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## EXPLANATORY NOTE

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

1. These Regulations amend the Food Hygiene (Wales) Regulations 2006 (S.I.2006/31 (W.5), 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 is 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 must be read with a further Corrigendum, OJ No. L204, 4.8.2007, p.26).

2. These Regulations amend the Food Hygiene (Wales) 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 “premises” 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 (Wales) Regulations 2006 to provide that when certain requirements are complied with a person is 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 is 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 is 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 is 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).

**Status:** *This is the original version (as it was originally made).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

7. The new regulation 17(8) says that, provided the requirements of the new Schedule 3D are complied with, a person is 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 regulatory impact assessment has been undertaken in respect of these Regulations and is available from the Food Standards Agency, 11th Floor Southgate House, Cardiff, CF10 1EW.