

2001 No. 169

FOOD

The Gelatine (Intra-Community Trade) (Scotland) Regulations 2001

<i>Made</i>	<i>30th April 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>30th April 2001</i>
<i>Coming into force</i>	<i>21st May 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gelatine (Intra-Community Trade) (Scotland) Regulations 2001 and shall come into force on 21st May 2001.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“the Agency” means the Foods Standard Agency;

“collection centre”, “tannery” and “raw material” shall be construed in accordance with Decision 1999/724;

“Decision 1999/724” means Commission Decision 1999/724/EC amending Annex II to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC(b); and

“food authority” has the same meaning as in the Food Safety Act 1990(c).

Amendment of the Products of Animal Origin (Import and Export) Regulations 1996

3. Paragraph 12 of Schedule 3 to the Products of Animal Origin (Import and Export) Regulations 1996(d) shall be amended by adding at the end the following entry—

“;

Commission Decision 1999/724/EC (O.J. No. L 290, 12.11.99, p.32).”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act.

(b) O.J. No. L 290, 12.11.99, p.32.

(c) 1990 c.16. Section 5 describes the authorities which are food authorities for the purposes of the Act.

(d) S.I. 1996/3124, to which there are amendments not relevant to these Regulations.

Authorisation of collection centres and tanneries

4.—(1) A food authority shall, on application under this regulation, authorise a collection centre or tannery for the purposes of Decision 1999/724 if the food authority is satisfied that—

- (a) the collection centre or tannery has storage rooms with hard floors and smooth walls which are easy to clean and disinfect;
- (b) where appropriate, the collection centre or tannery is provided with refrigeration facilities;
- (c) the storage rooms of the collection centre or tannery are kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the raw materials;
- (d) if any raw material, which does not conform to any requirement imposed by virtue of the Products of Animal Origin (Import and Export) Regulations 1996 which is applicable to it, is or will be stored or processed in the premises, it is or, as appropriate, will be segregated throughout the period of receipt, storage, processing and dispatch from raw material which does so conform; and
- (e) the food authority has all the information it needs to notify the Agency of the authorisation under regulation 8(2)(a).

(2) When granting any authorisation under this regulation, the food authority shall allocate a distinctive number to the premises.

(3) The proprietor of the business carried on at any premises authorised under this regulation shall give notice to the food authority of—

- (a) any change, or intended change, of the proprietorship of such business; or
- (b) any material change, or intended material change, in the operation of such business.

Suspension and withdrawal of authorisations

5.—(1) A food authority may suspend or withdraw an authorisation under regulation 4 of these Regulations if the food authority is satisfied that the premises in relation to which the authorisation was granted do not satisfy the requirements specified in regulation 4(1) or that there has been a breach of regulation 4(3) of these Regulations.

(2) A food authority shall not suspend or withdraw an authorisation under this regulation unless—

- (a) it has served a notice in accordance with paragraph (3) of this regulation on the proprietor of the business carried on at the premises; and
- (b) it is satisfied, after the time for compliance with the notice has expired, that the requirements specified in the notice have not been complied with.

(3) A notice served under paragraph (2) of this regulation shall—

- (a) state that the food authority proposes to suspend or, as the case may be, withdraw the authorisation;
- (b) identify each requirement specified in regulation 4(1) or (3) of these Regulations which the food authority is satisfied has not been complied with in relation to the premises;
- (c) in relation to each requirement specified under sub-paragraph (b) above, give reasons why the food authority is satisfied that the requirement has not been complied with; and
- (d) state that unless the proprietor of the business complies with the requirements specified in the notice within such reasonable time as is stated in the notice, the authorisation may be suspended or, as the case may be, withdrawn.

Right of appeal

6.—(1) A person who is aggrieved by a decision of a food authority to refuse authorisation under regulation 4 of these Regulations or to suspend or withdraw authorisation under regulation 5 of these Regulations may appeal to the sheriff.

(2) Section 37(4), (5) and (6) of the Food Safety Act 1990 shall have effect in relation to an appeal under this regulation as they have effect in relation to an appeal under that section.

(3) The withdrawal or suspension of an authorisation shall not take effect until the time for appealing against it has expired and, if an appeal is lodged, until the appeal is finally disposed of.

Cancellation of authorisation

7. A food authority shall cancel an authorisation under regulation 4 of these Regulations—
- (a) on the request of the proprietor of the business carried on at the premises which are so authorised; or
 - (b) if the food authority is satisfied that the business carried on at the premises in respect of which the authorisation was granted is no longer being carried on there.

Registration

8.—(1) The Agency shall maintain a register of premises authorised under regulation 4 of these Regulations.

(2) Every food authority shall notify the Agency, by such means as is reasonably required by the Agency, of—

- (a) every authorisation issued by the food authority under regulation 4 of these Regulations;
- (b) every withdrawal, suspension or cancellation by the food authority of such an authorisation;
- (c) every notice served by the food authority under regulation 5(2) of these Regulations;
- (d) any change of the proprietor of the business carried on at premises authorised under regulation 4 of these Regulations; and
- (e) any error or omission which comes to the attention of the food authority in the information in the register relating to any premises authorised by the food authority under regulation 4 of these Regulations.

(3) Every notification by a food authority to the Agency under paragraph (2) of this regulation shall contain the following information—

- (a) the address of the premises;
- (b) the name of the proprietor of the business carried on at the premises;
- (c) any trade name or other name (not being the name of the proprietor) by which the business carried on at the premises is known;
- (d) the identifying number assigned by the food authority under regulation 4(2) of these Regulations;
- (e) whether the premises are authorised as a collection centre or as a tannery; and
- (f) the date from which the authorisation has effect and the date any suspension, withdrawal or cancellation of the authorisation took effect.

(4) The Agency shall take reasonable measures to make the information on the register available to the public at reasonable times.

MALCOLM CHISHOLM
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th April 2001

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations, which extend to Scotland only, implement Commission Decision 99/724/EC (O.J. No. L 290, 12.11.99, p.32) (“the Commission Decision”) in so far as it relates to trade between Member States of the European Community and imposes new or changed obligations on the United Kingdom.

The Commission Decision amends Annex II to Council Directive 92/118/EEC (O.J. No. L 62, 15.3.93, p.49) by imposing new requirements relating to gelatine intended for human consumption. The provisions of that Directive relating to intra-Community trade are implemented by the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124) (“the 1996 Regulations”). These Regulations amend the 1996 Regulations to give effect to the requirements of the Commission Decision.

The Commission Decision requires collection centres and tanneries which supply raw materials for the manufacture of gelatine for intra-Community trade to be authorised for this purpose and these Regulations give power to food authorities in Scotland to issue, suspend, withdraw and cancel authorisations of such collection centres and tanneries which supply raw materials. The Food Standards Agency is required to maintain a register of premises so authorised.

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect which these Regulations have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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