
STATUTORY INSTRUMENTS

1995 No. 2148

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

PART V

ADMINISTRATION, PENALTIES AND ENFORCEMENT

Records of inspections

14.—(1) The Minister shall keep in respect of individual licensed premises, where appropriate, a record of the results of post-mortem health inspections for the purpose of compliance with the provisions of Council Directive [92/45/EEC](#)(1).

(2) The Minister shall retain any record of such an inspection until the end of the period of 1 year commencing with the date of the inspection to which it relates.

Duties of occupier

15.—(1) The occupier of any licensed premises shall—

- (a) keep, and retain for a period of at least one year from its date, a record adequate to show the source and quantity of killed wild game and wild game meat received into, and despatched from, the premises during each week;
- (b) take all practicable steps to secure compliance by any of his employees or by any person invited on to the premises with the provisions of these Regulations;
- (c) ensure that any OVS, inspector or veterinary officer is provided with adequate facilities so as to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to records as he may from time to time require for that purpose;
- (d) take all necessary measures to ensure that, at all stages of production, the requirements of these Regulations are complied with and carry out checks (including any microbiological checks that the Minister may require) on the general hygiene of conditions of production in his establishment to ensure that all equipment, machinery, instruments, fittings, facilities and wild game meat, comply with the requirements of these Regulations;
- (e) take all necessary measures to ensure—
 - (i) that a record in permanent form, which shall be made available to the OVS or inspector upon request, is kept in respect of the matters specified in sub-paragraph (d) above for a period of at least one year from the date of such record;
 - (ii) the proper application of the health mark, as provided for in regulation 10(2), including any labels, wrapping or seals on which the health mark is printed;

- (iii) that the OVS or inspector is notified immediately when any information at the occupier's disposal reveals a serious health risk; and
- (iv) in the event of a serious health risk, the withdrawal of wild game meat which has been obtained under or stored in similar conditions (as the case may be) and is likely to present the same risk; and
- (f) ensure that wild game meat is transported in accordance with Schedule 9.

(2) The occupier of any licensed premises shall arrange or establish, in consultation with the OVS, a staff training programme to train staff to comply with hygiene requirements appropriate to the operations that they perform in those premises.

(3) Where the occupier of any licensed premises has informed the Minister that a specified number of PIAs are, or will be made, available at those premises, he shall ensure that such PIAs—

- (a) are present at the times notified to him by the OVS appointed in respect of those premises; and
- (b) carry out the functions specified in Schedule 4 as directed by such OVS.

Offences and penalties

16.—(1) If any person contravenes—

- (a) regulation 8(1); or
- (b) regulation 11(1),

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) if any person contravenes—

- (a) any other provision of these Regulations; or
- (b) a condition imposed by the Minister under regulation 5(4),

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.

(3) Neither paragraph (1) nor paragraph (2) above applies to anything done or omitted by the Minister.

(4) No prosecution for an offence under any of the provisions mentioned in paragraphs (1) and (2) above shall be begun 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

17. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 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 the Regulations—

- section 2 (extended meaning of “sale” etc.);
- section 3 (presumptions that food intended 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 shall include a Scottish partnership and a reference to a director shall include a partner in a Scottish partnership; and

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

Enforcement

18. These Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Scotland and Wales.

Wild game meat from Northern Ireland, the Isle of Man and the Channel Islands

19.—(1) No person shall consign or sell for consignment to a relevant EEA State for human consumption wild game meat produced in a place to which this regulation applies unless it was produced at premises in that place in accordance with legislative provisions having effect in that place and corresponding to regulation 3 and paragraph 1 of Schedule 7.

(2) The places to which this regulation applies are Northern Ireland, the Isle of Man and the Channel Islands.

Amendments

20.—(1) At the end of sub-paragraph (b) (v) of the definition of “food business” in regulation 2(1) of the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966⁽²⁾ there shall be added—

“(vi) to which the Wild Game Meat (Hygiene and Inspection) Regulations 1995 apply.”.

(2) At the end of regulation 3(2)(b) of the Food Hygiene (General) Regulations 1970⁽³⁾ there shall be added—

“(v) the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”.

(3) At the end of regulation 3(2) of the Food Premises (Registration) Regulations 1991⁽⁴⁾ there shall be added—

“(g) as a wild game processing facility in respect of which a licence is required under regulation 3 of the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”.

(4) In the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992⁽⁵⁾—

(a) for regulation 1(2) there shall be substituted the following—

“(2) Any reference in these Regulations to a Chairman or Secretary shall be a reference to the Chairman or Secretary appointed for the purposes of:—

(a) regulation 6 of, and Schedule 21 to, the Fresh Meat (Hygiene and Inspection) Regulations 1995;

(2) S.I.1966/791.
(3) S.I. 1970/1172.
(4) S.I. 1991/2825.
(5) S.I. 1992/2921.

- (b) regulation 6 of, and Schedule 15 to, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; or
 - (c) regulation 5 of, and Schedule 12 to, the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”; and
- (b) in regulation 2, after the words “or the revocation of the licence of any premises” there shall be substituted the following—
- “under—
- (a) regulation 4 or 5, as the case may be, of the Fresh Meat (Hygiene and Inspection) Regulations 1995;
 - (b) regulation 4 or 5, as the case may be, of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; or
 - (c) regulation 3 or 4, as the case may be, of the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”.
- (5) In the Meat (Hygiene, Inspection and Examination for Residues) (Charges) Regulations 1995(6)—
- (a) in regulation 2(1), in the definition of “PIA salary costs”, after “Poultry Meat Regulations” there shall be inserted—
 - “or regulation 9 of the Wild Game Meat (Hygiene and Inspection) Regulations 1995”;
 - (b) at the end of regulation 2(1) after the definition of “slaughterhouse” there shall be added—
 - ““wild game” means—
 - (a) wild land mammals which are hunted (including wild mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game); and
 - (b) wild birds.”;
 - (c) in regulation 9, after “game” there shall be inserted “and wild game”; and
 - (d) after paragraph (b) of Schedule 2 there shall be added—
 - “(c) the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”.
- (6) In the Fresh Meat (Hygiene and Inspection) Regulations 1995—
- (a) in regulation 2(1), for the definitions of “wild game”, “wild game meat” and “large wild game”, there shall be substituted the following—
 - ““wild game”, “wild game meat”, “large wild game” and “small wild game” have the meanings given to them by regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”;
 - (b) in regulation 22, after the words “section 3 (presumption that food is intended for sale for human consumption);” there shall be inserted the following paragraph—
 - “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.”; and
 - (c) in paragraph 2 of Schedule 14, after sub-paragraph (d) there shall be added—
 - “(e) wild game meat is kept at a temperature which must not at any time exceed -12°C if frozen or, if chilled, +4°C in the case of small wild game and +7°C in the case of large wild game.”.

(7) In the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995—

(a) in regulation 2(1), for the definition of “small wild game” there shall be substituted the following—

““small wild game” and “wild game meat” have the meanings given to them by regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995;”;

(b) in regulation 20(2)(a), for “or 19(3)” there shall be substituted, “19(3) or 25”;

(c) in regulation 24, after the words “section 3 (presumption that food is intended for sale for human consumption);” there shall be inserted the following paragraph—

“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;”;

(d) in Schedule 12, after paragraph 3 there shall be added—

“4. Wild game meat derived from small wild game shall be chilled or frozen and kept at a temperature which must not at any time exceed +4°C if chilled or -12°C if frozen.”.

(8) In regulation 3 of the Food Safety (General Food Hygiene) Regulations 1995(7), after paragraph 2(k) there shall be added—

“(1) the Wild Game Meat (Hygiene and Inspection) Regulations 1995.”.