
STATUTORY INSTRUMENTS

1994 No. 1029

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994

PART VI

ADMINISTRATION, PENALTIES AND ENFORCEMENT

Records of inspections

17.—(1) The official veterinary surgeon shall record the results of the pre-slaughter health inspections and post-mortem health inspections carried out by him or under his supervision and where any such inspection reveals the presence of any transmissible disease in any birds or rabbits, he shall immediately notify the food authority, the Minister, the occupier of the slaughterhouse and the producer of the birds or rabbits in question of such presence.

(2) Every food authority shall keep in respect of each licensed premises, where appropriate, a record of the results of post-mortem health inspections and the food authority shall supply to the Minister copies of any such records kept by that authority as the Minister may from time to time require, and shall retain any such record for a period of one year from the date of the inspection to which it relates.

Duties of occupier

18.—(1) The occupier of any licensed premises shall—

- (a) keep, and retain for a period of at least one year from its date, a record adequate to show the number of birds, rabbits, or both, as appropriate, identified by species, received into, and the amounts of fresh meat despatched from, the premises during each week;
- (b) take all practicable steps to secure compliance by any person employed by him or by any person invited on to the premises with the provisions of these Regulations;
- (c) ensure that the official veterinary surgeon, inspector or veterinary officer is provided with adequate facilities to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to the premises and records as he may from time to time require for such purposes;
- (d) take all necessary measures to ensure that, at all stages of production, the requirements of these Regulations are complied with and carry out checks (including any microbiological checks the Minister may require) on the general hygiene of conditions of production in his establishment to ensure that all equipment, machinery, instruments, fittings and facilities and, if necessary, fresh meat, comply with the requirements of these Regulations;
- (e) take all necessary measures to ensure—
 - (i) that a record in permanent form, which shall be made available to the official veterinary surgeon or inspector upon request, is kept in respect of the matters specified in sub-paragraph (d) above for a period of at least two years from the date of such record;

- (ii) the proper application of the health mark, as provided for in regulation 12(3), including the use of any labels or wrapping on which the health mark is printed;
- (iii) that the official veterinary surgeon or inspector and the Minister are notified immediately when any information at the occupier's disposal reveals a serious health risk; and
- (iv) in the event of a serious health risk, the withdrawal of fresh meat which has been obtained under or stored in similar conditions (as the case may be) and is likely to present the same risk.

(2) The occupier of licensed premises shall in consultation with the official veterinary surgeon arrange or establish a staff training programme to train staff to comply with hygiene requirements appropriate to their operations on those premises.

(3) Where the occupier of any licensed premises has informed the food authority that a specified number of plant inspection assistants are or will be made available at those premises, he shall ensure that such plant inspection assistants—

- (a) are present at the times as notified to him by the official veterinary surgeon appointed in respect of those premises, and
 - (b) carry out the function specified in paragraph 1 of Part I of Schedule 9, as directed by such official veterinary surgeon.
- (4) The occupier shall comply with any notice given under regulation 10(1).

Duties of producer

19.—(1) A producer shall, so as to enable the official veterinary surgeon, inspector and veterinary officer to carry out their functions under these Regulations—

- (a) give any such person such assistance as he may reasonably request for any such purpose, and
- (b) ensure that any birds or rabbits are made available in a condition suitable for inspection by such person.

(2) Without prejudice to regulation 20, if a producer fails to comply with paragraph (1) above, the official veterinary surgeon, inspector or veterinary officer may suspend the inspection or other function until the producer complies with his obligation under paragraph (1) above.

(3) Where a producer has received a notification under regulation 17(1) regarding the presence of a transmissible disease in any of his birds or rabbits, he shall retain such notification and bring it to the notice of the veterinary surgeon carrying out a pre-slaughter health inspection of that producer's birds or rabbits during the subsequent production period.

Offences and penalties

20.—(1) If any person contravenes regulation 11(2), 13(1), 18(4) or 19(1), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person contravenes regulation 3(3), (4), 4(1), 7, 12(3), (4), (5), (6), (8), 14(1), (2), (3), 15(1), (2), 16(5), 18(1)(a), (b), (c), (e) or 19(3), he shall be guilty of an offence and shall be liable—

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

(3) No prosecution for an offence under these Regulations shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor whichever is the earlier.

Recovery of costs

21. A food authority shall be entitled to recover on demand from a producer the costs of carrying out any inspection specified in paragraph 3(b) of Schedule 7.

Information to be provided by the food authorities

22. Every food authority shall provide the Minister with such information relating to the execution of its duties under these Regulations as the Minister may from time to time require.

Defences in relation to exports

23.—(1) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the fresh meat in respect of which the offence is alleged to have been committed was intended for export outside the European Community and complied with the importing country's domestic legislation relevant to the alleged offence.

(2) In any proceedings for an offence under these Regulations where the alleged offence involves either—

- (a) a breach of the prohibition in regulation 14(3)(c); or
- (b) a breach of the prohibition in regulation 14(3)(e);

it shall be a defence for the person charged to prove that the fresh meat in respect of which the offence is alleged to have been committed complied with the importing country's legislation relevant to the alleged offence.

Enforcement

24.—(1) Subject to paragraphs (2) and (3) below each food authority shall execute and enforce within its area the provisions of these Regulations.

(2) Regulations 4, 5, 6, 9 and 11 shall be executed and enforced by the Minister.

(3) In this regulation "food authority" does not include—

- (a) the council of a non-metropolitan county in England and Wales, and
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Application of various sections of the Act

25. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

- (a) section 3 (presumption that food is intended for sale for human consumption);
- (b) section 20 (offences due to fault of other person);
- (c) section 21 (defence of due diligence);
- (d) section 33 (obstruction, etc of officers);
- (e) section 36 (offences by bodies corporate);
- (f) section 44 (protection of officers acting in good faith).

Revocations

26. The Regulations specified in Schedule 23 are hereby revoked to the extent specified in relation thereto in Column 3 of that Schedule.

Amendments

27.—(1) For regulation 4A of the Food Hygiene (Docks, Carriers, etc.) Regulations 1960⁽¹⁾ there shall be substituted the following—

“4A. These Regulations shall not apply to premises to which the following Regulations apply—

- (a) the Fresh Meat (Hygiene and Inspection) Regulations 1992;
- (b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994.”.

(2) In the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966⁽²⁾, for sub-paragraph (b) of the definition of “food business” in regulation 2 there shall be substituted the following—

- “(b) so much of any trade or business as consists of the handling of food at any premises or place, other than a market or stall—
- (i) to which the General Regulations apply; or
 - (ii) which is listed in regulation 4 of the Docks and Carriers Regulations; or
 - (iii) to which the Fresh Meat (Hygiene and Inspection) Regulations 1992 apply; or
 - (iv) to which the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994 apply;”.

(3) In the Food Hygiene (General) Regulations 1970⁽³⁾ for sub-paragraph (b) of regulation 3(2) there shall be substituted the following—

- “(b) at any premises or place to which any of the following Regulations apply—
- (i) the Food Hygiene (Docks, Carriers, etc.) Regulations 1960;
 - (ii) the Fresh Meat (Hygiene and Inspection) Regulations 1992;
 - (iii) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”.

(4) The Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1990⁽⁴⁾ shall be amended as follows—

- (a) in regulation 2(1)—
 - (i) for the definition of “cold store”, there shall be substituted the following—

““cold store” means:

 - (a) in relation to meat, premises used for the cold storage of meat intended for sale for human consumption but does not include any premises used wholly or mainly for sales of meat to the ultimate consumer;
 - (b) in relation to poultry meat, a cold store as defined in regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994, or a re-wrapping centre;”

(1) S.I.1960/1602; relevant amending instrument is S.I. 1992/2037.

(2) S.I. 1966/791; relevant amending instrument is S.I. 1992/2037.

(3) S.I. 1970/1172; relevant amending instrument is S.I. 1992/2037.

(4) S.I.1990/2494; relevant amending instrument is S.I.1992/2037.

- (ii) for sub-paragraph (b) of the definition of “cutting up”, there shall be substituted the following—
 - “(b) in relation to poultry meat, cutting carcasses into smaller cuts or removing bones from carcasses or parts of carcasses;”;
- (iii) for the definition of “health inspection and control exercise”, there shall be substituted the following—
 - ““health inspection and control exercise” means an inspection or supervisory function carried out by a food authority under—
 - (a) the Fresh Meat (Hygiene and Inspection) Regulations 1992; except in so far as such function relates to farmed game meat;
 - (b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”;
- (iv) for the definition of “poultry meat”, there shall be substituted the following—
 - ““poultry meat” has the meaning given to it in regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”;
- (v) there shall be inserted at the appropriate place, the following definition—
 - ““re-wrapping centre” has the meaning given to it in regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”;
- (vi) for sub-paragraph (a) of the definition of “slaughterhouse”, there shall be substituted the following—
 - “(a) a slaughterhouse licensed—
 - (i) by a local authority under the Slaughterhouses Act 1974; or
 - (ii) under regulation 4 of the Fresh Meat (Hygiene and Inspection) Regulations 1992; or
 - (iii) under regulation 4 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”;
 - (b) in regulation 9(3)(a), for the words “slaughter, cutting up or storage”, there shall be substituted the words “slaughter, cutting up, storage or any of the functions of a re-wrapping centre”;
 - (c) regulation 13 shall be deleted.
- (5) In the Food Premises (Registration) Regulations 1991⁽⁵⁾ for sub-paragraph (d) of regulation 3(2) there shall be substituted the following—
 - “(d) as a slaughterhouse, cutting premises, cold store or re-wrapping centre in respect of which a licence is required under regulation 4 of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994;”.
- (6) In the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992⁽⁶⁾—
 - (a) for paragraph (2) of regulation 1 there shall be substituted the following—
 - “(2) Any reference in these Regulations to a Chairman or Secretary shall be a reference to the Chairman or Secretary appointed for the purposes of regulation 6 of, and Schedule 21 to, the Fresh Meat (Hygiene and Inspection) Regulations 1992 and regulation 6 of, and

⁽⁵⁾ S.I. 1991/2825; to which there are amendments not relevant to these Regulations.

⁽⁶⁾ S.I. 1992/2921.

Schedule 15 to, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994.”;

(b) for regulation 2 there shall be substituted the following—

“2. These Regulations shall have effect for the purpose of proceedings before a Meat Hygiene Appeals Tribunal (“the Tribunal”) relating to the refusal to license premises, or relating to the grant of a licence with conditions unacceptable to the occupier of the premises, or the revocation of a licence issued to the occupier of premises under regulation 4 or 5, as the case maybe, of the Fresh Meat (Hygiene and Inspection) Regulations 1992 and under regulation 4 or 5, as the case may be, of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994.”.

(7) In regulation 12(2) of the Animals and Animal Products (Import and Export) Regulations 1993(7) for the words “the Poultry Meat Hygiene Regulations 1976” there shall be substituted the words “the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994”.

(8) The Meat and Poultry Meat (Staining and Sterilisation) (Scotland) Regulations 1983(8) shall be amended as follows—

(a) in regulation 28(1)—

(i) for the words “the Poultry Meat (Hygiene) (Scotland) Regulations 1976” there shall be substituted the words “the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994”; and

(ii) for the words “the said Regulations of 1976” there shall be substituted the words “the said Regulations of 1994”;

(b) in regulation 28(2) for the words “the said Regulations of 1976” there shall be substituted the words “the said Regulations of 1994”.

(7) S.I. 1993/3247.

(8) S.I. 1983/704 (S.61); to which there are amendments not relevant to these Regulations.