
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations (which apply to Wales only) amend —
 - (a) the Fresh Meat (Hygiene and Inspection) Regulations 1995;
 - (b) the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
 - (c) the Meat Products (Hygiene) Regulations 1994;
 - (d) the Minced Meat and Meat Preparations (Hygiene) Regulations 1995;
 - (e) the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992; and
 - (f) the Products of Animal Origin (Import and Export) Regulations 1996,

in each case in their application to Wales. All of the Regulations being amended extend to the whole of Great Britain.

2. These Regulations amend the Fresh Meat (Hygiene and Inspection) Regulations 1995 ([SI 1995/539](#), as amended) (“the Fresh Meat Regulations”) to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive [64/433/EEC](#) on health conditions for the production and marketing of fresh meat (a consolidated text of which is annexed to Council Directive [91/497/EEC](#) (OJNo. L268, 24.9.91, p.69) and Council Directive [91/495/EEC](#) concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (OJ No. L268, 24.9.91, p.41).

3. These Regulations amend regulation 3 of the Fresh Meat Regulations (which specifies circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 2(3) and (4)).

4. They impose revised requirements relating to the licensing of premises under the Fresh Meat Regulations. They impose a new requirement that the Food Standards Agency (“the Agency”) must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Fresh Meat Regulations (“licensed premises”) (regulation 2(5) to (7)).

5. They amend the criteria under which the Agency may revoke licences granted under the Fresh Meat Regulations (regulation 2(8) and (9)).

6. A new power to suspend licences is created (regulation 2(10)).

7. These Regulations revise the conditions governing appeals against decisions taken by the Agency in relation to licences granted under the Fresh Meat Regulations (regulations 2(11) to (13)).

8. Occupiers of premises currently licensed under the Fresh Meat Regulations will now have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 2(14)).

9. A further amendment enables official veterinary surgeons to inspect records kept by the occupiers of licensed premises pursuant to regulation 20(1)(a), (e) and (f) of the Fresh Meat Regulations and to monitor compliance with their duties under regulation 20 thereof (regulation 2(15)).

10. The powers of official veterinary surgeons set out in regulation 10 of the Fresh Meat Regulations are modified (regulation 2(16) and (17)).

11. The general conditions for the marketing of fresh meat set out in regulation 13 of the Fresh Meat Regulations are modified (regulation 2(18) and (19)).

12. The duties imposed on occupiers of licensed premises by regulation 20 of the Fresh Meat Regulations are modified (regulation 2(20) to (23)).

13. The penalties for breach contained in regulation 21 of the Fresh Meat Regulations are rationalised (regulation 2(24)). Regulation 23 of the Fresh Meat Regulations is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcement (regulation 2(25)). A further amendment to Regulation 23 introduces a new power for the Agency to certify that meat has not been produced, stored or transported in accordance with the Regulations. Meat certified in this way is treated, for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (also regulation 2(25)), with the result that it can be seized and, potentially, disposed of.

14. These Regulations amend the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/540, as amended) (“the Poultry Meat Regulations”) to provide enhanced enforcement powers in relation to these Regulations in the light of Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultry meat (a consolidated text of which is annexed to Council Directive 92/116/EEC (OJ No. L62, 15.3.93, p.1) and Council Directive 91/495/EEC.

15. In particular, these Regulations amend regulation 3 of the Poultry Meat Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 3(3) and (4)).

16. They impose revised requirements relating to the licensing of premises under the Poultry Meat Regulations. They impose a new requirement that the Agency must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Poultry Meat Regulations (“licensed poultry meat premises”) (regulation 3(5) to (7)).

17. These Regulations amend the criteria under which the Agency may revoke licences granted under the Poultry Meat Regulations (regulation 3(8) and (9)).

18. A new power to suspend licences is created (regulation 3(10)).

19. These Regulations revise the conditions governing appeals against decisions taken by the Agency in relation to licences granted under the Poultry Meat Regulations (regulation 3(11) to (13)).

20. Occupiers of premises currently licensed under the Poultry Meat Regulations will now have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 3(14)).

21. A further amendment enables official veterinary surgeons to inspect the records required to be kept by the occupiers of licensed poultry meat premises pursuant to regulation 18(1)(a) and (e) (i) of the Poultry Meat Regulations and to monitor compliance with their duties under regulation 18 thereof (regulation 3(15)).

22. The powers of official veterinary surgeons set out in regulation 10 of the Poultry Meat Regulations are modified (regulation 3(16) and (17)).

23. The general conditions for the marketing of fresh meat set out in regulation 14 of the Poultry Meat Regulations are modified (regulation 3(18)).

24. The duties imposed on occupiers of licensed poultry meat premises by regulation 18 of the Poultry Meat Regulations are modified (regulation 3(19)).

25. The penalties for breach contained in regulation 20 of the Poultry Meat Regulations are rationalised (regulation 3(20)).

26. Regulation 23 of the Poultry Meat Regulations is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcement of the Regulations (regulation 3(21)). A further amendment to Regulation 23 introduces a new power for the Agency to certify that meat has not been produced, stored or transported in accordance with the Regulations. Meat certified in this way is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 3(22)), with the result that it can be seized and, potentially, disposed of.

27. These Regulations amend the Meat Products (Hygiene) Regulations 1994 ([SI 1994/3082](#), as amended) (“the Meat Products Regulations”) to provide enhanced enforcement powers in relation to these Regulations in the light of Council Directive [77/99/EEC](#) on health problems affecting intra-Community trade in meat products (OJ No. L26, 31.1.77, p.85).

28. In particular, these Regulations amend the definition of “combined premises” in paragraph (1) of regulation 2 (interpretation) of the Meat Products Regulations (regulation 4(3)).

29. These Regulations amend regulation 3 of the Meat Products Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 4(4) and (5)).

30. They impose revised requirements relating to the approval of meat products premises. They impose a new requirement that the Agency must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of meat products premises which have already been approved under the Meat Products Regulations (“approved meat products premises”) (regulation 4(6) to (8)).

31. These Regulations amend the criteria under which the Agency may revoke approvals granted under the Meat Products Regulations (regulation 4(9) to (11)).

32. A new power to suspend approvals granted under the Meat Products Regulations is created (regulation 4(12)).

33. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals and special hygiene directions under the Meat Products Regulations (regulation 4(13) and (14)).

34. Occupiers of currently-approved meat products premises will now have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 4(15)).

35. Regulation 19 of the Meat Products Regulations (supervision and enforcement) is amended so that where any meat product is certified as provided for by new paragraph (4) or (5) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 4(16)), with the result that it can be seized and, potentially, disposed of.

36. These Regulations insert a new regulation into the Meat Products Regulations (regulation 19A). This enables authorised officers of the appropriate enforcement authority to prohibit the use of equipment or any part of approved meat products premises and to regulate or prohibit the carrying on of a process (regulation 4(17)).

37. Regulation 21 of the Meat Products Regulations (application of various sections of the Food Safety Act 1990) is amended so that section 9 thereof is, with modifications, applied to them (regulation 4(18)).

38. These Regulations amend the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205, as amended) (“the Minced Meat Regulations”) to provide enhanced enforcement powers in relation to those Regulations in the light of Council Directive 94/65/EEC laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p.10).

39. In particular, these Regulations amend the definition of “combined premises” in paragraph (1) of regulation 2 (interpretation) of the Minced Meat Regulations (regulation 5(3)).

40. These Regulations amend regulation 3 of the Minced Meat Regulations (circumstances in which those regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise give rise to an exemption (regulation 5(4) and (5)).

41. They impose revised requirements relating to the approval of premises to be used for the production of certain minced meat or meat preparations. They impose a new requirement that the approval authority must be informed of changes in the identity of those having management and similar responsibilities in relation to premises which have already been approved under the Minced Meat Regulations (“approved minced meat premises”) (regulation 5(6) and (7)).

42. These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Minced Meat Regulations (regulation 5(8) to (10)).

43. A new power to suspend approvals granted under the Minced Meat Regulations is created (regulation 5(11)).

44. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals granted under the Minced Meat Regulations (regulation 5(12) and (13)).

45. Occupiers of currently-approved minced meat premises will now have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 5(14)).

46. Regulation 12 of the Minced Meat Regulations (supervision and enforcement) is amended so that where any minced meat or meat preparation is certified as provided for by new paragraph (8) or (9) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 5(15)), with the result that it can be seized and, potentially, disposed of.

47. These Regulations insert a new regulation into the Minced Meat Regulations (regulation 12A). This enables authorised officers of the appropriate enforcement authority to prohibit the use of any equipment or any part of approved minced meat premises and to regulate or prohibit the carrying on of a process (regulation 5(16)).

48. Consequential amendments are made to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992 (S.I.1992/2921, as already amended) (regulation 6) and the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended) (regulation 7). Those latter amendments are effected in reliance on section 2(2) of the European Communities Act 1972 (1972 c. 68).

49. A regulatory appraisal has been prepared for these Regulations and copies of the assessment can be obtained from the Food Standards Agency — Wales, 1st Floor, Southgate House, Wood Street, Cardiff CF10 1EN.