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STATUTORY INSTRUMENTS

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**2013 No. 2996**

**The Food Safety and Hygiene (England) Regulations 2013**

**Enforcement authorities**

5.—(1) In respect of any food business operator to whose operations Regulation 852/2004 applies but Regulation 853/2004 does not apply —

- (a) the Agency or the food authority in whose area the food business operator carries out the operations shall execute and enforce the Hygiene Regulations in so far as the operator concerned is carrying out primary production and those associated operations listed in paragraph 1 of Part AI of Annex I to Regulation 852/2004 other than the associated operations described in sub-paragraphs (a) and (c) of that paragraph to the extent that they concern wild game; and
- (b) the food authority in whose area the food business operator carries out the operations shall execute and enforce the Hygiene Regulations in so far as the operator concerned is carrying out operations which are not executed and enforced by the Agency or the food authority as provided for in sub-paragraph (a).

(2) In respect of any food business operator to whose operations both Regulation 852/2004 and Regulation 853/2004 apply —

- (a) the Agency shall execute and enforce the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to —
  - (i) a slaughterhouse,
  - (ii) a game-handling establishment, or
  - (iii) a cutting plant;
- (b) the Agency or the food authority in whose area the food business operator carries out the operations shall execute and enforce the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to any establishment that is not specified in sub-paragraph (a).

(3) In respect of —

- (a) collection centres and tanneries supplying raw material for the production of gelatine intended for human consumption pursuant to paragraph 5 of Chapter I of Section XIV of Annex III to Regulation 853/2004; and
- (b) collection centres and tanneries supplying raw material for the production of collagen intended for human consumption pursuant to paragraph 5 of Chapter I of Section XV of Annex III to Regulation 853/2004,

the food authority in whose area the collection centre or tannery concerned is situated shall execute and enforce the Hygiene Regulations.

(4) Each food authority shall execute and enforce these Regulations in its area in relation to the matters regulated by —

- (a) Schedules 3 to 5; and
- (b) Schedule 6 in so far as it applies in relation to raw milk intended for direct human consumption other than raw cows' milk.

(5) The Agency shall execute and enforce these Regulations in relation to the matters regulated by Schedule 6 in so far as it applies in relation to raw cows' milk intended for direct human consumption.

(6) Each food authority in its area or district shall execute and enforce the provisions of Regulation 178/2002 specified in Schedule 2 and these Regulations in so far as they relate to those provisions.

(7) The Agency shall also execute and enforce Articles 14 and 19 of Regulation 178/2002 and these Regulations in so far as they relate to those Articles as regards relevant food.

(8) In paragraph (7) “relevant food” means food in respect of which the Agency is specified in regulations made pursuant to section 6(4) of the Act or made under the European Communities Act 1972 as being the enforcement authority.

(9) In this regulation —

“cutting plant” means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which —

- (a) is approved or conditionally approved under [<sup>F1</sup>Article 148 of Regulation 2017/625]; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995 <sup>M1</sup> or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 <sup>M2</sup>;

“game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which —

- (a) is approved or conditionally approved under [<sup>F2</sup>Article 148 of Regulation 2017/625]; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995 <sup>M3</sup>;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which —

- (a) is approved or conditionally approved under [<sup>F3</sup>Article 148 of Regulation 2017/625]; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

**F1** Words in reg. 5(9) substituted (14.12.2019) by [The Official Feed and Food Controls \(England\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1476\)](#), regs. 1, **35(a)**

**F2** Words in reg. 5(9) substituted (14.12.2019) by [The Official Feed and Food Controls \(England\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1476\)](#), regs. 1, **35(b)**

**F3** Words in reg. 5(9) substituted (14.12.2019) by [The Official Feed and Food Controls \(England\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1476\)](#), regs. 1, **35(c)**

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**Marginal Citations**

**M1** [S.I. 1995/539](#), revoked by [S.I. 2005/2059](#).

**M2** [S.I. 1995/540](#), revoked by [S.I. 2005/2059](#)

**M3** [S.I. 1995/2148](#), revoked by [S.I. 2005/2059](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013, Section 5.