

## SCHEDULE 1

Regulation 2(1)

### Definitions of Community legislation

“Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(1);

“Regulation 178/2002” means Regulation (EC) No. [178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(2) as amended by Regulation (EC) No. [1642/2003](#) of the European Parliament and of the Council amending Regulation (EC) No. [178/2002](#) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3);

“Regulation 852/2004” means Regulation (EC) No. [852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs(4) as read with Regulation [2073/2005](#);

“Regulation 853/2004” means Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(5) as amended by Regulation [2074/2005](#) and Regulation [2076/2005](#) and as read with Directive [2004/41](#), Regulation [1688/2005](#), Regulation [2074/2005](#) and Regulation [2076/2005](#);

“Regulation 854/2004” means Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(6) as amended by Regulation [882/2004](#), Regulation [2074/2005](#) and Regulation [2076/2005](#) and as read with Directive [2004/41](#), Regulation [2074/2005](#), Regulation [2075/2005](#) and Regulation [2076/2005](#);

“Regulation 882/2004” means Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(7) as read with Regulation [2074/2005](#) and Regulation [2076/2005](#);

“Regulation 1688/2005” means Commission Regulation (EC) No. [1688/2005](#) implementing Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(8);

“Regulation 2073/2005” means Commission Regulation (EC) No. [2073/2005](#) on microbiological criteria for foodstuffs(9);

“Regulation 2074/2005” means Commission Regulation (EC) No. [2074/2005](#) laying down implementing measures for certain products under Regulation (EC) No. [853/2004](#), of the

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(1) O.J. No. L 157, 30.4.04, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (O.J. No. L 195, 2.6.04, p.12).

(2) O.J. No. L 31, 1.2.02, p.1.

(3) O.J. No. L 245, 29.9.03, p.4.

(4) O.J. No. L 139, 30.4.04, p.1. The revised text of Regulation [852/2004](#) is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p. 3).

(5) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation [853/2004](#) is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

(6) O.J. No. L 139, 30.4.04, p.206. The revised text of Regulation [854/2004](#) is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.83).

(7) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. [882/2004](#) is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1).

(8) O.J. No. L 271, 15.10.05, p. 17.

(9) O.J. No. L 338, 22.12.05, p.1.

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European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004<sup>(10)</sup>;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat<sup>(11)</sup>; and

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) Nos. 853/2004, 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004<sup>(12)</sup>.

## SCHEDULE 2

Regulations 2(1) and 17(1)

### Specified Community provisions

<i>Column 1</i> <i>Provision of Community Regulations</i>	<i>Column 2</i> <i>Subject-matter</i>
Article 3 of Regulation 852/2004	Requirement that food business operators ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in Regulation 852/2004.
Article 4(1) of Regulation 852/2004	Requirement that food business operators carrying out primary production and specified associated operations comply with the general hygiene provisions laid down in Part A of Annex I to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(2) of Regulation 852/2004	Requirement that food business operators carrying out any stage of production, processing and distribution of food after those stages to which Article 4(1) applies comply with the general hygiene requirements laid down in Annex II to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(3) of Regulation 852/2004	Requirement that food business operators, as appropriate, adopt certain specific hygiene measures.
Article 5(1) of Regulation 852/2004	Requirement that food business operators (other than those excepted in Article 5(3)) put in place, implement and maintain a permanent

<sup>(10)</sup> O.J. No. L 338, 22.12.05, p.27.

<sup>(11)</sup> O.J. No. L 338, 22.12.05, p.60.

<sup>(12)</sup> O.J. No. L 338, 22.12.05, p. 83.

<i>Column 1</i> <i>Provision of Community Regulations</i>	<i>Column 2</i> <i>Subject-matter</i>
	procedure or procedures based on the HACCP (hazard analysis and critical control point) principles.
Article 5(2) of Regulation 852/2004	Requirement that when any modification is made in the product, process, or any step, food business operators review the procedure referred to in Article 5(1) and make the necessary changes to it.
Article 5(4)(a) of Regulation 852/2004	Requirement that food business operators provide the competent authority with evidence of their compliance with Article 5(1).
Article 5(4)(b) of Regulation 852/2004	Requirement that food business operators ensure that any documents describing the procedures developed in accordance with Article 5 are up to date.
Article 5(4)(c) of Regulation 852/2004	Requirement that food business operators retain documents and records for an appropriate period.
Article 6(1) of Regulation 852/2004	Requirement that food business operators co operate with the competent authorities in accordance with other applicable Community legislation or national law.
Article 6(2), first paragraph of Regulation 852/2004	Requirement that a food business operator notify the competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food.
Article 6(2), second paragraph of Regulation 852/2004	Requirement that food business operators ensure that the competent authority has up to date information on establishments.
Article 6(3) of Regulation 852/2004	Requirement that food business operators ensure that establishments are approved by the competent authority when approval is required.
Article 3(1) of Regulation 853/2004	Requirement that food business operators comply with the relevant provisions of Annexes II and III to Regulation 853/2004.
Article 3(2) of Regulation 853/2004	Requirement that food business operators do not use any substance other than potable water or, when Regulation 852/2004 or Regulation 853/2004 permits its use, clean water, to remove surface contamination from products of animal origin unless use of the substance has been approved and any conditions for its use complied with.

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<i>Column 1</i> <i>Provision of Community Regulations</i>	<i>Column 2</i> <i>Subject-matter</i>
Article 4(1) of Regulation 853/2004	Requirement that food business operators place products of animal origin manufactured in the Community on the market only if they have been prepared and handled exclusively in establishments— <ul style="list-style-type: none"> <li>(a) that meet the relevant requirements of Regulation 852/2004, those of Annexes II and III to Regulation 853/2004 and other relevant requirements of food law; and</li> <li>(b) that the competent authority has registered or, where required in accordance with Article 4(2), approved.</li> </ul>
Article 4(2) of Regulation 853/2004	Requirement that establishments handling those products of animal origin for which Annex III to Regulation 853/2004 lays down requirements do not operate unless the competent authority has approved them in accordance with Article 4(3).
Article 4(3) of Regulation 853/2004	Requirement that establishments subject to approval in accordance with Article 4(2) do not operate unless the competent authority has, in accordance with Regulation 854/2004— <ul style="list-style-type: none"> <li>(a) granted the establishment approval to operate following an on-site visit; or</li> <li>(b) provided the establishment with conditional approval.</li> </ul>
Article 4(4) of Regulation 853/2004	Requirement that food business operators co operate with the competent authorities in accordance with Regulation 854/2004 including ensuring that an establishment ceases to operate if it is no longer approved.
Article 5(1) of Regulation 853/2004	Requirement that food business operators do not place on the market a product of animal origin handled in an establishment subject to approval in accordance with Article 4(2) unless it has— <ul style="list-style-type: none"> <li>(a) a health mark applied in accordance with Regulation 854/2004; or</li> <li>(b) when Regulation 854/2004 does not provide for the application of a health mark, an identification mark applied in accordance with Section I of Annex II to Regulation 853/2004.</li> </ul>
Article 5(2) of Regulation 853/2004	Requirement that food business operators apply an identification mark to a product of animal origin only if the product has been manufactured in accordance with Regulation

<i>Column 1</i> <i>Provision of Community Regulations</i>	<i>Column 2</i> <i>Subject-matter</i>
Article 5(3) of Regulation 853/2004	853/2004 in establishments meeting the requirements of Article 4.  Requirement that food business operators do not remove a health mark applied in accordance with Regulation 854/2004 from meat unless they cut or process it or work upon it in another manner.
Article 6(1) and (2) of Regulation 853/2004	Requirement that food business operators ensure that importation of products of animal origin only takes place where certain conditions are met.
Article 6(3) of Regulation 853/2004	Requirement that food business operators importing products of animal origin shall ensure that— (a) products are made available for control upon importation in accordance with Council Directive <a href="#">97/78/EC(13)</a> ; (b) importation complies with the requirements of Council Directive <a href="#">2002/99/EC(14)</a> ; and (c) operations under their control that take place after importation are carried out in accordance with the requirements of Annex III to Regulation 853/2004.
Article 6(4) of Regulation 853/2004	Requirement that food business operators importing food containing both products of plant origin and processed products of animal origin ensure that the processed products of animal origin satisfy the requirements of paragraphs (1) to (3) of Article 6.
Article 7 of Regulation 853/2004	Requirement that food business operators ensure that certificates or other documents accompany consignments of products of animal origin when required in accordance with Annex II or III to Regulation 853/2004.
Article 8 of Regulation 853/2004	Requirement that food business operators intending to place specified foods of animal origin on the market in Sweden or Finland comply with the rules set out in Article 8(2).
Article 7(1) of Regulation 2073/2005	Requirement that food business operators shall take the measures laid down in paragraphs (2) to (4) of Article 7 when the results of testing against the criteria set out in Annex 1 to

(13) O.J. No. L 24, 30.1.98, p.9.

(14) O.J. No. L 18, 23.1.03, p.11.

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<i>Column 1</i> <i>Provision of Community Regulations</i>	<i>Column 2</i> <i>Subject-matter</i>
Article 9 of Regulation 2075/2005	Regulation 2073/2005 (microbiological criteria for foodstuffs) are unsatisfactory.  Requirement that food business operators of holdings recognised as free from <i>Trichinella</i> shall inform the competent authority of any requirement as laid down in Chapter I and II(B) of Annex IV to Regulation 2075/2005 (detailed conditions for <i>Trichinella</i> free-holdings and regions with a negligible <i>Trichinella</i> risk) that is no longer fulfilled or of any other change that might affect holdings' <i>Trichinella</i> -free status.

### SCHEDULE 3

Regulation 29

#### Bulk transport in sea-going vessels of liquid oils or fats or of raw sugar

#### **Offence**

1. Any person who contravenes or fails to comply with any of the requirements of this Schedule is guilty of an offence.

#### **Liquid oils or fats**

2.—(1) The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank shall have been a foodstuff or a cargo from the list of acceptable previous cargoes for liquid oils or fats; and
- (b) where the oil or fat is transported in a tank of materials other than those specified in sub paragraph (a), the three previous cargoes transported in the tanks shall have been foodstuffs or from the list of acceptable previous cargoes for liquid oils or fats.

(2) For the purposes of this paragraph, “list of acceptable previous cargoes for liquid oils or fats” means the list set out in the Annex to Commission Directive [96/3/EC](#).

3. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or are likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) the tank shall be of stainless steel or lined with epoxy resin or technical equivalent; and
- (b) the three previous cargoes transported in the tank shall have been foodstuffs.

4. The captain of a sea-going vessel transporting, in tanks, bulk liquid oils or fats intended for or likely to be used for human consumption shall keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between those cargoes.

5. Where the cargo has been trans-shipped, in addition to the documentary evidence required by virtue of paragraph 4, the captain of the receiving vessel shall keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions of paragraph 2 or 3 during previous shipment and of the effectiveness of the cleaning process used between those previous cargoes on the vessel from which the bulk liquid oil or fat was trans-shipped.

6. Upon request, the captain of the vessel shall provide the enforcement authority with the documentary evidence described in paragraphs 4 and 5.

### **Raw sugar**

7. The bulk transport by sea of raw sugar which is not intended for use as food or as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

8. The receptacles, containers or tankers referred to in paragraph 7 shall be subject to the following conditions—

- (a) prior to loading the raw sugar, the receptacle, container or tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively; and
- (b) the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

9. A food business operator who is responsible for the transport of raw sugar by sea under paragraph 7 shall keep documentary evidence accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

10. The documentary evidence shall accompany the consignment of raw sugar during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked as follows in a clearly visible and indelible fashion, in one or more Community languages: “This product must be refined before being used for human consumption”.

11. On request, a food business operator responsible for the transport of the raw sugar or the refining process shall provide the enforcement authority with the documentary evidence referred to in paragraphs 9 and 10.

12. Raw sugar which has been transported by sea in receptacles, containers or tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

13. In fulfilling the obligations under Article 5(1) of Regulation 852/2004 (hazard analysis and critical control points) in relation to the bulk transport of raw sugar by sea under paragraph 7, a food business operator who is responsible for the transport or refining of raw sugar shall—

- (a) consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical control point as referred to in Article 5(2)(b) of Regulation 852/2004; and
- (b) take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.

### **Interpretation**

14.—(1) For the purposes of this Schedule, any words or expressions used both in this Schedule and in Commission Directive 96/3/EC or Commission Directive 98/28/EC granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport

by sea of bulk raw sugar(15) shall bear the same meanings as they respectively have in those Directives.

(2) In this Schedule, “Commission Directive 96/3/EC” means Commission Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea(16) as amended by Commission Directive 2004/4/EC amending Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea(17).

## SCHEDULE 4

Regulation 30

### Temperature control requirements

#### Scope

1.—(1) Subject to sub-paragraph (2), this Schedule applies in relation to any person to whose food business operations Regulation 852/2004 applies but Regulation 853/2004 does not apply.

(2) This Schedule does not apply to food business operations on any ship or aircraft.

#### Chill and hot holding requirements

2.—(1) Subject to sub paragraph (2), any person who keeps food with respect to which any commercial operation is being carried out at or in food premises otherwise than—

- (a) in a refrigerator or refrigerating chamber or in a cool ventilated place; or
- (b) at a temperature above 63°C,

is guilty of an offence.

(2) Sub paragraph (1) shall not apply to any food—

- (a) which is undergoing preparation for sale;
- (b) which is exposed for sale or has been sold to a consumer whether for immediate consumption or otherwise;
- (c) which, immediately following any process of cooking to which it is subjected or the final processing stage if no cooking process is applied, is being cooled under hygienic conditions as quickly as possible to a temperature which would not result in a risk to health;
- (d) which, in order that it may be conveniently available for sale on the premises to consumers, it is reasonable to keep otherwise than as referred to in sub-paragraph (1);
- (e) which, for the duration of its shelf life, may be kept at ambient temperatures with no risk to health;
- (f) to which Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry(18), as last amended by Council Regulation (EC) No. 1101/98(19), applies; or
- (g) to which Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs(20), as last amended by Council Regulation (EC) No. 2052/2003(21), applies.

(15) O.J. No. L 140, 12.5.98, p.10.

(16) O.J. No. L 21, 27.1.96, p.42.

(17) O.J. No. L 15, 22.1.04, p.25.

(18) O.J. No. L 173, 6.7.90, p.1.

(19) O.J. No. L 157, 30.5.98, p.12.

(20) O.J. No. L 173, 6.7.90, p.5.



### **Reheating of food**

3.—(1) Food which in the course of a commercial operation has been heated and which is thereafter reheated before being served for immediate consumption or exposed for sale shall, on being reheated, be raised to a temperature of not less than 82°C.

(2) Any person who contravenes the provisions of sub paragraph (1) is guilty of an offence.

(3) In any proceedings for an offence under sub paragraph (2), it shall be a defence for the accused to prove that the food could not have been raised to a temperature of not less than 82°C without a deterioration of its qualities.

### **Interpretation**

4. In this Schedule, “shelf life” means—

- (a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996<sup>(22)</sup> (form of indication of minimum durability), the period up to and including the date required to be included in that indication;
- (b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1996 (form of indication of “use by” date), the period up to and including that date; and
- (c) in relation to food which is not required to bear an indication of minimum durability or a “use by” date, the period for which the food can be expected to remain fit for sale if it is kept in a manner which is consistent with food safety.

## **SCHEDULE 5**

Regulation 31

Direct supply by the producer of small quantities of meat  
from poultry and lagomorphs slaughtered on the farm

### **Scope**

1. This Schedule applies to the direct supply by the producer of small quantities of meat from poultry or lagomorphs that have been slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer.

### **Offence**

2. Any person who contravenes or fails to comply with any of the provisions of this Schedule is guilty of an offence.

### **Requirements**

3. No person shall sell meat from poultry or lagomorphs unless it bears a label or other marking clearly indicating the name and address of the farm where it was slaughtered.

4. The producer shall—

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(21) O.J. No. L 305, 22.11.03, p.1.

(22) S.I. 1996/1499, to which there are amendments not relevant to these Regulations.

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- (a) keep a record in adequate form to show the number of birds and the number of lagomorphs received into, and the amounts of fresh meat despatched from, the producer's premises during each week;
- (b) retain the record for a period of 1 year; and
- (c) make the record available to an authorised officer on request.

## SCHEDULE 6

Regulation 32

### Restrictions on the placing on the market of raw milk and raw cream intended for direct human consumption

1. No person shall place on the market raw milk, or raw cream, intended for direct human consumption.
2. Any person who contravenes paragraph 1 is guilty of an offence.
3. In any proceedings for an offence in respect of a contravention of paragraph 1, it shall be a defence for the accused to prove that the raw milk or raw cream in respect of which the offence is alleged to have been committed was intended for export—
  - (a) to England, Wales or Northern Ireland or to a member state other than the United Kingdom and that the milk or cream complies with Regulation 853/2004 and with any national rules applicable to that part of the United Kingdom or to that member state, made pursuant to Article 10.8(a) of Regulation 853/2004;
  - (b) to a third country in accordance with Article 12 of Regulation 178/2002 as read with Article 11 of Regulation 852/2004.

## SCHEDULE 7

Regulation 33

### Consequential amendments

#### **The Colours in Food Regulations 1995**

1. In the Colours in Food Regulations 1995(23) in regulation 4 (health marking etc. of certain meat and meat products), for “health marking as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “health mark referred to in Article 5 of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as amended by Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (24)”.

#### **The Animal By-Products (Identification) Regulations 1995**

2. The Animal By-Products (Identification) Regulations 1995(25) are amended as provided in paragraphs 3 to 11.
3. In regulation 2(1) (interpretation)—

(23) S.I. 1995/3124, to which there are amendments not relevant to these Regulations.

(24) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

(25) S.I. 1995/614, amended by S.I. 1995/1955, 1996/3124, 1997/2073, S.S.I. 2000/62, 2002/283, 2003/53 and 411 and 2005/470.

- (a) for the definition of “animal by-products premises” substitute–  
““animal by-products premises” means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;”;
- (b) for the definition of “cold store” substitute–  
““cold store” means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;”;
- (c) after the definition of “the Community Regulation”, insert–  
“Regulation 854/2004” has the same meaning as in Schedule 1 to the Hygiene Regulations”;
- (d) for the definition of “cutting premises” substitute–  
““cutting plant” has the meaning given in regulation 5(7) of the Hygiene Regulations;”;
- (e) for the definition of “game processing facility” substitute–  
““game-handling establishment” has the meaning given in regulation 5(7) of the Hygiene Regulations;”;
- (f) for the definition of “the Hygiene Regulations” substitute–  
““the Hygiene Regulations” means the Food Hygiene (Scotland) Regulations 2006(26);”;
- (g) for the definition of “occupier” substitute–  
““occupier” means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;”;
- (h) for the definition of “slaughterhouse” substitute–  
““slaughterhouse” has the meaning given in regulation 5(7) of the Hygiene Regulations;” and
- (i) for the definition of “wild game” substitute–  
“wild game” means–
  - (i) wild ungulates and lagomorphs, as well as other land mammals that are hunted for human consumption, including mammals living in enclosed territory under conditions of freedom similar to those of wild game; and
  - (ii) wild birds that are hunted for human consumption.

4. In regulation 3(1)(iv) (meaning of “animal by product”) for “in accordance with the Hygiene Regulations” substitute “in accordance with the Hygiene Regulations and Regulation 854/2004”.

5. In regulation 4(a) (scope) for “in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995” substitute “in accordance with the Hygiene Regulations and Regulation 854/2004”.

6. In regulation 5(2)(c) (exemptions) for the words “cold store, cutting premises, slaughterhouse, game processing facility” substitute “cutting plant, game-handling establishment, slaughterhouse”.

7. For regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) substitute–

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**“Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses**

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which—

(a) is—

(i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse;

(ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect; and

(iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

(b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.”

8. For regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) substitute—

**“Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse**

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2).”

9. In regulation 9 (storage and packaging of animal by-products)—

(a) for paragraph (2) substitute—

“(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect.”; and

(b) in paragraph (3) for “cutting premises, game processing facility” substitute “cutting plant, game-handling establishment”.

10. In regulation 10 (restriction on movement of animal by-products)–
- (a) in paragraph (1)–
    - (i) for “cutting premises, game processing facility” substitute “cutting plant,”; and
    - (ii) for “game processing facility” substitute “game-handling establishment”; and
  - (b) in paragraph (2), for “cutting premises, game processing facility” substitute “cutting plant, game-handling establishment”.
11. In regulation 12 (enforcement)–
- (a) in paragraph (a), for “in relation to premises licensed under the Hygiene Regulations” substitute “in relation to any cutting plant, game-handling establishment or slaughterhouse”; and
  - (b) for paragraph (b) substitute–
    - “(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.”.

### **The Food Labelling Regulations 1996**

12. The Food Labelling Regulations 1996(27) are amended as provided in paragraphs 13 to 18.
13. In regulation 2 (interpretation), omit the definition of “raw milk”.
14. In each of regulations 23(2)(b) (food which is not prepacked and similar food, and fancy confectionary products), 26(2) (small packages and certain indelibly marked bottles) and 27(2) (certain food sold at catering establishments), omit “and, if such milk is raw milk, the particulars required by regulation 5(e)(i)”.
15. Omit regulation 31 (raw milk).
16. In regulation 37 (milk)–
- (a) in paragraph (1), omit “Subject to paragraph (2) of this regulation,”; and
  - (b) omit paragraph (2).
17. In regulation 39 (field of vision), omit paragraph (d).
18. In Schedule 3 (generic names in list of ingredients), Part I (general), in the entry for ““Meat” and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes”, in column 2 for “any products covered by the European Community definition of “mechanically recovered meat” in Article 2(c) of Council Directive [64/433/EEC](#) on health conditions for the production and marketing of fresh meat as last amended by Council Directive [95/23/EC](#)” substitute–
- “the product obtained by removing the meat from flesh-bearing bones after boning or from carcasses of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure”.

### **The Products of Animal Origin (Import and Export) Regulations 1996**

19. In the Products of Animal Origin (Import and Export) Regulations 1996(28), in regulation 1(1) (title, commencement, interpretation and extent) for the definition of “the Hygiene Regulations” substitute–

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(27) S.I. [1996/1499](#) amended by S.I. [1998/2424](#), [141](#) and [1398](#), [1999/747](#), [982](#), [1136](#), [1483](#), [1603](#) and [1540](#), S.S.I. [2000/83](#) and [309](#), [2001/38](#), [2002/524](#), [2003/145](#), [291](#), [293](#), [311](#), [527](#), [569](#) and [578](#), [2004/06](#), [133](#), [269](#), [395](#) and [472](#) and [2005/222](#) and [456](#).

(28) S.I. [1996/3124](#).

“the Hygiene Regulations” means the Food Hygiene (Scotland) Regulations 2006<sup>(29)</sup>”.

### **The Specified Risk Material Order 1997**

- 20.** The Specified Risk Material Order 1997<sup>(30)</sup> is amended as provided in paragraphs 21 and 22.
- 21.** In article 2(1) (interpretation) after the definition of “specified solid waste” insert–  
 ““Regulation 853/2004” has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006;”.
- 22.** In Schedule 1 (foods and feeding stuffs requiring import certificates)–
- (a) for paragraph 1 substitute–  
 “**1.** Fresh meat, as defined in paragraph 1.10 of Annex I to Regulation 853/2004.”;
  - (b) for paragraph 2 substitute–  
 “**2.** Minced meat and meat preparations as defined in paragraphs 1.13 and 1.15 respectively of Annex I to Regulation 853/2004.”;
  - (c) for paragraph 3 substitute–  
 “**3.** Meat products and greaves as defined in paragraphs 7.1 and 7.6 respectively of Annex I to Regulation 853/2004.”;
  - (d) for paragraph 8 substitute–  
 “**8.** Rendered animal fat as defined in paragraph 7.5 of Annex I to Regulation 853/2004.”.

### **The Beef Bones (Scotland) Regulations 1999**

- 23.** The Beef Bones (Scotland) Regulations 1999<sup>(31)</sup> are amended as provided in paragraphs 24 and 25.
- 24.** In regulation 2(1) (interpretation)–
- (a) after the definition of “carcase”, insert–  
 ““cutting plant” has the meaning given in regulation 5(7) of the Hygiene Regulations;”;
  - (b) after the definition of “fresh meat”, insert–  
 ““game-handling establishment” has the meaning given in regulation 5(7) of the Hygiene Regulations;  
 “the Hygiene Regulations” means the Food Hygiene (Scotland) Regulations 2006”;  
 and
  - (c) after the definition of “occupier”, insert–  
 ““official veterinarian” means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;  
 “Regulation 854/2004” has the same meaning as in Schedule 1 to the Hygiene Regulations;  
 “slaughterhouse” has the meaning given in regulation 5(7) of the Hygiene Regulations; and”.

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<sup>(29)</sup> S.S.I. 2006/3 .

<sup>(30)</sup> S.I. 1997/2964.

<sup>(31)</sup> S.S.I. 1999/186.

25. In regulation 10 (enforcement)–

(a) for paragraph (1) substitute–

“(1) These Regulations shall be enforced–

(a) by the Agency in relation to any cutting plant, game-handling establishment or slaughterhouse; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated”; and

(b) in paragraph (2), for “an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “an official veterinarian”.

### **Amendments to the Cattle Identification Regulations 1998**

26. The Cattle Identification Regulations 1998(32) are amended as provided in paragraphs 27 to 29.

27. In regulation 2(1), for the definition of “official veterinary surgeon” substitute “official veterinarian” means a person who is registered in the register of veterinary surgeons or the supplementary veterinary register provided for under sections 2 and 8 of the Veterinary Surgeons Act 1966(33), who is appointed by the Agency in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006 and is qualified in accordance with Regulation No. 853/2004;”.

28. In regulation 2(1) after the definition of “official veterinary surgeon” insert–

“Regulation 853/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006(34);”.

29. In regulation 2(1), in the definition of “licensed slaughterhouse”, for “licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006”.

### **The Bovine and Bovine Products (Trade) Regulations 1999**

30. The Bovine and Bovine Products (Trade) Regulations 1999(35) are amended as provided in paragraphs 31 to 34.

31. In regulation 10(3) for sub-paragraph (a) substitute “(a) the establishment is a slaughterhouse as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006”.

32. In regulation 10(3)(b) for “in the OVS room (as defined in regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “in the room required to be provided for the use of the official veterinarian under paragraph 9 of Chapter II of Annex III to Regulation (EC) No. 853/2004”.

33. In regulation 10 after paragraph 6 insert–

“(7) In this regulation, Regulation 853/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006”.

34. In regulation 11(2)(a) for “the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “the Food Hygiene (Scotland) Regulations 2006”.

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(32) S.I. 1998/871.

(33) 1966 c. 36.

(34) S.S.I. 2006/ 3 .

(35) S.I. 1999/1103.

**The TSE (Scotland) Regulations 2002**

- 35.** The TSE (Scotland) Regulations 2002(36) are amended as provided in paragraphs 36 to 42.
- 36.** In regulation 3(1) (interpretation)–
- (a) after the definition of “The Community Transitional Measures” insert–
 

“Regulation 854/2004 has the same meaning as in Schedule 1 to the Food Hygiene (Scotland) Regulations 2006;”;
  - (b) for the definition of “cutting premises” substitute–
 

“cutting premises” means a cutting plant as defined in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006;
  - (c) in paragraph (b) of the definition of “inspector”, for “designated as an OVS or as a meat hygiene inspector in accordance with regulation 8(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “appointed as an authorised officer in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006”;
  - (d) for the definition of “OVS” substitute–
 

““official veterinarian” means a veterinarian who is registered in the register of veterinary surgeons or the supplementary veterinary register provided for under sections 2 and 8 of the Veterinary Surgeons Act 1966, is appointed by the Agency in accordance with regulation 5(6) of the Food Hygiene (Scotland) Regulations 2006 and is qualified in accordance with Regulation 854/2004 ;”;
  - (e) for the definition of “occupier” substitute–
 

““occupier” means a person carrying on the business of any cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;” and
  - (f) for the definition of “slaughterhouse” substitute–
 

““slaughterhouse” has the meaning given in regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006;”.
- 37.** In regulation 43(1)(c), for “the Fresh Meat (Hygiene and Inspection) Regulations 1995” substitute “in accordance with Regulation (EC) No. 854/2004”.
- 38.** In regulation 55(4)(a) (licensing of premises), for “cutting premises” substitute “cutting plants”.
- 39.** In regulations 4(3), 10A(1) and (3), 41(3)(a) and (c) and (5), 42(1) to (4), 74 and 78(3), for “OVS” in each place where it occurs substitute “official veterinarian”.
- 40.** For regulation 49 (mechanically recovered meat) substitute–

**“Mechanically separated meat**

**49.**—(1) No person shall contravene or fail to comply with point 3 of Part A of Annex XI to the Community TSE Regulation.

(2) No person shall use any mechanically separated meat which is derived from a bovine, ovine or caprine animal in the preparation of any food for human consumption or any feedingstuff.”.

- 41.** In regulations 81(1), 88(2) and 89(1), for “premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995” in each place where it occurs substitute “a slaughterhouse”:

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(36) S.S.I. 2002/255.



42. In regulation 99 (enforcement), for paragraph (1) substitute—

“(1) Part II and Part IV of these Regulations shall be enforced—

- (a) in relation to a slaughterhouse, by the Agency or by the Scottish Ministers; and
- (b) in relation to any other premises, by the Local Authority.”.

### **The Condensed Milk and Dried Milk (Scotland) Regulations 2003 (2003/311)**

43. In the Condensed Milk and Dried Milk (Scotland) Regulations 2003(37), in note 4 of Schedule 1, omit “Without prejudice to the generality of Part V of the Dairy Products (Hygiene) (Scotland) Regulations 1995”.

### **The Animal By-Products (Scotland) Regulations 2003**

44. In the Animal By-Products (Scotland) Regulations(38), in regulation 49, for paragraph (1) substitute “These Regulations shall be enforced by the Scottish Ministers in relation to premises defined as a cutting plant, game-handling establishment or slaughterhouse by regulation 5(7) of the Food Hygiene (Scotland) Regulations 2006.”

### **The Eggs (Marketing Standards) (Enforcement) Scotland Regulations 2005**

45. For regulation 4(3) (enforcement authorities) of the Egg (Marketing Standards) (Enforcement) (Scotland) Regulations 2005(39) substitute—

“The Scottish Ministers shall execute and enforce the specified Community provisions insofar as they do not relate to the matters referred to in paragraph (1).”.

### **The Official Feed and Food Control (Scotland) Regulations 2005**

46. The Official Feed and Food Control (Scotland) Regulations 2005(40) are amended as provided in paragraphs 47 to 51.

47. In regulation 2(1), for “and “Regulation 1688/2005”” substitute “, “Regulation 1688/2004”, “Regulation 2073/2005”, “Regulation 2074/2005” and “Regulation 2076/2005””.

48. In regulation 15, for “the staff” substitute “a member of staff”.

49. In regulation 43(2)(a), for “a 7 days” substitute “a date 7 days”.

50. In regulations 4(5) and (6) and 13(7), Schedule 2, paragraph (e) and Schedule 3, paragraph (c), for “the Food Hygiene (Scotland) Regulations 2005(41)” in each place where it occurs substitute “the Food Hygiene (Scotland) Regulations 2006”.

51. For the definitions contained in Schedule 1, substitute—

““Directive 2004/41” means Directive [2004/41/EC](#) of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(42);

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(37) [S.S.I. 2003/311](#).

(38) [S.S.I. 2003/411](#).

(39) [S.S.I. 2005/332](#). Regulation 4(3) was substituted by [S.S.I. 2005/505](#), regulation 33. These Regulations revoke and replace that amendment.

(40) [S.S.I. 2005/616](#).

(41) [S.S.I. 2005/505](#).

(42) O.J. No. L 157, 30.4.04, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (O.J. No. L 195, 2.6.04, p.12).

*Status: This is the original version (as it was originally made).*

“Regulation 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as last amended by Regulation 1642/2003;

“Regulation 1642/2003” means Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;

“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(43) as read with Regulation 2073/2005;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(44) as amended by Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(45) as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(46);

“Regulation 2073/2005” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(47);

“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(48); and

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(49).”.

(43) O.J. No. L 139, 30.4.04, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.3).

(44) O.J. No. L 139, 30.4.04, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L 226, 25.6.04, p.22).

(45) O.J. No. L 165, 30.4.04, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (O.J. No. L 191, 28.5.04, p.1).

(46) O.J. No. L 271, 15.10.05, p.17.

(47) O.J. No. L 338, 22.12.05, p.1.

(48) O.J. No. L 338, 22.12.05, p.27.

(49) O.J. No. L 338, 22.12.05, p.83.

## SCHEDULE 8

Regulation 34

## Revocations

<i>Column 1 Instruments</i>	<i>Column 2 Reference</i>	<i>Column 3 Extent of revocation</i>
The Drinking Milk Regulations 1998	<a href="#">S.I.1998/2424</a>	Regulation 10(2) and (3)(a)
The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000	<a href="#">S.S.I. 2000/62</a>	Regulations 3(1), (2) and (3), 4(2) and (3), 5(1) to (3) and 6(1), (2) to (4), (6) and (7) and Schedule 1, Parts I and II, Schedule 2, Parts II and III, Schedule 3, Parts I to III and Schedule 4, Parts I to IV, VI and VIII
The Food Hygiene (Scotland) Regulations 2005	<a href="#">S.S.I. 2005/505</a>	The whole Regulations