
STATUTORY INSTRUMENTS

2000 No. 2215**FOOD, ENGLAND****The Meat (Disease Control) (England) Regulations 2000**

<i>Made - - - -</i>	<i>14th August 2000</i>
<i>Laid before Parliament</i>	<i>15th August 2000</i>
<i>Coming into force</i>	<i>16th August 2000</i>

ARRANGEMENT OF REGULATIONS

1. Title, extent and commencement.
2. Amendments to the Fresh Meat (Hygiene and Inspection) Regulations 1995.
3. Amendments to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.
4. Amendments to the Meat Products (Hygiene) Regulations 1994.
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The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section insofar as these Regulations could not have been made under the powers in the Food Safety Act 1990 specified below, and in exercise of the powers conferred on him by sections 16(1)(b), (c), (d), (e) and (f), (2)(a) and (3), 17(1), 19(1)(b), 26, 45, 48(1) and 49(2) of, and paragraphs 5(1), (2) and (3), 6(1)(a) and 7(1) and (2) of Schedule 1 to the Food Safety Act 1990(c), and of all other powers enabling him in that behalf, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act, makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Meat (Disease Control) (England) Regulations 2000, shall extend to England only and shall come into force on 16th August 2000.

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) 1990 c. 16. Functions formerly exercisable by "the Ministers" are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28); and paragraphs 12, 21 and 24 of that Schedule amend sections 17(1) and 48 of, and paragraph 7(2) of Schedule 1 to, the 1990 Act. Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

Amendments to the Fresh Meat (Hygiene and Inspection) Regulations 1995

2.—(1) Insofar as they extend to England, the Fresh Meat (Hygiene and Inspection) Regulations 1995(a) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (3) of regulation 13 (general conditions)—

- (a) the word “or” separating sub-paragraphs (c) and (d) shall be revoked;
- (b) the phrase “cutting premises;” shall be substituted for the phrase “cutting premises.” in sub-paragraph (d); and
- (c) the following sub-paragraphs shall be inserted after sub-paragraph (d)—
 - “(e) fresh meat obtained from domestic sheep, goats or solipeds which have not been held in Community territory for at least 21 days on the date of slaughter, or from birth in the case of animals which are less than 21 days old;
 - (f) fresh meat obtained from animals which—
 - (i) come from a holding or area which, at the time of their departure from the holding or area concerned, was subject to a prohibition or restriction as a result of an outbreak of foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease), and
 - (ii) are susceptible to the particular disease referred to above which led to the prohibition or restriction being imposed;
 - (g) fresh meat obtained from a slaughterhouse while that slaughterhouse was under restriction by virtue of an Order made under the Animal Health Act 1981(b) relating to foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease);
 - (h) (without prejudice to sub-paragraph (f) above) fresh meat obtained from swine, sheep or goats originating from a holding which, at the time of their departure from the holding concerned, was subject to a prohibition for health reasons (as provided for by Article 4 of Council Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat(c), as amended by amendments up to and including those affected by Council Decision 95/1/EC, Euratom, ECSC(d) as a result of an outbreak of porcine, ovine or caprine brucellosis; or
 - (i) any fresh meat which has not been obtained, cut, stored and transported either separately or at a different time from the meat referred to in any of sub-paragraphs (e) to (h) of this paragraph.”.

(3) In Schedule 12 (health marking)—

- (a) in paragraph 1, for “paragraphs 2 and 7”, there shall be substituted “paragraphs 2, 7 and 8”;
- (b) in paragraph 2, for “Regulation 13(3)”, there shall be substituted “any of sub-paragraphs (a) to (d) of paragraph (3) of regulation 13”;
- (c) the following paragraph shall be inserted at the end—

“8. In the case of the fresh meat referred to in any of sub-paragraphs (e) to (i) of paragraph (3) of regulation 13, the health mark required by paragraph 1 or 2 above shall be—

- (a) over stamped in such a way that it is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible; or
- (b) applied with a single mark, consisting of the health mark referred to in paragraph 1 or 2 above, over stamped in accordance with sub-paragraph (a) of this paragraph.”.

(a) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995.2148, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074, S.I. 2000/225 and S.I. 2000/656.

(b) 1981 c. 22.

(c) OJ No. L302, 31.12.72, p. 24 (Special edition 1972 31 Dec (3) p. 3).

(d) OJ No. L1, 1.1.95, p. 1.

Amendments to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

3.—(1) Insofar as they extend to England, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995^(a) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (3) of regulation 14 (general conditions) sub-paragraph (c) shall be replaced by—

“(c) fresh meat which—

- (i) has been marked in accordance with paragraph 6 of Schedule 11, or
- (ii) has not been obtained, cut, stored and transported separately or at a different time from meat which has been marked in accordance with paragraph 6 of Schedule 11;”.

(3) In regulation 14, after the end of paragraph (3) there shall be inserted the following paragraph—

“(3A) No person shall consign or sell for consignment to any relevant EEA State, or a region of any relevant EEA State or a region of Northern Ireland, which has been recognised in accordance with Article 12(2) of Council Directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs^(b), as amended by amendments up to and including those effected by Council Decision 95/1/EC, Euratom, ECSC, any meat which comes from a bird which has been vaccinated against Newcastle disease with a live vaccine during the 30 days preceding the date of slaughter.”.

(4) In Schedule 11 (health marking) paragraph 6 shall be replaced by the following—

“6.—(1) Subject to paragraph 7 below, the health mark required by paragraph 1 or 4 above shall be overstamped or applied as specified in sub-paragraph (2) below in cases where fresh meat—

(a) is obtained from any bird which comes from a holding—

- (i) in relation to which a notice has been served under article 5 of the Diseases of Poultry Order 1994^(c) restricting movements to or from that holding, or
- (ii) which, at the time of the bird’s departure from the holding concerned, was under restriction by virtue of an Order made under the Animal Health Act 1981 relating to any disease to which poultry is susceptible;

(b) is obtained from any bird which has come into contact with a bird suffering from avian influenza or Newcastle disease during transport from the holding to the slaughterhouse;

(c) is obtained from a slaughterhouse while that slaughterhouse is under restriction by virtue of an Order made under the Animal Health Act 1981 relating to avian influenza or Newcastle disease; or

(d) is suspected or may reasonably be suspected of having been contaminated by avian influenza or Newcastle disease at the slaughterhouse, cutting premises or cold store or during transportation.

(2) The health mark shall be—

- (a) overstamped in such a way that it is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible; or
- (b) applied with a single mark, consisting of the health mark referred to in paragraph 1 or 4 above, overstamped in accordance with paragraph (a) of this sub-paragraph.”.

(a) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/2148, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/225 and S.I. 2000/656.

(b) OJ No. L303, 31.10.90, p. 6.

(c) S.I. 1994/3141, amended by S.I. 1997/150.

Amendments to the Meat Products (Hygiene) Regulations 1994

4.—(1) Insofar as they extend to England, the Meat Products (Hygiene) Regulations 1994(a) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 8 (general conditions), the following paragraphs shall be inserted at the end—

“(2) No person shall apply the British EC health mark to, or consign or sell for consignment to a relevant EEA State for human consumption, a meat product prepared in whole or in part from any meat referred to in—

- (a) any of sub-paragraphs (e) to (i) of paragraph (3) of regulation 13 of the Fresh Meat (Hygiene and Inspection) Regulations 1995; or
- (b) paragraph 6 of Schedule 11 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995,

unless the meat product has undergone treatment in accordance with section D of Part VIII of Schedule 2.

(3) Any meat product to which paragraph (2) above applies shall—

- (a) be prepared only under official veterinary supervision and must be protected from any contamination or recontamination; and
- (b) notwithstanding regulation 12(2), be accompanied during transportation by the health certificate referred to at regulation 12(1)(c).

(4) The meat referred to in paragraph (2) above shall be transported and stored separately or at a different time from meat which is not referred to in paragraph (2) above.”,

and the existing text of regulation 8 shall become its paragraph (1).

(3) In regulation 12 (storage and transportation conditions), sub-paragraphs (b) and (c) of paragraph (1) and paragraph (2) shall be replaced by the following provisions—

“(b) it is accompanied during transportation by a commercial document which bears the official approval code of the meat products premises of origin; and

(c) subject to paragraph (2) below, it is accompanied during transportation by a health certificate, signed by an authorised officer of the enforcement authority at the time of loading and corresponding in form and content to that specified in Schedule 4, where—

- (i) it contains meat obtained from a slaughterhouse while that slaughterhouse was under restriction by virtue of an Order made under the Animal Health Act 1981;
- (ii) it contains meat bearing a special mark under regulation 13(2)(c) or (d) of the Fresh Meat (Hygiene and Inspection) Regulations 1995; or
- (iii) it is intended to be sent to a relevant EEA State after transit through a third country.

(2) The requirement for a health certificate at paragraph (1)(c) above shall not apply to a meat product in a hermetically sealed container where the product has undergone the treatment referred to in section B(a) of Part VIII of Schedule 2 and the health mark is indelibly marked on the container.

(2A) Where a meat product is intended to be sent to a relevant EEA State after transit through a third country, it shall be transported in a sealed means of transport.”.

(4) Paragraph 3 of regulation 12 shall be replaced by the following—

“(3) The enforcement authority may make a reasonable charge for the issue of any health certificate pursuant to paragraph (1)(c) above.”.

(5) In Part VIII of Schedule 2 (special conditions) there shall be inserted at the end—

“D.—(1) Subject to paragraph (3) below, the meat products to which regulation 8(2) applies shall undergo one of the following forms of treatment—

- (a) heat treatment in a hermetically sealed container with an Fo value of 3.00 or more; or

(a) S.I. 1994/3082, amended by S.I. 1995/539, S.I. 1995/1763, S.I. 1995/2200, S.I. 1995/3205, S.I. 1996/1499, S.I. 1999/683, S.I. 2000/225, S.I. 2000/656 and S.I. 2000/790.

- (b) in the case of a meat product which has been prepared exclusively from or with pigmeat which has been obtained from a holding or area which at that time was not subject to any restriction on health grounds following the discovery of African Swine Fever—
- (i) the meat must be fully de-boned and the main lymphatic glands removed before heating,
 - (ii) the meat must be enclosed in the hermetically sealed container in which it is to be marketed and must undergo heat treatment in accordance with the following conditions:
 - the product must be kept at a temperature of at least 60°C for a minimum of four hours during which the temperature must be at least 70°C for a minimum of thirty minutes;
 - the temperature of a representative number of samples of each batch of the product must be monitored constantly, using automatic apparatus enabling the temperature to be recorded both in the centre of the pieces of greater weight and inside the heating equipment; and
 - throughout these operations, the conditions laid down in the third sub-paragraph of Article 5A of Council Directive 72/461/EEC must be fulfilled.

(2) After heat treatment, a health mark shall be applied to the container in accordance with the requirements of Part VI of this Schedule.

(3) Notwithstanding paragraph (1) above, a meat product to which regulation 8(2) applies, and which is prepared from fresh meat obtained from animals which do not come from a holding or area such as is specified in regulation 13(3)(f) of the Fresh Meat (Hygiene and Inspection) Regulations 1995, may, instead of undergoing one of the forms of treatment specified in paragraph (1) above, undergo—

- (a) heat treatment of a type different from those referred to in paragraph (1) above, provided that the centre temperature is raised to at least 70°C;
- (b) provided that the disease in question is not swine vesicular disease, treatment consisting of natural fermentation and maturation of not less than nine months for de-boned or boneless hams which—
 - (i) weigh not less than 5.5 kg, and
 - (ii) have an AW value of not more than 0.93 and a pH value of not more than 6; or
- (c) if the disease in question is foot-and-mouth disease, the treatment referred to in paragraph (b) if the meat product is bone-in ham which fulfils the conditions of sub-paragraphs (i) and (ii) of paragraph (b).”.

(6) In the form of health certificate specified in Schedule 4 (health certificate for meat products), footnote 3 shall be replaced by—

(3) Mention any ionizing radiation for medical reasons and specify whether treated in accordance with section D(1) or (3) of Part VIII of Schedule 2.”.

Amendments to the Minced Meat and Meat Preparations (Hygiene) Regulations 1995

5.—(1) Insofar as they extend to England, the Minced Meat and Meat Preparations (Hygiene) Regulations 1995(a) shall be amended in accordance with the following paragraphs of this regulation.

(2) At the end of Schedule 4 (conditions for the production of minced meat) there shall be inserted the following paragraph—

“7. Fresh meat such as is referred to in any of sub-paragraphs (e) to (i) of paragraph (3) of regulation 13 of the Fresh Meat Regulations shall not be used for the production of minced meat.”.

(3) After paragraph 2 of Schedule 5 (conditions for the production of meat preparations) there shall be inserted the following paragraph—

(a) S.I. 1995/3205, amended by S.I. 1996/3124, S.I. 2000/225 and S.I. 2000/656.

“3. The following shall not be used for the production of meat preparations which are to be consigned to a relevant EEA State—

- (a) fresh meat such as is referred to in any of sub-paragraphs (e) to (i) of paragraph (3) of regulation 13 of the Fresh Meat Regulations; and
- (b) meat referred to in paragraph 6 of Schedule 11 to the Poultry Meat Regulations.”.

Consequential amendments

6. Insofar as the Products of Animal Origin (Import and Export) Regulations 1996(a) extend to England, Schedule 2 thereto (regulations relevant to intra-Community trade) shall be amended as follows—

- (a) in paragraph 5, there shall be substituted for the final three references the following references—
 - “S.I. 1999/683;
 - S.I. 2000/225;
 - S.I. 2000/656;
 - S.I. 2000/790;
 - the Meat (Disease Control) (England) Regulations 2000;”;
- (b) in paragraph 6, there shall be substituted for the words “the Meat (Enhanced Enforcement Powers) (England) Regulations 2000” the following references—
 - “S.I. 1997/1729;
 - S.I. 1997/2074;
 - S.I. 2000/225;
 - S.I. 2000/656;
 - the Meat (Disease Control) (England) Regulations 2000;”;
- (c) in paragraph 7, there shall be substituted for the words “the Meat (Enhanced Enforcement Powers) (England) Regulations 2000” the following references—
 - “S.I. 1997/1729;
 - S.I. 2000/225;
 - S.I. 2000/656;
 - the Meat (Disease Control) (England) Regulations 2000;”;
- (d) in paragraph 11, there shall be substituted for the words “the Meat (Enhanced Enforcement Powers) (England) Regulations 2000” the following words—
 - “, to which the following relevant amendments have been made—
 - S.I. 1996/3124;
 - S.I. 2000/225;
 - S.I. 2000/656;
 - the Meat (Disease Control) (England) Regulations 2000;”.

Signed by authority of the Secretary of State for Health

14th August 2000

Gisela Stuart
Parliamentary Under Secretary of State,
Department of Health

(a) S.I. 1996/3124, amended by S.I. 1997/3023, S.I. 1998/994, S.I. 1999/683, S.I. 2000/225, S.I. 2000/656 and S.I. 2000/790. S.I. 1996/3124 has been applied by S.I. 1996/3125 to imports of fresh meat.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which extend to England only) give effect in part to the provisions of the following Council Directives relating to disease control:

- Council Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat (OJ No. L302, 31.12.72, p. 24 (Special edition 1972 31 Dec (3) p.3)), which was last amended by Council Decision 95/1/EC, Euratom, ECSC (OJ No. L1, 1.1.95, p. 1);
- Council Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat (OJ No. L268, 24.9.91, p. 35), which was last amended by Council Directive 93/121/EC (OJ No. L340, 31.12.93, p. 39);
- Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products (OJ No. L47, 21.2.80, p. 4), which was last amended by Council Decision 95/1/EC, Euratom, ECSC (OJ No. L1, 1.1.95, p. 1);
- Council Directive 77/99/EEC on health problems affecting the production and marketing of meat products and certain other products of animal origin (the text of that Directive was replaced by the text annexed to Council Directive 92/5/EEC (OJ No. L57, 2.3.92, p. 1);
- Council Directive 94/65/EC laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p. 10).

These Regulations make the following principal amendments—

1. Regulation 2 amends the Fresh Meat (Hygiene and Inspection) Regulations 1995. It provides that, where meat is obtained in circumstances where animal health restrictions in connection with certain specified diseases apply or has not been produced separately from meat which has been so obtained, the health mark must be overstamped. Meat which has been overstamped may not be traded with other EEA States.

2. Regulation 3 amends the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995. It provides that, where poultry meat is obtained in circumstances where animal health restrictions apply in connection with any disease to which poultry is susceptible—specifically avian influenza and Newcastle disease—the health mark must be overstamped. Meat which has been overstamped or which has not been produced separately from overstamped meat may not be traded with other EEA States. In addition, meat from a bird which has been vaccinated against Newcastle disease within 30 days of slaughter may not be traded with other EEA States.

3. Regulation 4 amends the Meat Products (Hygiene) Regulations 1994. It prohibits the use of overstamped meat in meat products which are to be traded with other EEA States, unless the meat products undergo one of the forms of treatment specified in regulation 4(5) (which amends Part VIII of Schedule 2 to those Regulations). Such meat products must be prepared under veterinary supervision and must be accompanied by a health certificate which confirms that they have been treated in accordance with the Regulations. All meat products are now required to be accompanied during transportation by commercial documentation, in addition to the requirement for a health certificate in specified circumstances.

4. Regulation 5 amends the Minced Meat and Meat Preparations (Hygiene) Regulations 1995. It prohibits the use of overstamped meat in minced meat and meat preparations for trade with other EEA States.

Regulation 6 (made under section 2(2) of the European Communities Act 1972 (c. 68)) makes a number of consequential amendments to the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended).

All the Regulations amended by these Regulations extend to Great Britain only, but are amended only insofar as they extend to England.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy of it has been placed in the library of each House of Parliament. Copies may be obtained from the Meat Hygiene Division of the Food Standards Agency, Ergon House, PO Box 31037, Horseferry Road, London SW1P 3WG.

S T A T U T O R Y I N S T R U M E N T S

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