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STATUTORY INSTRUMENTS

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**1995 No. 540**

**The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995**

**PART III**

**SUPERVISION AND CONTROL OF PREMISES**

**Supervision of premises**

**8.**—(1) The Minister may designate veterinary surgeons as official veterinary surgeons and shall, in relation to any licensed premises, appoint one or more official veterinary surgeons, in each case to be an authorised officer of the Minister authorised to act in relation to the examination and seizure of meat, to provide the health certification of fresh meat in accordance with regulation 15 and to be responsible for the following functions in relation to those premises, that is to say—

- (a) the authorisation of slaughter of birds or rabbits in accordance with Schedule 7;
- (b) the post-mortem health inspection of slaughtered birds or rabbits in accordance with Schedule 9;
- (c) the supervision of the health marking of fresh meat in accordance with Schedule 11;
- (d) securing, in accordance with these Regulations, the observance of the requirements of Schedules 1, 2, 3, 4, 5, 6, 8, 10, 12, 13 and 14, as appropriate; and
- (e) the carrying out of any necessary training of plant inspection assistants and the supervision of plant inspection assistants.

(2) Subject to paragraph (4) below, the Minister shall, in relation to any licensed premises, appoint such number of persons to act as inspectors in relation to the functions specified in paragraphs 1(a) to (e) above as appears to him to be necessary for the proper performance of those functions.

(3) An inspector appointed under paragraph (2) above shall act under the supervision and responsibility of an official veterinary surgeon.

(4) In considering whether it is necessary to appoint any inspector or inspectors in relation to any licensed premises, the Minister shall have regard to the availability at those premises of any plant inspection assistants.

**Revocation and suspension of designations**

**9.**—(1) Subject to paragraphs (2) and (3) below, the Minister may, at any time, revoke or suspend the designation of any person as an official veterinary surgeon if it appears to the Minister that such person is unfit or unwilling to perform one or more of the functions of an official veterinary surgeon under these Regulations.

(2) Where the Minister revokes or suspends a designation under paragraph (1) above, he shall, as soon as possible, give to the person whose designation has been revoked or suspended a notice in writing of the reasons for such revocation or suspension and shall afford him an opportunity of

making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(3) A notice given under paragraph (2) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of the designated person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit or has been unwilling to perform one or more of the functions of an official veterinary surgeon under these Regulations and shall reconsider, as soon as practicable, the decision to revoke or suspend the designation under paragraph (1) above in the light of those representations.

### **Powers of official veterinary surgeons and veterinary officers**

**10.**—(1) Where it appears to an official veterinary surgeon that in respect of any premises to which he is appointed—

- (a) any of the requirements of these Regulations as to hygiene is being breached;
- (b) adequate health inspection in accordance with these Regulations is being hampered; or
- (c) the requirements of regulation 18(3) have not been complied with,

he may by notice in writing given to the occupier of those premises—

- (i) prohibit the use of any equipment or any part of the premises specified in the notice; or
- (ii) require the rate of operation to be reduced to such an extent as is specified in the notice,

and the occupier shall comply with the notice.

(2) A person who is aggrieved by a decision of an official veterinary surgeon pursuant to paragraph (1) above may appeal to a magistrates' court or, in Scotland, to the sheriff in accordance with the provisions of section 37(3) to (5) of the Act.

(3) A notice given under paragraph (1) above shall specify the breach of the Regulations that has occurred, the action needed in order to remedy it and the details specified in section 37(6) of the Act; and—

- (a) such a notice shall be withdrawn by a further notice in writing given by an official veterinary surgeon or by an inspector acting under the authority of the official veterinary surgeon to the occupier of the premises as soon as an official veterinary surgeon or such inspector is satisfied that such action has been taken; and
- (b) so long as such a notice is in effect, the licence in respect of the premises shall be treated as being altered by the addition of the requirements specified in the notice, and the other provisions of the licence shall be subject to those requirements.

(4) An official veterinary surgeon, in relation to any premises to which he is appointed, or a veterinary officer, may subject any bird or rabbit or any carcase or meat in any premises to such examinations (including the taking and analysis of samples) as he may reasonably consider to be necessary for the protection of public health; and an official veterinary surgeon, a veterinary officer or an inspector may, where he reasonably considers it necessary for the protection of public health, by notice in writing given to the occupier of any such premises, state that he requires to examine any specified group, bird, rabbit, carcase or meat specified in the notice on the premises, and once such notice is received the occupier shall detain any such specified group, bird, rabbit, carcase or meat until such time as he is informed in writing, as soon as practicable, by the official veterinary surgeon, veterinary officer or inspector (as the case may be) that the result of any such examination has been obtained.

(5) A veterinary officer may at any time give to an official veterinary surgeon such reasonable directions as he may consider necessary so as to ensure that the duties and functions of such a person under these Regulations are being complied with, and the official veterinary surgeon shall comply with those directions.

### **Authorisation of plant inspection assistants**

**11.**—(1) The Minister may, in relation to any licensed premises, authorise persons employed at those premises to act as plant inspection assistants in relation to the function specified in paragraph 1 of Part I of Schedule 9.

(2) No person shall act as a plant inspection assistant unless—

- (a) that person is authorised under paragraph (1) above; and
- (b) that person is supervised by an official veterinary surgeon.

(3) Subject to paragraphs (4) and (5) below, the Minister may at any time revoke or suspend the authorisation of any person as a plant inspection assistant if it appears to the Minister, on the basis of a report by a veterinary officer or an official veterinary surgeon, that—

- (a) such person is unfit to perform the function specified in paragraph 1 of Part I of Schedule 9 or has failed to perform such function in accordance with these Regulations;
- (b) such person ceases to be employed at the premises in relation to which he was authorised to act.

(4) Where the Minister revokes or suspends an authorisation granted under paragraph (1) above the Minister shall, as soon as possible, give to the person whose authorisation has been revoked or suspended notice in writing of the reasons for such revocation or suspension and shall afford him an opportunity of making representations in writing to the Minister with regard to the revocation or suspension or of being heard by a person appointed for the purpose by the Minister.

(5) A notice given under paragraph (4) above shall inform the person to whom it is given of his right to make representations in writing, of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made and of his right to be heard and of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard; and, in the event of that person making any representations (whether orally or in writing) to the Minister under this paragraph, the Minister shall reconsider whether that person is unfit to act or has failed to perform his functions as a plant inspection assistant under these Regulations and shall reconsider, as soon as practicable, his decision to revoke or suspend the authorisation under paragraph (3) above in the light of those representations.

### **Inspection and health marking**

**12.**—(1) The Minister shall—

- (a) arrange for pre-slaughter health inspections to be carried out, authorise the slaughter of birds or rabbits in accordance with Schedule 7 and, where appropriate, ensure that birds or rabbits are accompanied by the health attestation set out in Schedule 17 or the information contained in Schedule 22; and
- (b) arrange for post-mortem health inspections to be carried out in accordance with Schedule 9.

(2) The health mark shall be applied in accordance with Schedule 11 to all fresh meat which has been passed as fit for human consumption following pre-slaughter and post-mortem health inspections and which complies with the requirements of these Regulations.

(3) No person shall apply the health mark—

- (a) to any fresh meat which does not satisfy the requirements specified in paragraph (2) above;  
or
  - (b) subject to paragraph (8) below, to any uneviscerated poultry; or
  - (c) to any uneviscerated farmed game birds.
- (4) No person shall remove, or cause or permit to be removed, from licensed premises any carcass or part of a carcass or any offal intended for sale for human consumption or any offal from a slaughtered bird or rabbit intended for sale for human consumption until it has been inspected in accordance with these Regulations.
- (5) No person shall remove, or cause or permit to be removed, from a licensed premises any body of a bird intended for sale for human consumption—
- (a) unless it is accompanied by the health attestation shown in Schedule 20; or
  - (b) in the case of uneviscerated poultry, until the surface of the body of that bird has been inspected and the bird passed as fit for human consumption.
- (6) The health mark shall be applied under the supervision and responsibility of an official veterinary surgeon who may be assisted by an inspector.
- (7) No person shall use any mark so resembling a health mark, or in such a way, as to be likely to suggest that the product has been produced in accordance with these Regulations.
- (8) Paragraph (3)(b) above shall not apply to partly eviscerated poultry (“effilé”).

#### **Notice of operation of licensed premises**

**13.**—(1) Subject to paragraph (3) below, no person shall operate any licensed premises to produce fresh meat for sale for human consumption unless he has notified the Minister, in accordance with paragraph (2) below, of the day on which and time and place at which they are to be operated.

(2) The notification referred to in paragraph (1) above shall be given to the Minister not less than 72 hours before the commencement of such operation except where the Minister has agreed with the person required to give such notice that he will accept notice of a shorter duration, in which case such person shall give to the Minister notice of such agreed duration.

(3) Where it is the regular practice in any licensed premises to operate at fixed times on fixed days and written notice of this practice has been given to and accepted by the Minister, this shall, as respects any operation in accordance with such practice, be regarded as adequate compliance with the requirements in paragraphs (1) and (2) above.