
WELSH STATUTORY INSTRUMENTS

2010 No. 893

The Food Hygiene (Wales) (Amendment) Regulations 2010

Amendments to the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006(1) are amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation) for the references to the EU instruments appearing immediately after the definition of “premises” there are substituted in the appropriate place in alphabetical order the following references—

“Decision 2006/766” (*Penderfyniad 2006/766*), “Decision 2009/951” (*Penderfyniad 2009/951*), “Directive 2004/41” (*Cyfarwyddeb 2004/41*), “Regulation 178/2002” (*Rheoliad 178/2002*), “Regulation 852/2004” (*Rheoliad 852/2004*), “Regulation 853/2004” (*Rheoliad 853/2004*), “Regulation 854/2004” (*Rheoliad 854/2004*), “Regulation 882/2004” (*Rheoliad 882/2004*), “Regulation 1688/2005” (*Rheoliad 1688/2005*), “Regulation 2073/2005” (*Rheoliad 2073/2005*), “Regulation 2074/2005” (*Rheoliad 2074/2005*), “Regulation 2075/2005” (*Rheoliad 2075/2005*), “Regulation 2076/2005” (*Rheoliad 2076/2005*), “Regulation 1662/2006” (*Rheoliad 1662/2006*), “Regulation 1663/2006” (*Rheoliad 1663/2006*), “Regulation 1664/2006” (*Rheoliad 1664/2006*), “Regulation 1666/2006” (*Rheoliad 1666/2006*), “Regulation 1791/2006” (*Rheoliad 1791/2006*), “Regulation 479/2007” (*Rheoliad 479/2007*), “Regulation 1243/2007” (*Rheoliad 1243/2007*), “Regulation 1244/2007” (*Rheoliad 1244/2007*), “Regulation 1245/2007” (*Rheoliad 1245/2007*), “Regulation 1246/2007” (*Rheoliad 1246/2007*), “Regulation 1441/2007” (*Rheoliad 1441/2007*), “Regulation 439/2008” (*Rheoliad 493/2008*), “Regulation 1250/2008” (*Rheoliad 1250/2008*), “Regulation 146/2009” (*Rheoliad 146/2009*), “Regulation 219/2009” (*Rheoliad 219/2009*), “Regulation 596/2009” (*Rheoliad 596/2009*), and “Regulation 669/2009” (*Rheoliad 669/2009*) have the meanings respectively given to them in Schedule 1;”.

(3) For regulation 17 (offences and penalties) there is substituted the following regulation—

“Offences and penalties

17.—(1) Subject to paragraphs (4) to (8), any person who contravenes or fails to comply with any of the specified Community provisions is guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 15 is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) Provided the requirements of Schedule 3 are complied with, a person is considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004 as read with paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs).

(5) Provided the requirements of Schedule 3A are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(6) Provided the requirements of Schedule 3B are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(7) Provided the requirements of Schedule 3C are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

(8) Provided the requirements of Schedule 3D are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).”.

(4) For Schedule 1 (definitions of Community legislation) there is substituted the Schedule (definitions of EU legislation) set out in Schedule 1 to these Regulations.

(5) Immediately after Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar) there are inserted the Schedules set out in Schedule 2 to these Regulations.