
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.