

2014 No. 3001

FOOD, ENGLAND

The Products Containing Meat etc. (England) Regulations 2014

Made - - - - *12th November 2014*

Laid before Parliament *13th November 2014*

Coming into force - - *13th December 2014*

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The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) so far as relating to regulations 1(3) and 9 and Schedule 3, sections 114A(a) and 138(7)(b) and (8) of the School Standards and Framework Act 1998(c); and

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- (a) Section 114A was substituted for section 114, as originally enacted, by section 86(1) of the Education and Inspections Act 2006 (c. 40) and amended by section 8(1) of the Healthy Eating in Schools (Wales) Measure 2009 (2009 nawm 3) and S.I. 2010/1158. See section 142(1) for the meaning of “regulations”.
- (b) There is an amendment to section 138(7) not relevant to these Regulations. See section 142(1) for the meaning of “regulations”.
- (c) 1998 c. 31.

- (b) so far as relating to the remaining regulations and Schedules, sections 6(4)(a), 16(1)(a) and (e)(b), 26(1)(a) and 48(1)(c) of the Food Safety Act 1990(d) and now vested in the Secretary of State(e).

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(f) of the Food Safety Act 1990.

There has been consultation as required by Article 9 of 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(g), during the preparation and evaluation of the following Regulations.

Citation, application, commencement and expiry

1.—(1) These Regulations may be cited as the Products Containing Meat etc. (England) Regulations 2014.

(2) They apply in England only and come into force on 13th December 2014.

(3) Paragraphs 1 to 6 of Schedule 3, and regulation 9 so far as it relates to those paragraphs, cease to have effect on 1st January 2015.

(4) The remaining provisions of these Regulations cease to have effect on 13th December 2021.

Interpretation

2. In these Regulations—

“the Act” means the Food Safety Act 1990;

“FIC” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(h);

“ingredient” has the meaning given in Article 2(2)(f) of FIC;

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(i);

(a) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c. 28) and S.I. 2002/794.

(b) Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(c) Section 48(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(d) 1990 c. 16.

(e) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(f) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(g) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

(h) OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

(i) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 14.6.2014, p 6).

“regulated product” means a food that contains one of the following as an ingredient (whether or not the food also contains any other ingredient)—

- (a) meat;
- (b) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council;
- (c) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus or the tail of any mammalian or bird species recognised as fit for human consumption;

“sell” includes offer or expose for sale and includes have in possession for sale;

“uncooked”, in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

- (a) that is not intended for sale for human consumption; or
- (b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003(a) apply.

(3) These Regulations do not apply to any product that is brought into England from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully marketed.

(4) In this regulation—

“final consumer” has the meaning given in point 18 of Article 3 of 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;

“mass caterer” has the meaning given in Article 2(2)(d) of FIC.

Restrictions on the use of certain names

4.—(1) No person may sell or advertise a regulated product using a name that appears in column 1 of the table in Schedule 1 as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of that table.

(2) No person may sell or advertise a food using a name that appears in column 1 of the table in Schedule 1, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product is an ingredient of the food and that product complied with the appropriate requirements in columns 2 and 3 of the table in Schedule 1 at the time it was used as an ingredient in the preparation of the food.

Parts of the carcass in uncooked regulated products

5.—(1) Subject to paragraph (3), no person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) has been used as an ingredient in the preparation of that product.

(a) S.I. 2003/3207, amended by S.I. 2005/2626, 2630, 2007/2591, 2011/2131, 2014/1855.

(2) The specified parts of a carcass are the brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder of any mammalian species.

(3) The prohibition in paragraph (1) does not extend to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” includes chipolata, frankfurter, link, salami and any similar product.

Enforcement

6. It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

Application of provisions of the Act

7.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modification.

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with regulations 4(1) or (2) or 5(1) of the Products Containing Meat etc. (England) Regulations 2014, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”.

(3) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7(1) and (2) of the Products Containing Meat etc. (England) Regulations 2014, may appeal to the First-tier Tribunal.”; and

(b) in subsection (6)—

- (i) for “(3) or (4)”, substitute “(1)”; and
- (ii) in paragraph (a), for “a magistrates’ court or to the sheriff”, substitute “the First-tier Tribunal”.

(4) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7(1) and (2) of the Products Containing Meat etc. (England) Regulations 2014, the First-tier Tribunal may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the Tribunal may in the circumstances think fit.”; and

(b) in subsection (3), omit “for want of prosecution”.

(5) The provisions of the Act specified in column 1 of the table in Schedule 2 apply for the purposes of these Regulations with the modifications specified in column 2 of that table.

Revocations

8.—(1) The following Regulations are revoked—

- (a) the Meat Products (England) Regulations 2003**(a)**;
- (b) the Meat Products (England) (Amendment) Regulations 2008**(b)**.

(2) The following provisions are revoked—

- (a) regulation 18(4) of the Food Additives (England) Regulations 2009**(c)**;
- (b) the entry relating to the Meat Products (England) Regulations 2003 in the table in Part 2 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012**(d)**.

Consequential amendments

9. Schedule 3 has effect.

Review

10.—(1) Before 13th December 2019, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

12th November 2014

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2003/2075, as amended by S.I. 2005/2626, 2008/517, 2009/3238, 2011/1043, 2012/1809.
(b) S.I. 2008/517.
(c) S.I. 2009/3238, to which there are amendments not relevant to these Regulations.
(d) S.I. 2012/1809, to which there are amendments not relevant to these Regulations.

SCHEDULE 1

Regulation 4

Reserved descriptions

In this Schedule—

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means—

- (a) sodium chloride, if used in sufficient quantity to have a significant preserving effect on the food;
- (b) potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food;
- (c) a combination of any of sodium chloride, potassium chloride, sodium nitrate, potassium nitrate and sodium nitrite as authorised for use in Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives(a), except for a combination of sodium chloride and potassium chloride; or
- (d) a combination of sodium chloride and potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
<i>Name of food</i>	<i>Meat or cured meat content requirements</i>			<i>Additional requirements</i>
	<i>The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:</i>			
	<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>	
1. Burger - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this table	67%	55%	62%	1. Where the name “burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food 2. Where the name “burger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to

(a) OJ No L 354, 31.12.2008, p 16, last amended by Commission Regulation (EU) No 1093/2014 (OJ No L 299, 17.10.2014, p 22).

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
<i>Name of food</i>	<i>Meat or cured meat content requirements</i>			<i>Additional requirements</i>			
	<p><i>The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:</i></p> <table border="1"> <tr> <td><i>Meat or, as the case may be, cured meat from pigs only</i></td> <td><i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i></td> <td><i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i></td> </tr> </table>			<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>	
<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>					
				<p>the minimum required meat content for that food</p> <p>3. Where the name “burger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food</p>			
<p>2. Economy Burger - whether or not “burger” forms part of another word</p>	50%	41%	47%	<p>1. Where the name “economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food</p> <p>2. Where the name “economy burger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food</p> <p>3. Where the name “economy burger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements</p>			

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
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<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>					
				apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food			
3. Hamburger - whether or not forming part of another word	67%	Not applicable	62%	<p>1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef, pork or a mixture of both</p> <p>2. Where the name “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food</p> <p>3. Where the name “hamburger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food</p>			
4. Chopped X , there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured	75%	62%	70%	No additional requirement			

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
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<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>					
meat, whether or not there is also included the name of a type of meat							
5. Corned X , there being inserted in place of “X” the name “meat” or the name of a type of meat, unless qualified by words which include the name of a food other than meat	120%	120%	120%	1. The food must consist wholly of meat that has been corned 2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food must be wholly of the named type 3. The total fat content of the food must not exceed 15%			
6. Luncheon meat or luncheon X , there being inserted in place of “X” the name of a type of meat or cured meat	67%	55%	62%	No additional requirement			
7. Meat pie or meat pudding - the name “ pie ” or “ pudding ” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat—				No additional requirement			

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
<i>Name of food</i>	<i>Meat or cured meat content requirements</i>			<i>Additional requirements</i>			
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(a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	12.5%	12.5%	12.5%	No additional requirement			
Game pie— (a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	11%	11%	11%				
Game pie— (a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	10%	10%	10%				
Game pie— (a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	12.5%	12.5%	12.5%				
Game pie— (a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	11%	11%	11%				
Game pie— (a) based on the weight of the ingredients when the food is uncooked (b) but if the food weighs— (i) not more than 200 g and not less than 100 g (ii) less than 100 g	10%	10%	10%				
8. Scottish pie or Scotch pie - based on the weight of the ingredients when the food is uncooked	10%	10%	10%	No additional requirement			

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
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<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>					
<p>9. The name “pie” or “pudding” qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat—</p> <p>(a) where the former (meat-related) qualification precedes the latter</p> <p>(b) where the latter (non-meat-related) qualification precedes the former</p> <p>Based, in both cases, on the weight of the ingredients when the food is uncooked</p>	<p>7%</p> <p>6%</p>	<p>7%</p> <p>6%</p>	<p>7%</p> <p>6%</p>	No additional requirement			
<p>10. Pasty, pastie Bridie or sausage roll - based on the weight of the ingredients when the food is uncooked</p>	6%	6%	6%	No additional requirement			

SCHEDULE 2

Regulation 7(5)

Application and modification of other provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(s) (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Products Containing Meat etc. (England) Regulations 2014” In subsection (2), for “This Act” substitute “The Products Containing Meat etc. (England) Regulations 2014”
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Products Containing Meat etc. (England) Regulations 2014”
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 7(1) of the Products Containing Meat etc. (England) Regulations 2014,”
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 7(1) of the Products Containing Meat etc. (England) Regulations 2014,”
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Products Containing Meat etc. (England) Regulations 2014”
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Products Containing Meat etc. (England) Regulations 2014”
Section 35(1)(t) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 7(5) of, and Schedule 2 to, the Products Containing Meat etc. (England) Regulations 2014,” After subsection (1), insert the following subsection— <div style="margin-left: 40px;">“(1A) A person guilty of an offence under section 10(2), as applied by regulation 7(1) of the Products Containing Meat etc. (England) Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”</div> In subsection (2)— <div style="margin-left: 40px;">(a) for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 7(5) of, and Schedule 2 to, the Products Containing Meat etc. (England) Regulations 2014,”</div> <div style="margin-left: 40px;">(b) in paragraph (b), for “the relevant amount” substitute “the statutory maximum”</div>
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 7(1) of the Products Containing Meat etc. (England) Regulations 2014,”
Section 36A(u) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 7(1) of the Products Containing Meat etc. (England) Regulations 2014,”

(s) Section 2 was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.

(t) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

(u) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999.

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place occurring) substitute “the Products Containing Meat etc. (England) Regulations 2014”

SCHEDULE 3

Consequential amendments

Regulation 9

The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007

1. The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(v) are amended as follows.

2. In regulation 2(1) (interpretation)—

- (a) omit the definition of “the Meat Product Regulations”;
- (b) after the definition of “the Fruit Juices Regulations”, insert—
 - ““the Products Containing Meat etc. Regulations” means the Products Containing Meat etc. (England) Regulations 2014;”;
- (c) omit the definition of “meat product”; and
- (d) after the definition of “portion”, insert—
 - ““product containing meat” has the same meaning as “regulated product” in regulation 2 of the Products Containing Meat etc. Regulations;”.

3. In Schedule 1 (food groups)—

- (a) in entry B of the table, in the second column, for “meat product” substitute “product containing meat”; and
- (b) in entry C of the table—
 - (i) in the first column, for “Meat products” substitute “Products containing meat”; and
 - (ii) in the second column, for “meat product” (in each place occurring) substitute “product containing meat” and for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”.

4. In paragraph 4 of Schedule 2 (school lunch requirements)—

- (a) in sub-paragraph (2), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”;
- (b) in sub-paragraph (3)—
 - (i) for “meat product” substitute “product containing meat”;
 - (ii) for “regulation 6(2) of the Meat Products Regulations” substitute “regulation 5(2) of the Products Containing Meat etc. Regulations”;
 - (iii) for “regulation 6(3)” substitute “regulation 5(3)”;
- (c) in sub-paragraph (4), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”.

5. In paragraph 3 of Schedule 3 (nutritional standards and requirements applying in specified maintained schools)—

(v) S.I. 2007/2359, amended by S.I. 2014/1855; there are other amending instruments but none is relevant.

- (a) in sub-paragraph (2), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”;
- (b) in sub-paragraph (3)—
 - (i) for “meat product” substitute “product containing meat”;
 - (ii) for “regulation 6(2) of the Meat Products Regulations” substitute “regulation 5(2) of the Products Containing Meat etc. Regulations”; and
 - (iii) for “regulation 6(3)” substitute “regulation 5(3)”; and
- (c) in sub-paragraph (4), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”.

6. In the second column of entry (iii) of the table in Schedule 5 (requirements for school lunches provided at maintained nursery schools and nursery units within primary schools), for “meat or fish products” substitute “products containing meat, fish products”.

The Requirements for School Food Regulations 2014

7. The Requirements for School Food Regulations 2014(a) are amended as follows.

8. In regulation 2(1) (interpretation)—

- (a) omit the definition of “the Meat Product Regulations” and in its place insert—
 - ““the Products Containing Meat etc. Regulations” means the Products Containing Meat etc. (England) Regulations 2014;”;
- (b) omit the definition of “meat product”; and
- (c) after the definition of “portion”, insert—
 - ““product containing meat” has the same meaning as “regulated product” in regulation 2 of the Products Containing Meat etc. Regulations;”.

9. In paragraph 2 of Schedule 3 (requirements for food provided as part of a school lunch or otherwise)—

- (a) in sub-paragraph (1), for “meat products” substitute “products containing meat”;
- (b) in sub-paragraph (2), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”;
- (c) in sub-paragraph (3)—
 - (i) for “meat product” substitute “product containing meat”;
 - (ii) for “regulation 6(2) of the Meat Products Regulations” substitute “regulation 5(2) of the Products Containing Meat etc. Regulations”; and
 - (iii) for “regulation 6(3)” substitute “regulation 5(3)”; and
- (d) in sub-paragraph (4), for “Schedule 2 to the Meat Products Regulations” substitute “Schedule 1 to the Products Containing Meat etc. Regulations”; and
- (e) in sub-paragraph (5), for “meat products” substitute “products containing meat”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Meat Products (England) Regulations 2003 (S.I. 2003/2075). They apply in England.

The Regulations will cease to have effect on 13th December 2021, apart from the consequential amendments made by these Regulations to the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 (S.I. 2007/2359). Those consequential amendments

(a) S.I. 2014/1603.

will cease to have effect on 1st January 2015 when the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 are revoked by the Requirements for School Food Regulations 2014 (S.I. 2014/1603).

Regulation 3 sets out the scope of the Regulations.

Regulation 4 and Schedule 1 prohibit the use of specified names in the sale and advertising of regulated products if the products do not satisfy specific compositional requirements.

Regulation 5 prohibits, subject to an exception, the sale of uncooked regulated products which include among their ingredients specified parts of the carcass of any mammalian species of animal.

Regulation 6 imposes an obligation on food authorities and port health authorities to enforce the Regulations.

Regulation 7 and Schedule 2 apply certain provisions of the Food Safety Act 1990 (c. 16), with modifications. In particular, they include the application (with modifications) of section 10(1), enabling an improvement notice to be served to require compliance with regulations 4(1) or (2) or 5(1).

The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 7 and Schedule 2 also apply sections 37(1) and (6), and 39, of the Food Safety Act 1990, with modifications, enabling a decision to serve an improvement notice to be appealed to the First-tier Tribunal.

As well as revoking the Meat Products (England) Regulations 2003, regulation 8 revokes the Meat Products (England) (Amendment) Regulations 2008 (S.I. 2008/517) and provisions in other statutory instruments that amended the Meat Products (England) Regulations 2003.

Regulation 9 and Schedule 3 make consequential amendments to the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 and the Requirements for School Food Regulations 2014.

Regulation 10 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(4) provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the Regulations in force with or without amendments or to revoke them early.

The Regulations were notified in draft (Notification No 2014/0100/UK on 4th March 2014) to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJ No L 204, 21.7.1998, p 37), which lays down a procedure for the provision of information in the field of technical standards and regulations.

A full impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector is available from Food and Materials Security and Food Standards, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is published with the Explanatory Memorandum alongside the Regulations on www.legislation.gov.uk.

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