
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 93

FOOD

The Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000

<i>Made</i>	- - - -	<i>29th March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th March 2000</i>
<i>Coming into force</i>		
<i>regulations 1 and 5</i>		<i>8th May 2000</i>
<i>regulations 2, 3 and 4</i>		<i>2nd October 2000</i>

The Scottish Ministers in exercise of the powers conferred on them by sections 16(1)(d) and (f) and (3), 19(1)(b), 26(2)(a) and (d) and (3), 45(1) and 48(1)(b) and (c) of, and paragraph 5(3) of Schedule 1 to, the Food Safety Act 1990(1), and in exercise of all other powers enabling them in that behalf, it appearing to them to be necessary or expedient to make these Regulations for the purpose of securing that food complies with food safety requirements in so far as required by sections 16(1)(f) and 19(2)(a) of that Act and after consultation with such organisations as appear to them to be representative of interests likely to be substantially affected as required by section 48(4) thereof, hereby make the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 and come into force as follows—

- (a) regulations 1 and 5 on 8th May 2000; and
- (b) regulations 2, 3 and 4 on 2nd October 2000.

(2) In these Regulations “the general Regulations” means the Food Safety (General Food Hygiene) Regulations 1995(2).

(3) These Regulations extend to Scotland only.

(1) 1990 c. 16. See section 4(1) which contains a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations. The functions of the Secretary of State so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I.1995/1763, to which there are amendments not relevant to these Regulations.

Amendment of regulation 3(1)

2. In regulation 3(1) (application of provisions of the general Regulations), for the words “regulations 4 and 5” there is substituted the words “regulations 4, 4A and 5”.

Insertion of regulation 4A and Schedule 1A

3.—(1) After regulation 4 of the general Regulations there is inserted the following regulation:—

“Licences for butchers' shops

4A. Schedule 1A (provisions relating to the licensing of butchers' shops) shall have effect.”.

(2) After Schedule 1 to the general Regulations there is inserted as Schedule 1A the provisions set out in the Schedule to these Regulations.

Amendment of regulation 6(1)

4. In regulation 6(1) (offences and penalties) of the general Regulations after “or 5,” there is inserted “or paragraph 2 of Schedule 1A”.

Transitional provision

5.—(1) Before regulation 2, 3 and 4 above come into force—

- (a) any person who would have been entitled to apply for a licence in accordance with Schedule 1A to the general Regulations, may apply for a licence as if that regulation were in force by submitting an application which complies with that Schedule, as set out in the Schedule to these Regulations;
- (b) food authorities—
 - (i) shall determine any such applications which they receive, give notices of determinations and, where appropriate, issue licences; and
 - (ii) may suspend or revoke any licence issued in respect of such an application and take any steps which they consider appropriate for the purposes of making determinations in relation to such applications and licences (including the inspection of premises and the receipt of charges),

as if the said Schedule 1A was in force.

(2) Any licence granted by a food authority pursuant to such an application shall, subject to paragraph 10 of Schedule 1A, remain in force for a period of one year commencing with the later of the date on which it is issued or 2nd October 2000.

St Andrew's House,
Edinburgh
29th March 2000

SUSAN C DEACON
A member of the Scottish Executive

THE SCHEDULE

Regulation 3(2)

SCHEDULE 1A FOR INSERTION IN THE GENERAL REGULATIONS

“SCHEDULE 1A

Regulations 4A and 6(1)

LICENSING OF BUTCHERS' SHOPS IN SCOTLAND

1. The following definitions shall apply for the purposes of this Schedule—

“appropriate food authority” in relation to a butcher’s shop, or an application or licence relating to a butcher’s shop, means the food authority for the area in which the shop is situated or the food authority which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations 1991⁽³⁾;

“butcher’s shop” means the premises of a food business in or from which—

- (a) commercial operations are carried out in relation to unwrapped raw meat; and
- (b) raw meat and ready to eat food are both placed on the market for sale or supply, other than catering premises;

“catering premises” means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business—

- (a) food is prepared for delivery to the ultimate consumer for consumption; and
- (b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

“HACCP procedures” mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles—

- (a) analysis of the potential food hazards in a food business operation;
- (b) identification of the points in those operations where food hazards may occur;
- (c) deciding which of the points identified are critical to ensuring food safety (“critical points”);
- (d) identification and implementation of effective control and monitoring procedures (including critical limits and appropriate corrective actions to be taken), at those critical points;
- (e) verification to confirm that the HACCP procedures are working effectively;
- (f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business' operations change; and
- (g) documentation of all procedures appropriate to the effective application of the principles listed in (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraph 5(1)(b);

“licence” means a licence issued under this Schedule;

“meat” means fresh meat within the meaning of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽⁴⁾ or regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽⁵⁾ and wild game meat

⁽³⁾ S.I. 1991/2825; to which there are amendments not relevant to these Regulations.

⁽⁴⁾ S.I. 1995/539.

⁽⁵⁾ S.I. 1995/540.

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as defined in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995(6);

“proprietor” means a person who uses, or intends to use, premises for the purpose of a butcher’s shop;

“raw meat” means meat which is not ready to eat food;

“ready to eat food” means any food for consumption without further treatment or processing;

“tools” includes saws and knives;

“unwrapped” means neither wrapped so as to prevent the passage of micro-organisms nor enclosed in a receptacle which prevents the passage of such organisms.

2. No person shall use premises for the purposes of a butcher’s shop except–

- (a) in accordance with a licence which is in force in respect of those premises; or
- (b) where the exception made by paragraph 9 applies.

3.—(1) A proprietor shall submit his application to the appropriate food authority not less than 42 days before the date on which a licence is required.

(2) The appropriate food authority shall within 42 days of the receipt of such an application–

- (a) determine it; and
- (b) give notice of their determination to the proprietor.

(3) A notice given under sub-paragraph (2) of the refusal of an application shall specify any condition in paragraph 5 which is not satisfied and shall contain particulars of the right to appeal which is conferred by section 37(1)(c) of the Act.

4.—(1) The appropriate food authority shall issue a licence in respect of a butcher’s shop if–

- (a) the proprietor has submitted to it an application which sets out his address and specifies the location of his shop or, in the case of movable premises, other information which identifies the premises to which the application relates; and
- (b) it is satisfied that the conditions specified in paragraph 5 are met on the basis of the information submitted by the proprietor and any other information relating to the food business which it has acquired from an inspection of the shop or otherwise.

(2) The appropriate food authority shall not issue a licence (other than a licence issued following a successful appeal against revocation of a licence), until it has received a payment of a charge of £100 from the proprietor to whom it is issued.

(3) Any sum which is payable by way of, or on account of, a charge imposed under sub-paragraph (2) may accompany the application to which it relates and may be recovered from a proprietor as a debt by the food authority after it has determined the application.

5.—(1) Subject to sub-paragraph 8, the conditions are that–

- (a) the food business in the butcher’s shop complies with the requirements of these Regulations (including this Schedule) and the Food Safety (Temperature Control) Regulations 1995(7);
- (b) (i) all persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Royal Environmental Health Institute of Scotland Elementary Food Hygiene Course or the Certificate in Essential Food Hygiene of the Royal Society of Health; and

(6) S.I. 1995/2148.

(7) S.I. 1995/2200; to which there are amendments not relevant to these Regulations.

- (ii) all supervisors of persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Royal Environmental Health Institute of Scotland Intermediate Food Hygiene Course or the Royal Society of Health Certificate in Food Hygiene Management; and
- (c) either–
 - (i) HACCP procedures are in place; or
 - (ii) the additional conditions set out in sub-paragraph (2) are fulfilled in relation to the shop.
- (2) The additional conditions are–
 - (a) raw meat shall be kept separate at all times from unwrapped ready to eat foods including by the use of separate refrigerators, tools, equipment and utensils;
 - (b) where practicable separate staff shall be used for the handling of raw meat and the handling of unwrapped ready to eat foods;
 - (c) tools and other equipment must be adequately cleaned and disinfected by means of water or a suitable bactericidal agent; if water is used for sterilising tools it must be at a temperature of not less than +82(C;
 - (d) persons handling and preparing raw meat or meat products shall be required to wash their hands at least each time work is commenced or resumed or where contamination has occurred; where the same persons handle both raw meat and unwrapped ready to eat foods they must wash their hands after handling raw meat and before handling unwrapped ready to eat foods; wounds to the hands must be covered by a waterproof dressing;
 - (e) where ready to eat foods are prepared in the shop the process of cooking and cooling such foods shall be such as to ensure the microbiological safety of the foods; temperature monitoring of the preparation, storage and display of such foods must be carried out and records kept for a period of 12 months;
 - (f) a cleaning schedule for the shop specifying frequency, method and materials to be used shall be prepared and implemented; adequate records of cleaning shall be kept; and
 - (g) tools, equipment, utensils and cloths used in the shop shall only be used in the shop and shall be colour coded according to their use with, or indirectly in connection with, either raw meat or ready to eat food.
- (3) Where any food sold or supplied from the shop involves or may involve an imminent risk of injury to health, the holder of the licence shall ensure in so far as practicable the recall of any food sold or supplied from the shop which is likely to present the same risk.
- (4) Subject to sub-paragraph 7, the proprietor or other person for the time being in charge of the shop shall make available records of–
 - (a) where applicable, the HACCP procedures which apply in the shop; and
 - (b) the training which persons have undertaken to enable them to carry out operations in the shop;

when requested to do so by the appropriate food authority.

- (5) Records made available under sub-paragraph (4) shall be either–
 - (a) in writing; or
 - (b) where there is a means by which it may be read, in electronic form.
- (6) Records relating to the HACCP procedures which apply in the shop shall be kept–
 - (a) in the case of any document which sets out those procedures, until it is replaced by a further document which sets out those procedures;

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- (b) in the case of any document which records how those procedures have been applied, for the period of not less than 12 months which begins on the date of its creation.
- (7) Records of the training which persons have undertaken to enable them to carry out operations in the shop shall be kept until those persons cease to be retained to carry out those operations.
 - (a) (8) Where premises are not being used as a butcher's shop when the application relating to them is submitted to the appropriate food authority, the applicant shall provide information to that authority on the commercial operations, training and either the HACCP procedures which he proposes to introduce or the measures he proposes to take to ensure compliance with sub-paragraph (2) and the authority shall take that information into account when it determines the application.
 - (b) Paragraph 5(1)(b)(i) above shall not apply in relation to a person who is employed for the first time to handle meat in the shop during a period of six weeks from that person's commencing employment.

6.—(1) Subject to paragraphs 7 and 9 and to sub-paragraph (2), a licence shall remain in force for the period of one year commencing on the day on which it is issued.

(2) A licence shall cease to have effect when the proprietor to whom it was issued ceases to be the proprietor of the premises.

7. Subject to paragraph 9, where a further licence is granted to a proprietor who has held a licence for not less than 8 months and both licences relate to the same butcher's shop, that further licence shall be issued for the period of one year which commences immediately after the expiry of the other licence held by that person.

8. Each licence shall contain the condition that the proprietor to whom it was issued shall give notice to the appropriate food authority of any material change, or intended material change, which may reduce the safety of food sold or supplied from the butcher's shop to which the licence relates, including any material change to the layout, occupancy or ownership of the shop or the operation of the food business.

9.—(1) Where any of the conditions specified in paragraph 5 cease to be satisfied in respect of the butcher's shop, the appropriate food authority may suspend or revoke any licence which it has issued in respect of that shop.

(2) Where the food authority intends to suspend or revoke a licence pursuant to sub-paragraph (1), it shall give notice in writing to the proprietor informing him of—

- (a) the decision to suspend or revoke the licence;
- (b) the date on which it is intended that the suspension or revocation should take effect;
- (c) the conditions specified in paragraph 5 which have been breached; and
- (e) the right of the proprietor to appeal under section 37(1)(c) of the Act and of the time within which any such appeal must be made.

(3) Insofar as a licence has been suspended pursuant to sub-paragraph (1), the shop shall be treated for the purposes of these Regulations as if it was not licensed.

(4) The food authority shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in sub-paragraph (2) have been remedied.

(5) Where the food authority has refused to grant or has revoked the licence of any premises, a proprietor who, immediately before such refusal or revocation, had been using those premises as a butcher's shop may continue to so use them, subject to any reasonable conditions imposed by the food authority for the protection of public health, unless—

- (a) the time for appealing against the decision of the food authority has expired and no appeal has been lodged;
- (b) an appeal has been finally disposed of or abandoned;
- (c) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 11, 12 or 13 of the Act; or
- (d) the food authority has suspended the licence of the premises pursuant to subparagraph (1).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend only to Scotland further amend the Food Safety (General Food Hygiene) Regulations 1995 (“the general Regulations”) by introducing a requirement for the premises of butcher’s shops to be licensed by food authorities. Butcher’s shops for these purposes are fixed or moveable premises in which unwrapped raw meat is handled and from which both raw meat and ready to eat food are sold to consumers (*See* the definition of “butcher’s shop” in paragraph 1 of Schedule 1A).

Regulation 2 amends regulation 3 of the general Regulations so that the provisions relating to the licensing of butchers' shops do not apply to those businesses to which the sectorial provisions listed in that regulation apply.

Regulation 3 inserts the provisions set out in the Schedule as Schedule 1A which make provision for the licensing of butchers' shops. Paragraph 4 of the Schedule makes provision for applications for licences and provides that a charge of £100 is payable in respect of the issue of a licence. Paragraph 5 imposes licence conditions. Paragraph 6 provides that licences remain in force for periods of a year or until the proprietor ceases to be proprietor of the premises. Paragraph 7 has effect where a proprietor who holds a licence in respect of a butcher’s shop applies for a further licence in respect to his shop up to 4 months before the expiry of his existing licence. If the further licence is granted, it begins on the expiry of the existing licence so that the proprietor is not prejudiced by making an application before his existing licence expires. Paragraph 9 provides for the suspension and revocation of licences and permits the premises of established butcher shops to continue to be used subject to conditions where a licence has been refused or revoked.

Regulation 4 amends regulation 6(1) of the general Regulations so that using premises as a butcher’s shop otherwise than in accordance with a licence is a criminal offence.

Regulation 5 contains transitional provisions so that licences may be issued before the first day on which they are required. Such licences remain in force for the period of one year beginning on that day.

A Regulatory Impact Assessment of these Regulations has been prepared and lodged with the Information Centre of the Scottish Parliament. Copies may be obtained from the Food Standards Agency, Sixth Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NG.