

2001 No. 3399

FOOD, ENGLAND

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2001

<i>Made - - - -</i>	<i>14th October 2001</i>
<i>Laid before Parliament</i>	<i>15th October 2001</i>
<i>Coming into force</i>	<i>1st February 2002</i>
<i>except for paragraphs (2), (3), (4) and (5) of regulation 2, which come into force on</i>	<i>1st December 2002</i>

The Secretary of State in exercise of the powers conferred on him by sections 16(1)(b), (c), (d), (e) and (f), (3), 17(1), 19(1)(b), 26 and 48(1) of, and paragraphs 5(1)(a) and (2)(a) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990(a), 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;

And the Secretary of State being a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) 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 amend the Products of Animal Origin (Import and Export) Regulations 1996(d);

And of all other powers enabling him in that behalf;

Makes the following Regulations:

Title, extent and commencement

1.—(1) These Regulations may be cited as the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2001 and shall extend to England only.

(2) These Regulations shall come into force on 1st February 2002, except for paragraphs (2), (3), (4) and (5) of regulation 2, which shall come into force on 1st December 2002.

(a) 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 (1999 c. 28), and paragraphs 12 and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act 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 (1998 c. 46) as read with section 40(2) of the 1990 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether or not with others) under the Food Safety Act 1990.

(b) S.I. 1972/1811.

(c) 1972 c. 68.

(d) 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, S.I. 2000/790, S.I. 2000/2215, S.I. 2001/1553 and S.I. 2001/1640.

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

2.—(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 regulation 2(1) (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions—

““farmer” means any person who is an agricultural producer and manages a holding;”;
and

““holding” means an agricultural production unit situated in Great Britain managed by a farmer;”.

(3) In paragraph (1) of regulation 3 (exemptions and saving for existing licences)—

(a) sub-paragraph (b) shall be replaced with the following sub-paragraphs—

“(b) subject to paragraphs (2), (3) and (4) below, in so far as a farmer who annually rears and slaughters on the aggregate of all his holdings under 10,000 birds or under 10,000 rabbits sells small quantities of fresh poultry meat, small quantities of fresh farmed game bird meat or small quantities of fresh rabbit meat derived from those birds or rabbits—

(i) direct to the final consumer at the holding where the birds or the rabbits were reared and slaughtered,

(ii) direct to the final consumer at the local market nearest to the holding where the birds or the rabbits were reared and slaughtered,

(iii) direct to retailers for sale direct to the final consumer, provided the retailers make such sales in the same locality as, or in a neighbouring locality to, the holding where the birds or the rabbits were reared and slaughtered, 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;

(bA) in so far as a producer who annually rears and slaughters under 10,000 rabbits sells fresh rabbit meat derived from rabbits he has reared and slaughtered at premises under his control direct to a person who buys the meat for his own consumption;”;

(b) in sub-paragraph (g), “(bA),” shall be inserted before “(c)”.

(4) In regulation 3, paragraph (2) shall be replaced with the following—

“(2) The exemptions in paragraph (1)(b) and (bA) above shall not apply in relation to any itinerant sale or sale by mail order or, as regards a sale by a retailer, any sale by the retailer at a market.”.

(5) In regulation 3(3) and (4), for the word “slaughterhouse” there shall be substituted the word “holding”.

(6) In regulation 13 (notice of operation of licensed premises), after paragraph (3) there shall be added the following paragraph—

“(4) No person shall operate any licensed low throughput slaughterhouse unless he has notified the Agency, in accordance with paragraph (1) above, of the number and origin of the birds or rabbits to be slaughtered there.”.

(7) In each of paragraphs (1) and (2) of regulation 15 (transport documentation) the phrase “Subject to paragraph (3) below,” shall be revoked.

(8) Paragraph (3) of regulation 15 shall be revoked.

(9) In regulation 18(1)(a)(i) (duties of occupier), the words “and origin” shall be inserted after the word “species”.

(10) In Part I of Schedule 5 (construction, layout and equipment of low throughput slaughterhouses and low throughput cutting premises), paragraph 5 shall be replaced with the following—

(a) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/225, S.I. 2000/656 and S.I. 2000/2215.

“5. Refrigeration equipment which—

- (a) is adequate to keep the internal temperature of meat at the levels required by Schedule 12; and
- (b) has a drainage system linked to the waste water pipes which minimises the risk of contamination of meat;”.

(11) In paragraph 11(j) of Schedule 8, for the word “producer” there shall be substituted the word “occupier”.

(12) Paragraph 1(a) of Schedule 14 (transport) shall be replaced with the following—

“(a) fresh meat shall be transported—

- (i) from a licensed slaughterhouse or licensed cutting premises, other than any low throughput slaughterhouse or low throughput cutting premises, by a means of transport fitted with a hermetic closing system or, in the case of fresh meat imported from or intended to be transported through a third country, in a sealed means of transport, which in each case is designed and equipped in such a way that the temperatures specified in Schedule 12 are maintained throughout transportation, and
- (ii) from a slaughterhouse licensed as a low throughput slaughterhouse or from cutting premises licensed as low throughput cutting premises, by a means of transport designed and equipped in such a way that the temperatures specified in Schedule 12 are maintained throughout transportation;”.

Consequential amendment

3. Insofar as the Products of Animal Origin (Import and Export) Regulations 1996 extend to England, paragraph 7 of Schedule 2 thereto (regulations relevant to intra-Community trade) shall be amended by substituting the following references for the words “The Meat (Disease Control) (England) Regulations 2000;”:

“S.I. 2000/2215;

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2001;”.

Signed by authority of the Secretary of State for Health

14th October 2001

Hazel Blears
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (“the Regulations”) insofar as those Regulations extend to England. The Regulations extend to the whole of Great Britain. The amendments have effect to—

- (a) disapply the Regulations insofar as farmers and producers with a limited annual production of birds or rabbits make certain sales, primarily of a retail nature (*regulation 2(2) to (5)*);
- (b) prohibit a person from operating a licensed low throughput slaughterhouse unless he has notified the Food Standards Agency of the number and origin of the birds and rabbits to be slaughtered there (*regulation 2(6)*);
- (c) revoke regulation 15(3) (exemption from requirement for fresh meat to be accompanied by transport documentation) and make consequential amendments to regulation 15(1) and (2) (*regulation 2(7) and (8)*);
- (d) amend regulation 18(1)(a)(i) (duty of occupier to keep records) to require the occupier of licensed premises to record the origin of meat entering the premises (*regulation 2(9)*);
- (e) amend the requirements in paragraph 5 of Part I of Schedule 5 in relation to refrigeration equipment in low throughput slaughterhouses and low throughput cutting premises (*regulation 2(10)*);
- (f) correct an error in paragraph 11 of Schedule 8 (*regulation 2(11)*); and
- (g) amend the requirements in paragraph 1(a) of Schedule 14 in relation to the transport of fresh meat of birds from low throughput slaughterhouses and low throughput cutting premises (*regulation 2(12)*).

2. The amendments made by these Regulations come into force on 1st February 2002, except for those made by paragraphs (2), (3), (4) and (5) of regulation 2, which come into force on 1st December 2002.

3. These Regulations implement in part the provisions of—

- (a) Council Directive 91/495/EEC concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (OJ No. L268, 24.9.91, p.41); and
- (b) Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultry meat, a consolidated text of which is annexed to Council Directive 92/116/EEC (OJ No. L62, 15.3.93, p.1).

4. Regulation 3 (made under section 2(2) of the European Communities Act 1972) makes a consequential amendment to the Products of Animal Origin (Import and Export) Regulations 1996 insofar as they extend to England.

5. A regulatory impact assessment, which includes a compliance cost assessment of the effect that they are likely to have on business costs, has been prepared for these Regulations and has been placed in the library of each House of Parliament. Copies can be obtained from the Meat Hygiene Division (White Meat Branch) of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

£1.75

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