
WELSH STATUTORY INSTRUMENTS

2000 No. 3341 (W. 219)

FOOD, WALES

The Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000

Made - - - - 19th December 2000

Coming into force:—

regulations 1 and 5— 31 December 2000

regulations 2, 3 and 4— 30 June 2001

The National Assembly for Wales in exercise of the powers conferred by sections 16(1)(d) and (f) and (3), 19(1)(b), 26(2)(a) and (d) and (3), 45(1) and 48(1)(b) and (c) of, and paragraph 5(3) of Schedule 1 to, the Food Safety Act 1990⁽¹⁾, and now vested in it⁽²⁾, after having regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations—

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000 and shall come into force as follows—

(a) regulations 1 and 5 on 31 December 2000

(b) regulations 2, 3 and 4 on 30 June 2001

(2) These Regulations apply to Wales only.

(3) In these Regulations “the general Regulations” means the Food Safety (General Food Hygiene) Regulations 1995⁽³⁾.

(1) 1990 c. 16. Section 48 was amended by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

(2) Functions vested in Ministers of the Crown under the Food Safety Act 1990, except section 54(4), were transferred to the National Assembly for Wales, in so far as exercisable in relation to Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) S.I. 1995/1763, to which no relevant amendments have been made.

Amendment of regulation 3(1)

2. In regulation 3(1) of the general Regulations (application of provisions of the general Regulations), for the words “regulations 4 and 5” there shall be substituted the words “regulations 4, 4A and 5”.

Insertion of regulation 4A and Schedule 1A

3.—(1) After regulation 4 of the general Regulations there shall be inserted the following regulation—

“Licences for butchers' shops

4A. Schedule 1A (provisions relating to the licensing of butchers' shops) shall have effect.”.

(2) After Schedule 1 to the general Regulations there shall be inserted as Schedule 1A the provisions set out in the Schedule to these Regulations.

Amendment of regulation 6(1)

4. In regulation 6(1) (offences and penalties) of the general Regulations after “or 5,” there shall be inserted “or paragraph 2 of Schedule 1A”.

Transitional provision

5.—(1) Before regulations 2, 3 and 4 above come into force—

(a) persons may apply for licences as if those regulations were in force by submitting applications which comply with Schedule 1A to the general Regulations, as set out in the Schedule to these Regulations;

(b) food authorities—

(i) shall determine any such applications which they receive, give notices of determinations and, where appropriate, issue licences; and

(ii) may suspend or revoke any licence issued in respect of such an application and take any steps which they consider appropriate for the purposes of making determinations in relation to such applications and licences (including the inspection of premises and the receipt of charges),

as if the said Schedule 1A were in force;

(2) Any licence granted by a food authority pursuant to such an application shall, subject to paragraph 10 of Schedule 1A, remain in force for a period of one year commencing with the later of the date on which it is issued or 30 June 2001.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

19th December 2000

D. Elis Thomas
The Presiding Officer of the National Assembly

THE SCHEDULE

Regulation 3(2)

SCHEDULE 1A FOR INSERTION IN THE GENERAL REGULATIONS

“SCHEDULE 1A

Regulations 4A and 6(1)

LICENSING OF BUTCHERS' SHOPS

1. The following definitions shall apply for the purposes of this Schedule—

“applicant” means a person who is applying for a licence and “application” means an application for a licence;

“appropriate food authority” in relation to a butcher’s shop, or an application or licence relating to a butcher’s shop, means the food authority for the area in which the shop is situated (or in the case of moveable premises, ordinarily kept) or the food authority which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations 1991⁽⁵⁾;

“butcher’s shop” means the premises of a food business in or from which—

- (a) commercial operations are carried out in relation to unwrapped raw meat, and
- (b) raw meat and ready to eat food are both placed on the market for sale or supply; other than catering premises;

“catering premises” means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business,—

- (a) food is prepared for delivery to the ultimate consumer for consumption, and
- (b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

“HACCP procedures” mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles—

- (a) analysis of the potential food hazards in a food business operation;
- (b) identification of the points in those operations where food hazards may occur;
- (c) deciding which of the points identified are critical to ensuring food safety (“critical points”);
- (d) identification and implementation of effective control and monitoring procedures (including critical limits), at those critical points;
- (e) verification to confirm that the Hazard Analysis and Critical Control Points system is working effectively;
- (f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the operations of the food business change; and
- (g) documentation of all procedures appropriate to the effective application of the principles listed in (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraph 5(1)(b) or (c);

“licence” means a licence issued under this Schedule;

“meat” means fresh meat within the meaning of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽⁶⁾ or regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽⁷⁾ and wild game meat

⁽⁵⁾ S.I. 1991/2825, to which no relevant amendments have been made.

⁽⁶⁾ S.I. 1995/539.

⁽⁷⁾ S.I. 1995/540.

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as defined in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995⁽⁸⁾;

“raw meat” means meat which is not ready to eat food;

“ready to eat food” means any food for consumption without further treatment or processing;

“unwrapped” means neither wrapped so as to prevent the passage of micro-organisms nor enclosed in a receptacle which prevents the passage of such organisms.

2. No person shall use premises for the purposes of a butcher’s shop except—

- (a) in accordance with a licence which is in force in respect of those premises, or
- (b) where the exception made by paragraph 9 applies.

3.—(1) An applicant shall submit his application to the appropriate food authority not less than 28 days before the date on which a licence is required.

(2) The appropriate food authority shall within 28 days of the receipt of such an application—

- (a) determine it; and
- (b) give notice of their determination to the applicant.

(3) A notice given under sub-paragraph (2) of the refusal of an application shall specify any condition in paragraph 5 which is not satisfied and shall contain particulars of the right of appeal which is conferred by section 37(1)(c) of the Act.

4.—(1) The appropriate food authority shall issue a licence in respect of a butcher’s shop if—

- (a) the applicant has submitted to it an application which sets out his or her address and either specifies the location of his or her shop or, in the case of movable premises, other information which identifies the premises to which the application relates; and
- (b) it is satisfied that the conditions specified in paragraph 5 are met on the basis of the information submitted by the applicant and any other information relating to the food business which it has acquired from an inspection of the shop or otherwise.

(2) The appropriate food authority shall impose a charge of £100 on any person to whom it issues a licence.

(3) Any sum which is payable by way of, or on account of, a charge imposed under sub-paragraph (2) may accompany the application to which it relates or may be recovered as a civil debt by the food authority after it has determined the application.

5.—(1) Subject to sub-paragraphs (6) and (7), the conditions are that—

- (a) the food business in the butcher’s shop complies with the requirements of these Regulations (including this Schedule) and the Food Safety (Temperature Control) Regulations 1995⁽⁹⁾;
- (b) all food handlers in the shop are trained in food hygiene to the standards required to enable them to perform their duties with a view to ensuring that all the food in the shop complies with those requirements;
- (c) at least one person working in the shop is trained in food hygiene to enable him or her to supervise the activities of the food business with a view to ensuring that all of the food in the shop complies with those requirements and that the HACCP procedures which apply are followed; and
- (d) HACCP procedures are in place.

⁽⁸⁾ S.I. 1995/2148.

⁽⁹⁾ S.I. 1995/2200; to which no relevant amendments have been made.

(2) Subject to sub-paragraph (7), the applicant or a proprietor or manager of the butcher's shop shall make available records of—

- (a) the HACCP procedures which apply in the shop; and
- (b) the training which persons have undertaken to enable them to carry out operations in the shop;

when requested to do so by the appropriate food authority.

(3) Records made available under sub-paragraph (2) shall be either—

- (a) in writing; or
- (b) where there is a means by which they may be read, in electronic form.

(4) Records relating to the HACCP procedures which apply in the shop shall be kept—

- (a) in the case of any document which sets out those procedures, until it is replaced by a further document which sets out those procedures;
- (b) in the case of any document which records how those procedures have been applied, for the period of not less than 12 months which begins on the date of its creation.

(5) Records of the training which persons have undertaken to enable them to carry out operations in the shop shall be kept until those persons cease to be retained to carry out those operations.

(6) In mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat, the conditions in sub-paragraph (1), and the requirements relating to records in sub-paragraphs (2) to (5), shall apply only to the parts of the premises specified below—

- (a) where both unwrapped raw meat and ready to eat food are stored, handled or displayed in the same part of the premises, that part;
- (b) where unwrapped raw meat is handled, stored or displayed in one part of the premises and ready to eat food is stored, handled or displayed in an adjoining part of the premises, each of those parts; and
- (c) where the same food handler is working on the storage, handling or display of both unwrapped raw meat and ready to eat food, or the same equipment is in use in relation to such meat and food, each part in which such meat or food is stored, handled or displayed.

(7) Where premises are not being used as a butcher's shop when the application relating to them is submitted to the appropriate food authority, the applicant shall provide information to that authority on the commercial operations, training and HACCP procedures which he or she proposes to introduce and the authority shall take that information into account when it determines the application.

6. Subject to paragraphs 7 and 10, a licence shall remain in force for the period of one year commencing on the day on which it is issued.

7. Subject to paragraph 10, where a further licence is granted to a person who has held a licence for not less than 8 months and both licences relate to the same butcher's shop, that further licence shall be issued for the period of one year which commences immediately after the expiry of the licence held by that person at the date of application for the further licence.

8. Each licence shall contain the condition that the person who holds it shall give notice to the appropriate food authority of any material change which may reduce the safety of food sold or supplied from the butcher's shop to which the licence relates, including any material change to the layout or ownership of the premises or the operation of the food business.

9.—(1) Where a food authority has refused to issue a licence in respect of an application made in the circumstances specified in sub-paragraph (2), the premises to which the application relates

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may continue to be used as a butchers' shop until the time specified in section 37(5) of the Act for bringing an appeal under that section has expired or, if an appeal under that section is brought, until the appeal is finally disposed of or abandoned.

(2) The circumstances specified for the purposes of sub-paragraph (1) are that on the date on which the application was made the premises to which it relates are used as a butcher's shop and either—

- (a) the application is made before 30 June 2001 or
- (b) on the date on which the application is made, a licence is in force in respect of the premises to which the application relates.

10.—(1) Where any of the conditions specified in paragraph 5 cease to be satisfied in respect of a butcher's shop, the appropriate food authority may suspend or revoke any licence which it has issued in respect of that shop and shall give notice of its decision to the proprietor of the shop.

(2) A notice given under sub-paragraph (1) shall specify the conditions specified in paragraph 5 which have been breached.

(3) A decision to revoke or suspend a licence made under sub-paragraph (1) shall not take effect until the time specified in section 37(5) of the Act for bringing an appeal under that section has expired or, if an appeal under that section is lodged, until the appeal is finally disposed of or abandoned.”

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Food Safety (General Food Hygiene) Regulations 1995 (“the general Regulations”) in relation to Wales (see regulation 1(2)) by introducing a requirement for butchers' shops to be licensed by food authorities. Butcher's shops for these purposes are fixed or moveable premises in which unwrapped raw meat is handled and from which both raw meat and ready to eat food are sold to consumers (see the definition of “butcher's shop” in paragraph 1 of Schedule 1A).

Regulation 2 amends regulation 3 of the general Regulations so that the provisions relating to the licensing of butchers' shops do not apply to those businesses to which the sectoral provisions listed in that regulation apply.

Regulation 3 inserts the provisions set out in the Schedule as Schedule 1A which make provision for the licensing of butchers' shops. Paragraph 4 of the Schedule makes provision for applications for licences and provides that a charge of £100 is payable in respect of the issue of a licence.

Paragraph 5 imposes licence conditions. In mixed business premises the conditions only apply to certain parts (see paragraph 5(6)).

Paragraph 6 provides that licences remain in force for periods of a year.

Paragraph 7 has effect where an applicant who holds a licence in respect of a butcher's shop applies for a further licence in respect of his shop up to four months before the expiry of his existing licence. If the further licence is granted, it begins on the expiry of the existing licence so that the applicant is not prejudiced by making an application before his existing licence expires.

Paragraph 9 permits the premises of established butchers' shops to continue to be used where an application for a licence has been refused and the time for appealing against the refusal has not elapsed or an appeal against the refusal is being brought (see section 37 of the Food Safety Act 1990 which provides for appeals to be brought within one month).

Paragraph 10 provides for the suspension and revocation of licences and for licences to remain in force until the time for appealing against a suspension or revocation has expired and whilst an appeal is pending (see section 37).

Regulation 4 amends regulation 6(1) of the general Regulations so that using premises as a butcher's shop otherwise than in accordance with a licence is a criminal offence.

Regulation 5 contains transitional provisions so that licences may be issued before the first day on which they are required. Such licences remain in force for the period of one year beginning on that day.

A Regulatory Appraisal of these Regulations has been prepared and copies may be obtained from the Food Standards Agency - Wales, 1st Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.