
STATUTORY INSTRUMENTS

1995 No. 3205

**The Minced Meat and Meat Preparations
(Hygiene) Regulations 1995**

PART IV

ADMINISTRATION, PENALTIES AND ENFORCEMENT

Information to be provided by food authorities

10. Every food authority shall provide the Minister with such information relating to the execution of its duties under these Regulations as the Minister may from time to time require.

Duties of occupier

11.—(1) The occupier of any premises shall take all necessary measures to ensure that these Regulations are complied with at all stages of production of minced meat or meat preparations and shall carry out his own checks to ensure—

- (a) that critical points in the premises relative to production are identified and acceptable to the enforcement authority;
- (b) that methods for monitoring and controlling such critical points are established and acceptable to the enforcement authority;
- (c) that, when samples are taken for the purpose of checking compliance with the hygiene standards required by these Regulations, they are analysed or examined as appropriate in a laboratory acceptable to the enforcement authority;
- (d) that as far as is reasonable and practicable a record in permanent form is kept, to be made available to the enforcement authority upon request, in respect of the matters specified in sub-paragraphs (a) to (c) above for a period of at least two years, or, in the case of chilled minced meat or meat preparations, for a period of six months after the expiry of the “use-by” date;
- (e) that health marking is controlled and carried out properly;
- (f) that the enforcement authority is notified immediately when a laboratory examination of samples or any other information at the occupier’s disposal reveals a health risk; and
- (g) in the event of an imminent health risk, that any minced meat or meat preparation obtained under technologically similar conditions and likely to present a similar degree of risk is withdrawn from the market, and that any minced meat or meat preparation so withdrawn is held under the supervision and control of the enforcement authority until it is destroyed, used for purposes other than human consumption, or, with the agreement of the enforcement authority, reprocessed in a manner appropriate to ensure it is safe for human consumption.

(2) The occupier of any premises shall further ensure—

- (a) that each worker is given instruction and training with regard to hygiene matters appropriate to the tasks undertaken by that worker;
- (b) that the packaging of the products bears a clear and legible indication of the temperature at which the products are to be transported and stored and—
 - (i) in respect of chilled products, the use-by date; or
 - (ii) in respect of deep frozen products, the minimum durability date; and
- (c) that microbiological tests are conducted at the frequency, and assessed using the criteria for interpretation, laid down in Schedule 11 or 13, as appropriate.

Supervision and enforcement

12.—(1) In relation to combined premises the Minister shall be responsible for the supervision under these Regulations of those premises and for enforcing and executing these Regulations in relation to those premises.

(2) For the purposes of paragraph (1) above, any veterinary surgeon designated as an Official Veterinary Surgeon in accordance with the Hygiene Regulations in relation to any combined premises shall have overall responsibility under these Regulations for the performance in those premises of the functions described in paragraph (1), and the Minister shall appoint any such person to be an authorised officer of the Minister for the purpose of these Regulations.

(3) For the purposes of paragraph (1) above, any person appointed by the Minister as an inspector under the Hygiene Regulations in any combined premises may act under the supervision and responsibility of an Official Veterinary Surgeon in relation to the performance in those premises of the functions described in paragraph (1).

(4) In relation to any premises other than combined premises, responsibility for the supervision under these Regulations of those premises and for enforcing and executing these Regulations in relation to those premises shall lie with the food authority in whose area the premises are situated.

(5) For the purposes of paragraph (4) above any person qualified to be an inspector in accordance with regulation 8(3) of the Fresh Meat Regulations or regulation 8(2) of and Schedule 16 to the Poultry Meat Regulations may act under the supervision and responsibility of an authorised officer of a food authority in relation to the functions described in paragraph (1).

(6) Accordingly, in these Regulations “enforcement authority”, in relation to any premises, means the authority that, by virtue of paragraph (1) or (4) above, has the responsibilities described in paragraph (1) above.

(7) Premises shall be inspected and monitored in accordance with Schedule 6.

Offences and penalties

13.—(1) If—

- (a) a person (other than an approval authority or enforcement authority) contravenes any provision of these Regulations; or
- (b) the occupier of any premises fails to take all reasonable steps to secure the compliance by any person employed by him or any person admitted to those premises with any provision of these Regulations,

he shall be guilty of an offence and shall be liable—

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

(2) No prosecution for such an offence shall commence after the expiry of—

- (a) three years from the commission of the offence; or
 - (b) one year from its discovery by the prosecutor,
- whichever is the earlier.

Application of various sections of the Act

14. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations—

section 2 (extended meaning of “sale” etc.);

section 3 (presumptions that food intended for sale for human consumption);

section 9 (inspection and seizure of suspected food) with the modification that it shall apply to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;

section 20 (offences due to fault of another person);

section 21 (defence of due diligence);

section 33 (obstruction etc. of officers);

section 36 (offences by bodies corporate) subject to the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a reference to a partner in a Scottish partnership; and

section 44 (protection of officers acting in good faith).