
STATUTORY INSTRUMENTS

1995 No. 540

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

PART I

PRELIMINARY

Title and commencement

1. These Regulations may be cited as the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“the 1994 Regulations” means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994(1);

“batch” means a quantity of meat of the same species and type produced by or obtained from the same production run and from the same flock of origin;

“birds” means poultry or farmed game birds;

“carcase” means—

(a) in relation to birds, the whole body of a bird after bleeding, plucking and evisceration, whether or not the heart, liver, lungs, gizzard, crop, kidneys, legs at the tarsus, head, oesophagus or trachea have been removed; and

(b) in relation to rabbits, the whole body of a rabbit after bleeding, skinning and evisceration, whether or not the limbs at the carpus and tarsus, head or tail have been removed;

“cold store” means any premises, not forming part of a slaughterhouse, cutting premises or a re-wrapping centre, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;

“contravention” in relation to any provision of these Regulations includes a failure to comply with that provision, and “contravenes” has a corresponding meaning;

“Council Directive 71/118/EEC” means Council Directive [71/118/EEC\(2\)](#) on health problems affecting the production and placing on the market of fresh poultrymeat, as amended and updated by Council Directive [92/116/EEC\(3\)\(c\)](#);

(1) S.I.1994/1029

(2) OJNo. L55, 8.3.71, p.23 (OJ/SE 1971 vol.I, p.106).

(3) OJ No. L62, 15.3.93, p.1.

“Council Directive 91/495/EEC” means Council Directive [91/495/EEC](#)(4) concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat, as amended by Council Directive [92/65/EEC](#)(5);

“country of destination” means the relevant EEA State to which fresh meat is sent from another EEA State;

“cutting premises” means premises used for the purpose of cutting up fresh meat intended for sale for human consumption;

“cutting up” means cutting carcasses into smaller cuts or removing bones from carcasses or parts of carcasses;

“EEA Agreement” means the Agreement on the European Economic Area(6) signed at Oporto on 2 May 1992, as adjusted by the Protocol(7) signed at Brussels on 17 March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement but, until the EEA Agreement comes into force in relation to Liechtenstein, does not include the State of Liechtenstein;

“farmed game birds” means birds, including ratites, but excluding poultry, which are not generally considered domestic but which are bred, reared and slaughtered in captivity;

“farmed game meat” means the meat of farmed game birds;

“final consumer” means a person who buys fresh meat—

- (a) otherwise than for the purpose of resale;
- (b) for direct transport to, and consumption on, premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him; or
- (c) for cooking on premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him for sale as take-away food for consumption off those premises;

“fresh”, as applied to meat, means all meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

“health mark” means a mark of a kind set out in Schedule 11 and applied in accordance with regulation 12 and that Schedule;

“inspector” means a person who—

- (a) has a qualification specified in Schedule 16; and
- (b) is appointed as an inspector in accordance with regulation 8(2);

“licensed”, in relation to any slaughterhouse, cutting premises, cold store or re-wrapping centre, means licensed by the Minister under regulation 4, and “licence” has a corresponding meaning;

“local market” means a market held in the same locality as, or in a neighbouring locality to, that in which the premises in question are situated;

“locality” means the area comprised within the boundary of—

- (a) in relation to England:

(4) OJ No. L268, 24.9.91, p.41.

(5) OJ No. L268, 14.9.92, p.54.

(6) OJ No. L1, 3.1.94, p.1.

(7) OJ No. L1, 3.1.94, p.571.

- (i) a metropolitan county named in Part I or a non-metropolitan county named in Part II of Schedule 1 to the Local Government Act 1972⁽⁸⁾
- (ii) the Isles of Scilly, which shall be regarded as one locality; or
- (iii) Greater London, as defined in section 2(1) of the London Government Act 1963⁽⁹⁾;
- (b) in relation to Wales, a preserved county named in Part III of Schedule 4 to the Local Government Act 1972⁽¹⁰⁾, save that the counties of Mid Glamorgan, South Glamorgan and West Glamorgan shall be regarded as one locality; and
- (c) in relation to Scotland, a region named in Part I or an islands area named in Part II of Schedule 1 to the Local Government (Scotland) Act 1973⁽¹¹⁾,

subject, in relation to a county in England or Wales or a London borough comprised within the area of Greater London referred to in this definition, to any alterations made under Part IV of the Local Government Act 1972, and, in relation to a region in Scotland, to any alterations made under Part II of the Local Government (Scotland) Act 1973;

“low throughput”—

- (a) in relation to a slaughterhouse, means a throughput of not more than 150,000 birds or 300,000 rabbits each year;
- (b) in relation to cutting premises, means a production of not more than 3 tonnes of cut up fresh meat each week;

“meat” means all parts of a bird or rabbit which are fit for human consumption;

“occupier” means any person carrying on the business of a slaughterhouse, cutting premises, a cold store or a re-wrapping centre (either separately or together) or his duly authorised representative and, in relation to an application in respect of any such premises for a licence under regulation 4, includes the owner of those premises, the person proposing to occupy those premises and the duly authorised representative of any such person;

“offal” means fresh meat other than that of the carcass, whether or not naturally connected to the carcass, including the head and feet where these are presented separate from the carcass;

“official veterinary surgeon” means a veterinary surgeon designated by the Minister under regulation 8;

“packaging”, in relation to fresh meat, means the placing of fresh meat in a container, as well as the container itself;

“permitted preservative” means a preservative the use of which in foodstuffs is permitted under the Preservatives in Food Regulations 1989⁽¹²⁾ and the Preservatives in Food (Scotland) Regulations 1989⁽¹³⁾;

“plant inspection assistant” means a person who is authorised in accordance with regulation 11;

“post-mortem health inspection” means the inspection of slaughtered birds or rabbits in accordance with Schedule 9;

“poultry” means domestic fowls, turkeys, guinea fowls, ducks and geese;

“poultry meat” means the meat of poultry;

“pre-slaughter health inspection” means the inspection of live birds or rabbits in accordance with Schedule 7;

⁽⁸⁾ 1972 c. 70.

⁽⁹⁾ 1963 c. 33.

⁽¹⁰⁾ Part III was inserted by section 1(2) of, and paragraph 3 of Schedule 1 to, the Local Government (Wales) Act 1994 (c. 19).

⁽¹¹⁾ 1973 c. 65.

⁽¹²⁾ S.I. 1989/533; to which there are amendments not relevant to these Regulations.

⁽¹³⁾ S.I. 1989/581 (S.66); to which there are amendments not relevant to these Regulations.

“premises” means any slaughterhouse, cutting premises, cold store or re-wrapping centre or a combination of some or all such premises;

“producer” means the person who owns or is in charge of any birds or rabbits and the duly authorised representative of any such person;

“production report” means the report referred to in paragraph 1(b)(ii) of Schedule 7;

“rabbit” means a domestic rabbit, and “rabbit meat” shall be construed accordingly;

“relevant EEA State” means an EEA State other than Iceland;

“re-wrapping centre” means any premises, other than a slaughterhouse, cutting premises or cold store, where consignments of fresh meat intended for sale are packaged, wrapped or re-wrapped;

“slaughterhouse” means any building, premises or place for slaughtering birds or rabbits, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of birds or rabbits awaiting slaughter there;

“small wild game” has the same meaning as in Article 2(1)(c) of Council Directive [92/45/EEC](#)(14) on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat;

“specified group” means—

- (a) in relation to birds, two or more birds from the same flock, farm or housing or in the same free range; and
- (b) in relation to rabbits, two or more rabbits from the same farm or housing or in the same free range;

“third country” means a country which is not a relevant EEA State;

“veterinary officer” means a veterinary officer of the Minister of Agriculture, Fisheries and Food;

“viscera” means offal from the thoracic, abdominal and pelvic cavities including the trachea, the oesophagus and, in relation to birds, the crop;

“wrapping”, in relation to the protection of fresh meat, means placing in material which comes into direct contact with such meat as well as the material itself.

(2) Except in so far as the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as—

- (a) in relation to poultry meat, in Council Directive [71/118/EEC](#);
- (b) in relation to rabbit meat and farmed game meat, in Council Directive [91/495/EEC](#); and
- (c) in relation to poultry meat, rabbit meat and farmed game meat, in Council Directive [91/494/EEC](#)(15) on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat, as amended by Council Directive [93/121/EC](#)(16).

(4) Nothing in these Regulations shall be construed as derogating from the provisions of the Animal Health Act 1981(17) or of any order made thereunder.

(14) OJ No. L268, 14.9.92, p.35.

(15) OJ No. L268, 24.9.91, p.35.

(16) OJ No. L340, 31.12.93, p.39.

(17) [1981 c. 22](#).

Exemptions and saving for existing licences

3.—(1) These Regulations shall not apply—

- (a) to premises where fresh meat is cut up, stored or re-wrapped for sale from those premises to the final consumer;
- (b) subject to paragraphs (2), (3) and (4) below, to a slaughterhouse with an annual production of less than 10,000 birds or rabbits which sells fresh meat in small quantities either—
 - (i) direct to the final consumer at those premises; or
 - (ii) direct to the final consumer at a local market; or
 - (iii) to retailers who sell direct to the final consumer where such retailers pursue their trade in the same locality as, or in a neighbouring locality to, that in which those premises are situated; or
 - (iv) at a market other than a local market during the period of two weeks which immediately precede Christmas day and Easter Sunday each year;
- (c) to a cold store which handles only fresh meat which is packaged;
- (d) to fresh meat intended for exhibition, special studies or analysis provided that such meat is not used for human consumption and, except in the case of such meat used for analysis, it is destroyed after such exhibition or special study, as the case may be;
- (e) to fresh meat intended exclusively for sale to international organisations;
- (f) to fresh meat intended for uses other than human consumption; or
- (g) to any person engaged in any activity described in sub-paragraph (a), (b), (c), (d), (e) or (f) above, or to any vehicle used for the purpose of any such activity.

(2) The exemption in paragraph (1)(b) above shall not apply to any itinerant sale or sale by mail order.

(3) Notwithstanding the exemption in paragraph (1)(b) above, no person shall sell poultry in the form of the whole body of any slaughtered and plucked poultry obtained from any slaughterhouse in paragraph (1)(b) above at a market unless it bears on or there is attached to each such body a label or other marking clearly indicating the name and the address of the premises where such poultry was slaughtered and plucked.

(4) Notwithstanding the exemption in paragraph (1)(b) above, the occupier of any such slaughterhouse shall—

- (a) keep a record in adequate form to show the number of birds, rabbits, or both, as appropriate, identified by species, received into, and the amounts of fresh meat despatched from, those premises during each week;
- (b) retain such record for a period of one year from the date of such record; and
- (c) make such record available to an authorised officer of the food authority or of the Minister upon request.

(5) Subject to regulation 5, nothing in these Regulations affects the validity of a licence issued under the 1994 Regulations.

PART II

LICENSING OF SLAUGHTERHOUSES, CUTTING PREMISES, COLD STORES AND RE-WRAPPING CENTRES

Issue of licences

4.—(1) No person shall use any premises as a slaughterhouse, cutting premises, a cold store or a re-wrapping centre unless those premises are currently licensed.

(2) Without prejudice to paragraphs (5), (6), (7) and (9) below, the Minister on application made to him under this regulation—

(a) shall license the premises to which the application relates as—

(i) a slaughterhouse if either—

(aa) the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 2; or

(bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Schedules 1 and 2 on or before 1st August 1996, and those premises were, before 1st April 1995, exempt under regulation 3 of the 1994 Regulations,

and (in either case) the Minister is satisfied that the method of operation in those premises complies with the requirements of Schedules 6 to 9;

(ii) a low throughput slaughterhouse if either—

(aa) the Minister is satisfied that it complies with the requirements of Parts I and II of Schedule 5; or

(bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Parts I and II of Schedule 5 on or before 1st August 1996, and those premises were, before 1st April 1995, exempt under regulation 3 of the 1994 Regulations,

and (in either case) the Minister is satisfied that the method of operation in those premises complies with the requirements of Schedules 6 to 9;

(iii) cutting premises if either—

(aa) the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 3; or

(bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Schedules 1 and 3 on or before 1st August 1996 and those premises were, before 1st April 1995, exempt under regulation 3 of the 1994 Regulations,

and (in either case) the Minister is satisfied that the method of operation in those premises complies with the requirements of Schedules 6 and 10;

(iv) low throughput cutting premises if either—

(aa) the Minister is satisfied that they comply with the requirements of Part I of Schedule 5; or

(bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the

requirements of Part I of Schedule 5 on or before 1st August 1996, and those premises were, before 1st April 1995, exempt under regulation 3 of the 1994 Regulations,

and (in either case) the Minister is satisfied that the method of operation in those premises complies with the requirements of Schedules 6 and 10;

(v) a cold store if the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 4 and that the method of operation in those premises complies with the requirements of Schedules 6 and 12;

(vi) a re-wrapping centre if the Minister is satisfied that the premises comply with the requirements of Schedule 1 and that the method of operation in those premises complies with the requirements of Schedules 6, 12 and 13; and

(b) shall refuse so to license those premises if the Minister is not so satisfied.

(3) Each application for a licence under this regulation shall be made in writing to the Minister by the occupier of the premises to which the application relates.

(4) The Minister shall notify the occupier in writing of his decision on each application for a licence under this regulation and of the reasons for any refusal to license such premises.

(5) Any licence granted in respect of any premises under this regulation shall be subject to the condition that any significant alteration to the premises or the equipment in those premises or the method of operation in those premises shall comply with the provisions of these Regulations.

(6) In granting a licence in respect of any premises under this regulation the Minister may make that licence subject to conditions in respect of any rabbits or species of bird which shall be slaughtered or handled there.

(7) In granting a licence in respect of a cold store the Minister may make that licence subject to the condition that fresh meat shall be stored only in one or more specified storage chambers or that the cold store shall store only fresh meat which is packaged.

(8) Where the Minister has refused to grant a licence under this regulation or granted a licence subject to any condition imposed pursuant to paragraph (6) or (7) above, the notification under paragraph (4) above shall state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made in regulation 6 and the time within which an appeal shall be lodged.

(9) Where delayed evisceration and post-mortem inspection is to be carried out in any cutting premises, those premises shall not be licensed unless the Minister is satisfied that the method of operation in those premises complies with the requirements of Part III of Schedule 5, paragraphs 4 to 14 of Schedule 8 and Schedule 9.

Revocation of licences

5.—(1) The Minister may revoke a licence saved by virtue of regulation 3(5) or granted under regulation 4 in respect of any premises if, after an inspection of, or an inquiry into, the operation or structure of the premises and a report by an official veterinary surgeon or veterinary officer, the Minister is satisfied that—

(a) the conditions of hygiene at those premises are inadequate and the occupier has failed to take the necessary measures to make good the shortcoming within such period as the Minister may specify;

(b) any requirement of these Regulations as to hygiene has not been complied with and no action has been taken to ensure that a similar breach does not occur in future;

(c) any agreement made by the occupier with the Minister to carry out and complete any works referred to in regulation 4(2)(a)(i), (ii), (iii) or (iv) has not been complied with;

- (d) the condition referred to in regulation 4(5) or any other condition attached to the licence in accordance with regulation 4(6) or (7) has not been complied with; or
- (e) the premises no longer fall within these Regulations—
 - (i) because the business carried on at the premises in respect of which the licence was granted is no longer being carried on there; or
 - (ii) because they have become exempt under regulation 3.

(2) The Minister shall forthwith notify the occupier in writing of his decision under paragraph (1) above to revoke any licence granted under these Regulations in respect of any premises, of the date on which the revocation is to take effect and of the reasons for such revocation.

(3) Any notification under paragraph (2) above must state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made in regulation 6 and the time within which an appeal must be lodged.

(4) In paragraph (2) above “occupier”, in relation to a proposed revocation by virtue of paragraph 1(e)(i) above where the premises are vacant, means the last person known to the Minister to have carried on at the premises business in respect of which the licence was granted or his successor in respect of that business.

Appeals

6.—(1) Where the Minister has refused to license any premises or has granted a licence with conditions under regulation 4 or has revoked the licence of any premises under regulation 5, the occupier of those premises may, within 28 days of being notified of that decision in accordance with regulation 4(4) or 5(2), appeal to a Meat Hygiene Appeals Tribunal.

(2) The provisions of Schedule 15 shall apply in respect of the constitution, appointment of members, remuneration of members and staffing of a Meat Hygiene Appeals Tribunal.

(3) Where on an appeal under paragraph (1) above a Meat Hygiene Appeals Tribunal determines that—

- (a) the issue of a licence under regulation 4 should not have been refused; or
- (b) any condition imposed under regulation 4(6) or (7) was unreasonable; or
- (c) a licence revoked under regulation 5 should not have been revoked,

the Minister shall give effect to the determination of the Tribunal.

(4) Without prejudice to sections 9 to 13 of the Act, where the Minister has refused a licence under regulation 4 or revoked the licence of any premises under regulation 5, a person who, immediately before such refusal or revocation, had been lawfully using them as a slaughterhouse, cutting premises, a cold store or a re-wrapping centre (as the case may be) may continue to use them for that purpose, subject to any reasonable conditions imposed by the Minister for the protection of public health, until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

Prohibition on the slaughter at a slaughterhouse of a bird or rabbit not intended for sale for human consumption

7.—(1) Subject to paragraph (2) below, an occupier shall not use or cause to be used any slaughterhouse for the slaughter of any bird or rabbit not intended for sale for human consumption.

(2) Paragraph (1) above shall not apply in respect of the use of a slaughterhouse for the slaughter of a bird or rabbit not intended for sale for human consumption provided that—

- (a) such bird or rabbit is slaughtered in a different room or at a different time from any bird or rabbit intended to be slaughtered for sale for human consumption; and

- (b) appropriate steps are taken to prevent the contamination of fresh meat in that slaughterhouse.

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 carcase or part of a carcase 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.

PART IV

CONDITIONS FOR THE MARKETING OF FRESH MEAT

General conditions

14.—(1) Subject to paragraphs (5) and (6) below, no person shall at any time sell for human consumption any fresh meat unless—

- (a) it has been obtained from licensed premises;
- (b) it comes from a bird or rabbit which has been subjected to a pre-slaughter health inspection in accordance with Schedule 7 and which, following such inspection, has been passed as fit for slaughter for human consumption and has been slaughtered thereafter;
- (c) it has been chilled and prepared under hygienic conditions in accordance with Schedule 8;
- (d) it comes from the body of a bird or rabbit which has been subjected to a post-mortem health inspection in accordance with Schedule 9 and which has shown no evidence of disease or other abnormal condition except for localised lesions or contaminations which have been removed and which do not render the remainder of the carcass unfit for human consumption;
- (e) it has been given a health mark in accordance with Schedule 11;
- (f) it is accompanied during transportation by either—
 - (i) a health certificate; or
 - (ii) an invoice or delivery note,

in accordance with regulation 15;

- (g) if it has been stored in any licensed premises, it has been stored in accordance with Schedule 12;
- (h) if it is wrapped or packaged, it has been wrapped or packaged under hygienic conditions in accordance with Schedule 13; and
- (i) if it has been transported to, or from, any licensed premises, it has been transported under hygienic conditions in accordance with Schedule 14.

(2) Subject to paragraph (5) and, where appropriate, paragraphs (7) and (9) below, no person shall sell for human consumption—

- (a) fresh meat which—
 - (i) has been treated with an antibiotic or tenderiser;
 - (ii) has been marked with a colourant other than in accordance with regulation 12(2) and Schedule 11;
 - (iii) has been treated with a preservative other than a permitted preservative; or
 - (iv) has been cooled, immediately after evisceration and post-mortem health inspection, by means of immersion in water which is not in accordance with the requirements of paragraphs 10 and 11 of Schedule 8;
- (b) poultry meat which has not been eviscerated or has been obtained from the body of any bird which has not been eviscerated; or
- (c) rabbit meat or farmed game meat which has been treated with ionizing or ultra-violet radiation.

(3) Subject to paragraph (4) below, no person shall consign or sell for consignment to a relevant EEA State for human consumption—

- (a) fresh meat produced in low throughput premises;
- (b) fresh meat cut up in low throughput cutting premises;
- (c) fresh meat which has been marked in accordance with paragraph 6 of Schedule 11;
- (d) rabbit meat or farmed game meat which has been treated with ionizing or ultra-violet radiation;
- (e) farmed game meat which has not been eviscerated or has been obtained from the body of any bird which has not been eviscerated; or
- (f) fresh meat which has been obtained from a specified group subject to a programme for the control of infectious disease.

(4) Paragraph (3) above shall not apply to meat forming part of travellers' luggage and not intended for resale or to meat sent as small packages to private persons.

(5) Paragraphs (1) and (2) above shall not apply to fresh meat imported from a relevant EEA State or a third country, save that such imported fresh meat shall be handled and transported in accordance with these Regulations.

(6) Without prejudice to regulation 23 of the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966⁽¹⁸⁾ (transport of meat), paragraph (1)(i) above shall not apply in relation to the transportation of any fresh meat from any licensed premises, on sale, direct to the final consumer or to a retailer in Great Britain.

⁽¹⁸⁾ S.I. 1966/791; relevant amending instrument is S.I. 1992/2037.

(7) Paragraph (2)(b) above shall not apply until 1st May 1997 to the sale for human consumption of uneviscerated poultry meat, in the form of whole bodies, by an occupier of premises who was lawfully engaged in the sale of such uneviscerated poultry from those premises before 1st May 1994.

(8) Without prejudice to regulation 12(3)(c), the requirements as to slaughter and evisceration specified in Schedule 8 shall not apply in relation to the production for sale in Great Britain of partially eviscerated or non-eviscerated farmed game birds in a slaughterhouse or cutting premises—

- (a) lawfully engaged in such production before 24th September 1991; and
- (b) to the occupier of which, at the request of such occupier, the Minister has granted in writing an exemption from those requirements in pursuance of Article 9 of Council Directive 91/495/EEC.

(9) Paragraph (2)(b) above shall not apply to partly eviscerated poultry (“effilé”).

Transport documentation

15.—(1) Subject to paragraph (3) below, the occupier of licensed premises shall ensure that fresh meat is accompanied during transportation from those premises by—

- (a) in the case of fresh meat intended for consignment to a relevant EEA State—
 - (i) which will be transported through a third country in a sealed means of transport, or
 - (ii) which is obtained from a slaughterhouse situated in a region or area subject to a prohibition or restriction under the Animal Health Act 1981⁽¹⁸⁾,a health certificate in the form specified in Schedule 18 or Schedule 19, as appropriate;
- (b) in the case of fresh meat intended for consignment to a relevant EEA State, a region thereof or a region of Northern Ireland which is recognised in accordance with Article 12(2) of Council Directive 90/539/EEC⁽¹⁹⁾(b), as amended⁽²⁰⁾, in relation to its Newcastle disease status, the health certificate in the form specified in Schedule 18;
- (c) in any other case, by an invoice or delivery note containing the following information:
 - (i) the name and address of the consignor and the consignee;
 - (ii) the approval number of the premises from which the meat is to be transported;
 - (iii) the date of issue of such invoice or delivery note and a number enabling it to be identified;
 - (iv) a description of the product transported;
 - (v) the total quantity despatched; and
 - (vi) the particulars provided for in paragraphs 1 and 4 of Schedule 11.

(2) Subject to paragraph (3) below, any person who receives fresh meat direct from any licensed premises shall keep the invoice or delivery note referred to in paragraph (1)(c) above for a period of at least one year from the date of receipt.

(3) Paragraphs (1) and (2) above shall not apply where the fresh meat is being transported from licensed premises direct to the final consumer or to a retailer in Great Britain.

⁽¹⁸⁾ S.I. 1966/791; relevant amending instrument is S.I. 1992/2037.

⁽¹⁹⁾ OJ No. L303, 31.10.90, p.6.

⁽²⁰⁾ Relevant amending instrument is Council Directive 93/120/EC (OJ No. L340, 31.12.93, p.35).

PART V

SLAUGHTER: PROHIBITIONS AND CONDITIONS

Prohibition and conditions of slaughter

16.—(1) An official veterinary surgeon or an inspector acting under the supervision of an official veterinary surgeon may require the occupier of any licensed premises or the producer of any specified group, bird or rabbit—

- (a) not to slaughter for human consumption any bird or rabbit in respect of which there is evidence that it would be unfit for such consumption; or
- (b) not to slaughter for human consumption any bird or rabbit in respect of which clinical signs of ornithosis or salmonellosis have been established, or any other bird or rabbit from the specified group from which that bird or rabbit, as the case may be, came.

(2) An official veterinary surgeon shall require any slaughter of a specified group which is subject to a programme for control of infectious disease under the Zoonoses Order 1989(21) to be subject to the following conditions—

- (a) that all necessary precautions are taken by the occupier of the licensed slaughterhouse or low throughput slaughterhouse or the producer of the specified group, bird or rabbit, as the case may be, to avoid contamination of other birds or rabbits;
- (b) that slaughter shall take place at the end of the current slaughtering period at that slaughterhouse or under such conditions that compliance with sub-paragraph (a) of this paragraph is ensured; and
- (c) that any equipment, instruments, fittings and facilities used in such slaughter are thoroughly cleansed and disinfected immediately after such use.

(3) The Minister may authorise the slaughter of a specified group, bird or rabbit which is subject to a requirement not to slaughter given under paragraph (1) above, upon application to the Minister by the producer of that specified group, bird or rabbit, as the case may be.

(4) The Minister may authorise the slaughter of a specified group, bird or rabbit under paragraph (3) above subject to the condition that—

- (a) the meat obtained from that specified group, bird or rabbit, as the case may be, shall not be used for human consumption; and
- (b) the conditions specified in paragraph (2) above are complied with.

(5) No person shall contravene—

- (a) a requirement made under paragraph (1) above;
- (b) a condition imposed under paragraph (2) above; or
- (c) a condition of an authorisation for slaughter made under paragraph (4) above.

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 occupier of the slaughterhouse and the producer of the birds or rabbits in question of such presence.

(2) The Minister shall retain a record of the inspections referred to in paragraph (1) above until the end of the period of one year commencing with 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; and
- (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(2), including the use of any labels or wrapping on which the health mark is printed;
 - (iii) that the Minister is 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 any 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 in those premises.

(3) Where the occupier of any licensed premises has informed the Minister 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 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.

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 10(1), 11(2), 13(1) 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—

- (a) regulation 3(3) or (4), 4(1), 7, 12(3), (4), (5) or (7), 14(1), (2) or (3), 15(1) or (2), 16(5), 18(1)(a), (b), (c) or (e) or 19(3); 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 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. The Minister 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 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.

Enforcement

23.—(1) Subject to paragraph (2) below, 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.

(2) Each food authority shall execute and enforce, within its own area, regulation 3(3) and (4).

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

- (a) the council of a non-metropolitan county in England and Wales; or
- (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

24. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 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—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food is intended for sale for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 33 (obstruction etc. of officers);
- (f) 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 a Scottish partnership; and
- (g) section 44 (protection of officers acting in good faith).

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Fresh meat from Northern Ireland, the Isle of Man and the Channel Islands

25.—(1) No person shall sell for human consumption fresh meat produced in a place to which this regulation applies and intended for consignment to a relevant EEA State, unless it was produced at premises in that place which, if these Regulations had effect in that place, would qualify for a licence under regulation 4 and be entitled to apply the health mark described in paragraph 1 of Schedule 11.

(2) No person shall sell for human consumption in Great Britain fresh meat produced in a place to which this regulation applies unless it carries a health mark applied in accordance with legislation having effect in that place and corresponding to the provisions of Schedule 11.

(3) The places to which this regulation applies are Northern Ireland, the Isle of Man and the Channel Islands.

Revocation

26. The 1994 Regulations are hereby revoked.

Amendments

27. In the Regulations specified in Schedule 23, for the words “the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994” in each place where they occur there shall be substituted the words “the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995”.

28th February 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

24th February 1995

Cumberlege
Parliamentary Under-Secretary of State,
Department of Health

24th February 1995

Gwilyn Jones
Parliamentary Under-Secretary of State, Welsh
Office

27th February 1995

Hector Monro
Parliamentary Under-Secretary of State, Scottish
Office