
STATUTORY INSTRUMENTS

1995 No. 2148

**The Wild Game Meat (Hygiene
and Inspection) Regulations 1995**

PART III

SUPERVISION AND CONTROL OF PREMISES

Supervision of premises

6.—(1) The Minister may designate veterinary surgeons as OVSs and shall, in relation to any licensed premises, appoint one or more OVSs, in each case to be an authorised officer of the Minister authorised to act in relation to the examination and seizure of wild game meat, to provide the health certification of wild game meat and to be responsible for the following functions in relation to those premises—

- (a) the post mortem health inspection of wild game in accordance with Schedule 4;
- (b) the approval as fit, or the condemnation as unfit, for human consumption of wild game meat in accordance with Schedule 5;
- (c) where appropriate, the examination of the meat of wild boar for trichinellosis;
- (d) the health marking of wild game meat in accordance with Schedule 7;
- (e) securing the observance of the requirements of Schedules 1, 2, 3, 6, 8 and 9; and
- (f) the carrying out of any necessary training, and the supervision, of PIAs.

(2) The Minister shall, in relation to any licensed premises, appoint such number of other persons to act as inspectors in relation to the functions specified in paragraphs (1) (a) to (f) above as appears to him to be 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 OVS.

(4) In considering whether it is necessary to appoint any inspector or inspectors in relation to any licensed premises processing small wild game, the Minister shall have regard to the availability in those premises of any PIAs.

(5) A veterinary surgeon designated as an OVS under regulation 8 of the Hygiene Regulations shall, in relation to any cold store or re-wrapping centre to which he is appointed under those Regulations and which handles wild game meat, be responsible for ensuring that the requirements of Schedules 8 and 9 to these Regulations are observed and that the health mark is applied in accordance with Schedule 7 to these Regulations in those establishments.

(6) An inspector appointed under regulation 8 of the Hygiene Regulations may, in relation to any cold store or re-wrapping centre to which he is appointed under those Regulations and which handles wild game meat, act as an inspector in relation to securing the observance of Schedules 8 and 9 to these Regulations, and the application of the health mark in accordance with Schedule 7 to these Regulations, in those establishments.

Revocation and suspension of designations of OVSs

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

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

(3) A notice given under paragraph (2) above shall inform the person to whom it is given of his rights to make representations in writing and to be heard, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations or an application for an opportunity to be heard may be made; 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 to perform one or more of the functions of an OVS under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the designation under paragraph (1) above in the light of those representations.

Powers of OVSs and veterinary officers

8.—(1) Where it appears to an OVS that in respect of any licensed premises to which he is appointed—

- (a) any of the requirements of these Regulations as to hygiene is being breached;
- (b) adequate health inspection in accordance with these Regulations is being hampered; or
- (c) the requirements of regulation 15(3) have not been complied with,

he may, by notice in writing given to the occupier of the 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,

and the occupier shall comply with the notice.

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

(3) 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 OVS, or by an inspector acting under the authority of an OVS, to the occupier of the premises as soon as an OVS 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.

(4) An OVS, in relation to any premises to which he is appointed, or a veterinary officer, may subject any killed wild game or wild game meat in any licensed 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 OVS, a veterinary officer or an inspector may, by notice in writing given to the occupier of any such premises, state that he requires to examine on the premises any killed wild game or wild game meat specified in the notice, and once such notice is received the occupier shall detain any such game or meat until such time as he is informed in writing by the

OVS, veterinary officer or inspector (as the case may be) that the result of any such examination has been obtained.

(5) A veterinary officer may at any time give to an OVS such reasonable directions as he may consider necessary to ensure that the duties and functions of such a person under these Regulations are being complied with, and the OVS shall comply with those directions.

Authorisation of PIAs

9.—(1) The Minister may, in relation to any licensed premises processing small wild game, authorise persons employed at those premises to act as PIAs to perform the function specified in Schedule 4 in relation to small wild game.

(2) No person shall act as a PIA unless that person is authorised under paragraph (1) above and supervised by an OVS.

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

- (a) such person is unfit to perform the functions specified in Schedule 4 or has failed to perform such functions in accordance with these Regulations; or
- (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, he 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 to make representations in writing to the Minister with regard to the revocation or suspension or to be 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 rights to make representations in writing and 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 such representations or an application for an opportunity to be heard may be made; 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 PIA under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the authorisation under paragraph (3) above in the light of those representations.

Inspection and health marking

10.—(1) The Minister shall arrange for post-mortem health inspections to be carried out at all licensed premises in accordance with Schedule 4.

(2) Where wild game meat has been passed as fit for human consumption in accordance with Part I of Schedule 5 following post-mortem health inspection and complies with the requirements of these Regulations, the health mark shall be applied to it in accordance with the requirements of Schedule 7, and no other meat shall be so marked.

(3) Meat derived from unskinned large wild game shall not bear the health mark.

(4) No person shall remove, or cause or permit to be removed, from any licensed premises any carcase, part of a carcase or offal intended for consignment or sale for consignment to a relevant EEA State for human consumption unless it has been inspected in accordance with these Regulations.

(5) The health mark shall be applied by persons acting under the responsibility of an OVS, and no other person shall apply the health mark or possess or use the equipment for applying the health mark.

(6) The equipment for applying the health mark and any labels, wrapping or seals on which the health mark is printed shall be kept under the responsibility of the OVS.

(7) No person shall use any mark so resembling a health mark, or in such a way, as to be likely to suggest that the product has been produced in accordance with these Regulations.

Notice of operation of licensed premises

11.—(1) Subject to paragraph (3) below, no person shall operate any licensed premises to produce wild game meat intended for consignment or sale for consignment to a relevant EEA State for human consumption unless he has notified the Minister, in accordance with paragraph (2) below, of the day on which, times between which and place at which they are to be operated.

(2) The notification referred to in paragraph (1) above shall be given to the Minister not less than 72 hours before the commencement of such operation except where the Minister has agreed with the person required to give such notice that he will accept notice of a shorter duration, in which case such person shall give to the Minister notice of such agreed duration.

(3) Where it is the regular practice in any licensed premises to operate at fixed times on fixed days and written notice of the practice has been given to and accepted by the Minister, this shall, as respects any operation in accordance with such practice, be regarded as adequate compliance with the requirements in paragraphs (1) and (2) above.