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STATUTORY INSTRUMENTS

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**1994 No. 1029**

**The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994**

**PART III**

**SUPERVISION AND CONTROL OF PREMISES**

**Supervision of premises**

**8.**—(1) Subject to paragraph (5) below, every food authority shall, in relation to any licensed premises appoint one or more official veterinary surgeons, in each case to be an authorised officer of that authority, authorised to act in relation to the examination and seizure of meat, to provide the health certification of fresh meat in accordance with regulation 15 and to be responsible for the following functions in relation to those premises, that is to say—

- (a) the authorisation of slaughter of birds or rabbits in accordance with Schedule 7;
- (b) the post-mortem health inspection of slaughtered birds or rabbits in accordance with Schedule 9;
- (c) the supervision of the health marking of fresh meat in accordance with Schedule 11;
- (d) securing, in accordance with these Regulations, the observance of the requirements of Schedules 1, 2, 3, 4, 5, 6, 8, 10, 12, 13 and 14, as appropriate; and
- (e) the carrying out of any necessary training of plant inspection assistants and the supervision of plant inspection assistants.

(2) Subject to paragraphs (4) and (5) below, every food authority shall, in relation to any licensed premises, appoint such number of persons to act as inspectors in relation to the functions specified in paragraph 1(a) to (e) above as are necessary for the proper performance of those functions.

(3) An inspector appointed under paragraph (2) above shall act under the supervision and responsibility of an official veterinary surgeon.

(4) In considering whether it is necessary to appoint any inspector or inspectors in relation to any licensed premises, the food authority shall have proper regard to the availability at those premises of any plant inspection assistants.

(5) Paragraphs (1) and (2) above shall not apply—

- (a) until 1st August 1994, to the premises referred to in regulation 4(2)(b), (d), (e) and (f);
- (b) until 1st August 1994, to low throughput premises other than low throughput premises referred to in sub-paragraph (c) below; and
- (c) until 1st April 1995, to low throughput premises which make restricted sales only.

**Designation of official veterinary surgeons**

**9.**—(1) The Minister may designate a veterinary surgeon as an authorised officer who is to act in the capacity of an official veterinary surgeon for the purposes of these Regulations.

(2) Subject to paragraphs (3) and (4) below, the Minister may, at any time, revoke or suspend the designation of any person as an official veterinary surgeon if it appears to the Minister that such person is unfit or unwilling to perform one or more of the functions of an official veterinary surgeon under these Regulations.

(3) Where the Minister revokes or suspends a designation under paragraph (2) above the Minister shall, as soon as possible, give to the person whose designation has been revoked or suspended a notice in writing of the reasons for such revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(4) A notice given under paragraph (3) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of the designated person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit or has been unwilling to perform one or more of the functions of an official veterinary surgeon under these Regulations and shall reconsider, as soon as practicable, the Minister's decision to revoke or suspend the designation under paragraph (2) above in the light of those representations.

#### **Powers of official veterinary surgeons and veterinary officers**

**10.**—(1) Where it appears to an official veterinary surgeon that in respect of any premises to which he is appointed—

- (a) any of the requirements of these Regulations as to hygiene is clearly being breached; or
- (b) adequate health inspection in accordance with these Regulations is being hampered; or
- (c) the requirements of regulation 18(3) have not been complied with;

he may by notice in writing given to the occupier of those premises—

- (i) prohibit the use of any equipment or any part of the premises specified in the notice; or
- (ii) require the rate of operation to be reduced to such an extent as is specified in the notice.

(2) Before giving notice under paragraph (1) above, the official veterinary surgeon shall consult with the food authority unless he reasonably considers that—

- (a) it is necessary for the protection of public health to give such notice without delay, and
- (b) it is not practicable to consult the food authority before giving such notice.

(3) A person who is aggrieved by a decision of an official veterinary surgeon pursuant to paragraph (1) above may appeal to a magistrates' court or, in Scotland, to the sheriff, in accordance with the provisions of section 37(3) to (5) of the Act.

(4) A notice given under paragraph (1) above shall specify the breach of the Regulations that has occurred, the action needed in order to remedy it and the details specified in section 37(6) of the Act; and—

- (a) such a notice shall be withdrawn by a further notice in writing given by an official veterinary surgeon or by an inspector acting under the authority of the official veterinary surgeon, to the occupier of the premises as soon as an official veterinary surgeon or such inspector is satisfied that such action has been taken; and
- (b) so long as such a notice is in effect, the licence in respect of the premises shall be treated as being altered by the addition of the requirements specified in the notice and the other provisions of the licence shall be subject to those requirements.

(5) The official veterinary surgeon giving a notice under paragraph (1) above shall send a copy of that notice to the food authority and the Minister.

(6) An official veterinary surgeon, in relation to any premises to which he is appointed, or a veterinary officer, may subject any bird or rabbit or any carcass or meat in any premises to such examinations (including the taking and analysis of samples) as he may reasonably consider to be necessary for the protection of public health; and an official veterinary surgeon, veterinary officer or an inspector may, where he reasonably considers it necessary for the protection of public health, by notice in writing given to the occupier of any such premises, state that he requires to examine any specified group, bird or rabbit, carcass, or meat specified in the notice, on the premises and once such notice is received the occupier shall detain any such specified group, bird or rabbit, carcass or meat until such time as he is informed in writing, as soon as practicable, by the official veterinary surgeon, or veterinary officer or inspector (as the case may be) that the result of any such examination has been obtained.

(7) A veterinary officer may at any time give to an official veterinary surgeon such reasonable directions as he may consider necessary so as to ensure that the duties and functions of such a person under these Regulations are being complied with and the official veterinary surgeon shall comply with those directions; the veterinary officer shall notify the food authority of any such directions given by him.

#### **Authorisation of plant inspection assistants**

**11.**—(1) The Minister may, in relation to any licensed premises authorise persons employed at those premises to act as plant inspection assistants in relation to the function specified in paragraph 1 of Part I of Schedule 9.

(2) No person shall act as a plant inspection assistant unless—

- (a) that person is authorised under paragraph (1) above; and
- (b) that person is supervised by an official veterinary surgeon.

(3) Subject to paragraphs (4) and (5) below, the Minister may at any time revoke or suspend the authorisation of any person as a plant inspection assistant if it appears to the Minister, on the basis of a report by a veterinary officer or an official veterinary surgeon, that—

- (a) such person is unfit to perform the function specified in paragraph 1 of Part I of Schedule 9 or has failed to perform such function in accordance with these Regulations;
- (b) such person ceases to be employed at the premises in relation to which he was authorised to act.

(4) Where the Minister revokes or suspends an authorisation granted under paragraph (1) above the Minister shall, as soon as possible, give to the person whose authorisation has been revoked or suspended notice in writing of the reasons for such revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(5) A notice given under paragraph (4) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of that person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit to act or has failed to perform his functions as a plant inspection assistant under these Regulations and shall reconsider, as soon as practicable, the Minister's decision to revoke or suspend the authorisation under paragraph (3) above in the light of those representations.

## **Inspection and health marking**

- 12.—(1) Subject to paragraph (2) below, the food authority shall—
- (a) arrange for pre-slaughter health inspections to be carried out and authorise the slaughter of birds or rabbits in accordance with Schedule 7, and
  - (b) arrange for post-mortem health inspections to be carried out at every slaughterhouse in accordance with Schedule 9.
- (2) Paragraph (1) above and paragraph (5) below shall not apply—
- (a) until 1st August 1994, to the premises referred to in regulation 4(2)(b), (d), (e) and (f); or
  - (b) until 1st August 1994, to low throughput premises other than low throughput premises referred to in sub-paragraph (c) below;
  - (c) until 1st April 1995, to low throughput premises which make restricted sales only.
- (3) The health marking in accordance with Schedule 11 shall be applied to all fresh meat which has been passed as fit for human consumption following pre-slaughter and post-mortem health inspections and which complies with the requirements of these Regulations.
- (4) The health mark shall not be applied to—
- (a) any fresh meat which does not satisfy the requirements specified in paragraph (3) above; or
  - (b) any uneviscerated poultry or uneviscerated farmed game birds.
- (5) No person shall remove, or cause or permit to be removed, from licensed premises any carcase or part of a carcase or any offal until it has been inspected in accordance with these Regulations and, in the case of fresh meat passed as fit for human consumption after inspection, until it has been marked in accordance with paragraph (3) above.
- (6) No person shall remove, or cause or permit to be removed, from a licensed premises any body of a bird—
- (a) unless it is accompanied by the health attestation shown in Schedule 20; or
  - (b) in the case of uneviscerated poultry, until the surface of the body of that bird has been inspected and the bird passed as fit for human consumption.
- (7) The health mark shall be applied under the supervision and responsibility of an official veterinary surgeon who may be assisted by an inspector.
- (8) No person shall use any mark so resembling a health mark used in accordance with Schedule 11 in such a way as to be likely to suggest that the product has been produced in accordance with these Regulations.

## **Notice of slaughter**

- 13.—(1) Subject to paragraph (3) below, no person shall slaughter, or cause to be slaughtered, in any slaughterhouse any bird or rabbit intended for sale for human consumption unless he has notified, in accordance with paragraph (2) below, the food authority within whose area the place of slaughter is situated of the day and time on, and of the place at, which the slaughter will take place.
- (2) The notification referred to in paragraph (1) above shall be given to the food authority not less than 72 hours before the time of such slaughter except where the food authority has agreed with the person required to give such notice that it will accept notice of a shorter duration, in which case such person shall give to that food authority notice of such agreed duration.
- (3) Where it is the regular practice in any slaughterhouse to slaughter birds or rabbits at fixed times on fixed days and written notice of this practice has been given to and accepted by the food authority this shall, as respects any birds or rabbits slaughtered in accordance with such practice, be regarded as adequate compliance with the requirements in paragraphs (1) and (2) above.