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STATUTORY INSTRUMENTS

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**1995 No. 539**

**The Fresh Meat (Hygiene and Inspection) Regulations 1995**

**PART VI**

**ADMINISTRATION, PENALTIES AND ENFORCEMENT**

**Records of Inspections**

**19.**—(1) The Minister shall keep in respect of individual licensed premises, where appropriate, a record, for the purpose of compliance with the provisions of Council Directive [91/497/EEC](#), of the results of—

- (a) ante-mortem health inspections; and
- (b) post-mortem health inspections.

(2) The Minister shall retain the record of such an inspection until the end of the period of one year commencing with the date of the inspection to which it relates.

**Duties of occupier**

**20.**—(1) The occupier of any licensed premises—

- (a) shall keep a record adequate to show the number of animals received into, and the amounts of fresh meat despatched from, the premises during each week;
- (b) shall 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) shall ensure that an OVS, inspector or veterinary officer is provided with adequate facilities so as to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to records as he may from time to time require for that purpose;
- (d) shall 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 equipment and, if necessary, fresh meat, comply with the requirements of these Regulations;
- (e) shall keep in permanent form a record of the results of those checks and make it available to the OVS or inspector upon request;
- (f) shall keep in permanent form a record of the results of water testings on the premises and make it available to the OVS for inspection upon request;
- (g) shall ensure that the health mark is properly applied as provided for in regulation 11 above, and that any labels on which the health mark is printed are used properly;
- (h) shall ensure that the OVS or inspector is notified immediately when any information at the occupier's disposal reveals a serious health risk; and

- (i) shall, in the event of a serious risk, ensure that fresh meat is withdrawn if it has been obtained under or stored in conditions similar to those which produced the risk and is itself likely to present the same risk.
- (2) The occupier shall retain records required to be kept under this regulation until the end of the period of one year from the date of the check.
- (3) The occupier of licensed premises shall arrange or establish in consultation with the OVS a staff training programme to train staff to comply with hygiene requirements appropriate to the operations that they perform on those premises.

### **Offences and penalties**

- 21.**—(1) If any person contravenes—
- (a) regulation 10(1); or
  - (b) regulation 12(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—
- (a) any other provision of these Regulations; or
  - (b) a condition imposed by the Minister under regulation 6(4),
- he shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (3) Neither paragraph (1) nor paragraph (2) above applies to anything done or omitted by the Minister.
- (4) No prosecution for an offence under any of the provisions mentioned in paragraph (1) or (2) above shall be begun after the expiry—
- (a) three years from the commission of the offence; or
  - (b) one year from its discovery by the prosecutor,
- whichever is the earlier.

### **Application of various sections of the Act**

**22.** The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 and 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—

- section 2 (extended meaning of “sale” etc.);
- section 3 (presumption that food is intended for sale for human consumption);
- section 20 (offences due to fault of other person);
- section 21 (defence of due diligence);
- section 33 (obstruction, etc. of officers);
- section 36 (offences by bodies corporate) subject to the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in Scottish partnership; and
- section 44 (protection of officers acting in good faith)

## **Enforcement**

**23.** These Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland and Wales.