7) OJ No. L157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(8) OJ No. L31, 1.2.2002, p.1.

(9) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

(10) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

(11) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

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| food law, animal health and animal welfare rules(12) as last amended by Regulation 596/2009 and as read with Regulation 2074/2005, Regulation 2076/2005 and Regulation 669/2009; |
| “Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(13); |
| “Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(14) as amended by Regulation 1441/2007; |
| “Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(15) as amended by Regulation 1664/2006, Regulation 1244/2007 and Regulation 1250/2008; |
| “Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for <i>Trichinella</i> in meat(16) as last amended by Regulation 1245/2007; |
| “Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(17) as amended by Regulation 1666/2006, Regulation 479/2007, Regulation 1246/2007, Regulation 439/2008 and Regulation 146/2009; |
| “Regulation 1662/2006” means Commission Regulation (EC) No. 1662/2006 amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(18); |
| “Regulation 1663/2006” means Commission Regulation (EC) No. 1663/2006 amending Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(19); |
| “Regulation 1664/2006” means Commission Regulation (EC) No. 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(20); |
| “Regulation 1666/2006” means Commission Regulation (EC) No. 1666/2006 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council(21); |

(12) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29).

(13) OJ No. L271, 15.10.2005, p.17.

(14) OJ No. L338, 22.12.2005, p.1, as read with the corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62.

(15) OJ No. L338, 22.12.2005, p.27.

(16) OJ No. L338, 22.12.2005, p.60.

(17) OJ No. L338, 22.12.2005, p.83.

(18) OJ No. L320, 18.11.2006, p.1.

(19) OJ No. L320, 18.11.2006, p.11.

(20) OJ No. L320, 18.11.2006, p.13.

(21) OJ No. L320, 18.11.2006, p.47.

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| <p>“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(22);</p> |
| <p>“Regulation 479/2007” means Commission Regulation (EC) No. 479/2007 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(23);</p> |
| <p>“Regulation 1243/2007” means Commission Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin(24);</p> |
| <p>“Regulation 1244/2007” means Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat(25);</p> |
| <p>“Regulation 1245/2007” means Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005, as regards the use of liquid pepsin for the detection of <i>Trichinella</i> in meat(26);</p> |
| <p>“Regulation 1246/2007” means Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption(27);</p> |
| <p>“Regulation 1441/2007” means Commission Regulation (EC) No. 1441/2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(28);</p> |
| <p>“Regulation 439/2008” means Commission Regulation (EC) No. 439/2008 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Fiji(29).</p> |
| <p>“Regulation 1250/2008” means Commission Regulation (EC) No. 1250/2008 amending Regulation (EC) No. 2074/2005 as regards certification requirements for import of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption(30);</p> |
| <p>“Regulation 146/2009” means Commission Regulation (EC) No. 146/2009 amending Annex II to Regulation (EC) No. 2076/2005 as regards imports of fishery products from Cameroon(31);</p> |
| <p>“Regulation 219/2009” means Regulation (EC) No. 219/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Two(32);</p> |

(22) OJ No. L363, 20.12.2006, p.1.

(23) OJ No. L111, 28.4.2007, 46.

(24) OJ No. L281, 25.10.2007, p.8.

(25) OJ No. L281, 25.10.2007, p.12.

(26) OJ No. L281, 25.10.2007, p.19.

(27) OJ No. L281, 25.10.2007, p.21.

(28) OJ No. L322, 7.12.2007, p.12.

(29) OJ No. L132, 22.5.2008, p.16.

(30) OJ No. L337, 16.12.2008, p.31.

(31) OJ No. L50, 21.2.2009, p.3.

(32) OJ No. L87, 31.3.2009, p.109.

“Regulation 596/2009” means Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four(33); and

“Regulation 669/2009” means Commission Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC(34).”

SCHEDULE 2

Regulation 2(5)

SCHEDULES INSERTED IMMEDIATELY AFTER SCHEDULE 3 TO THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006

“SCHEDULE 3A

Regulation 17(5)

REQUIREMENTS REFERRED TO IN REGULATION 17(5)

The requirements are that —

- (33) OJ No. L188, 18.7.2009, p.14.
- (34) OJ No. L194, 25.7.2009, p.11.
- (5) OJ No. L320, 18.11.2006, p.53.
- (6) OJ No. L328, 15.12.2009, p.70.
- (7) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).
- (8) OJ No. L31, 1.2.2002, p.1.
- (9) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).
- (10) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).
- (11) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).
- (12) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29).
- (13) OJ No. L271, 15.10.2005, p.17.
- (14) OJ No. L338, 22.12.2005, p.1, as read with the corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62.
- (15) OJ No. L338, 22.12.2005, p.27.
- (16) OJ No. L338, 22.12.2005, p.60.
- (17) OJ No. L338, 22.12.2005, p.83.
- (18) OJ No. L320, 18.11.2006, p.1.
- (19) OJ No. L320, 18.11.2006, p.11.
- (20) OJ No. L320, 18.11.2006, p.13.
- (21) OJ No. L320, 18.11.2006, p.47.
- (22) OJ No. L363, 20.12.2006, p.1.
- (23) OJ No. L111, 28.4.2007, 46.
- (24) OJ No. L281, 25.10.2007, p.8.
- (25) OJ No. L281, 25.10.2007, p.12.
- (26) OJ No. L281, 25.10.2007, p.19.
- (27) OJ No. L281, 25.10.2007, p.21.
- (28) OJ No. L322, 7.12.2007, p.12.
- (29) OJ No. L132, 22.5.2008, p.16.
- (30) OJ No. L337, 16.12.2008, p.31.
- (31) OJ No. L50, 21.2.2009, p.3.
- (32) OJ No. L87, 31.3.2009, p.109.
- (33) OJ No. L188, 18.7.2009, p.14.
- (34) OJ No. L194, 25.7.2009, p.11.

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽³⁵⁾;
- (b) the condition of meat derived from domestic ungulates slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
- (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse;
- (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked ‘detained meat’ and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
 - (i) name and address of slaughterhouse of origin;
 - (ii) name and address of alternative detention facility;
 - (iii) number of carcasses or cuts; and
 - (iv) species of animal; and
- (e) no processing for human consumption of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III to the Community TSE Regulation, require BSE testing at slaughter or of swine (domestic and farmed game), solipeds and other species susceptible to Trichinosis that, under Article 5 of Regulation 854/2004 as read with point 1 of Part C of Chapter IX of Section IV of Annex I to that Regulation, require examination for Trichinosis takes place at the slaughterhouse.

For the purposes of this Schedule the “Community TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies⁽³⁶⁾ as last amended by Regulation (EC) No. 220/2009 of the European Parliament and of the Council amending Regulation (EC) No. 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, as regards the implementing powers conferred on the Commission⁽³⁷⁾ and as read with-

- (i) Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598/EC⁽³⁸⁾,
- (ii) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk⁽³⁹⁾, and
- (iii) Commission Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes⁽⁴⁰⁾ as amended by Commission Decision 2010/66/EU amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes⁽⁴¹⁾.

⁽³⁵⁾ S.I. 1995/539, revoked by S.I. 2005/2059.

⁽³⁶⁾ OJ No. L147, 31.5.2001, p.1.

⁽³⁷⁾ OJ No. L87, 31.3.2009, p.155.

⁽³⁸⁾ OJ No. L155, 15.6.2007, p.74.

⁽³⁹⁾ OJ No. L172, 30.6.2007, p.84.

⁽⁴⁰⁾ OJ No. L256, 29.9.2009, p.35.

⁽⁴¹⁾ OJ No. L35, 6.2.2010, p.21.

SCHEDULE 3B

Regulation 17(6)

REQUIREMENTS REFERRED TO IN REGULATION 17(6)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽⁴²⁾;
- (b) the condition of meat derived from poultry or lagomorphs slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
- (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse; and
- (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked 'detained meat' and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
 - (i) name and address of slaughterhouse of origin;
 - (ii) name and address of alternative detention facility;
 - (iii) number of carcasses or cuts; and
 - (iv) species of animal.

SCHEDULE 3C

Regulation 17(7)

REQUIREMENTS REFERRED TO IN REGULATION 17(7)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the slaughterhouse only accepts domestic ungulates that have been transported direct from the holding of origin or from a market;
- (c) the food business operator responsible for transporting the domestic ungulates undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (d) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (c) for one year; and
- (e) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

⁽⁴²⁾ S.I. 1995/540, revoked by S.I. 2005/2059.

SCHEDULE 3D

Regulation 17(8)

REQUIREMENTS REFERRED TO IN REGULATION 17(8)

The requirements are that—

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the holding of origin of the poultry or lagomorphs transports them from that holding direct to the slaughterhouse and undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (c) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (b) for one year; and
- (d) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Hygiene (England) Regulations 2006 (S.I. 2006/14, as already amended) by updating the definitions of certain EU instruments that are referred to in those Regulations and by providing that when certain requirements are complied with a person will be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (OJ No. L139, 30.4.2004, p.55; the revised text of that Regulation is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.22, which should be read with a further Corrigendum, OJ No. L204, 4.8.2007, p.26).

2. These Regulations amend the Food Hygiene (England) Regulations 2006 to update the definitions of certain EU instruments by—

- (a) substituting references to specified EU instruments for the references to the EU instruments that currently appear after the definition of “the Community Regulations” in paragraph (1) of regulation 2 (interpretation) (*regulation 2(2)*); and
- (b) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (definitions of Community legislation) (*regulation 2(4)*).

3. These Regulations also amend the Food Hygiene (England) Regulations 2006 to provide that when certain requirements are complied with a person will be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004. They do so by substituting a revised regulation 17 (offences and penalties) and by inserting new Schedules 3A, 3B, 3C and 3D (*regulation 2(3) and (5)*).

4. The new regulation 17(5) says that, provided the requirements of the new Schedule 3A are complied with, a person will be considered not to have contravened or failed to comply with Article

3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

5. The new regulation 17(6) says that, provided the requirements of the new Schedule 3B are complied with, a person will be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

6. The new regulation 17(7) says that, provided the requirements of the new Schedule 3C are complied with, a person will be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

7. The new regulation 17(8) says that, provided the requirements of the new Schedule 3D are complied with, a person will be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).

8. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food Safety: Hygiene and Microbiology Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.