

# Statutory Instrument 1995 No. 3189

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

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### STATUTORY INSTRUMENTS

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**1995No. 3189**

### **FOOD**

## The Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995

*Made* 8th December 1995

*Laid before Parliament* 11th December 1995

*Coming into force* 1st January 1996

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 16(1), (2)(a) and (3), 17(1), 19(1)(b) and 26 of the Food Safety Act 1990<sup>[1]</sup>, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

#### **Title and commencement**

**1.** These Regulations may be cited as the Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 and shall come into force on 1st January 1996.

## Amendment

2.—(1) The Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>[2]</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

- (a) the definition of "livestock unit" shall be replaced by the following—  
""livestock unit" means 1 soliped, 1 adult bovine animal within the meaning of Council Regulation (EEC) No. 805/68<sup>[3]</sup>, 2 other bovine animals, 3 deer, 5 swine of over 100kg liveweight, 7 other swine, 10 sheep or goats, or 20 lambs, kids or piglets of under 15kg liveweight;" ;
- (b) in the definition of "low throughput"—
  - (i) in paragraph (a)—
    - (aa) before "farmed wild boar" there shall be inserted "7,000"; and
    - (bb) "60 each week" shall be replaced by "60 or 140 each week respectively"; and
  - (ii) at the beginning of paragraph (b), there shall be inserted "subject to regulation 4(11),";
- (c) after the definition of "relevant EEA State" there shall be inserted the following—  
""re-packaging centre" means premises where wrapped meat intended for placing on the market is re-packaged;" ;
- (d) in the definitions of "licensed", and "premises", after "cutting premises," there shall, in each case, be inserted "re-packaging centre,"; and
- (e) in the definition of "occupier", after "cutting premises" there shall be inserted ", a re-packaging centre".

(3) In regulation 3(1)(a)(ii), "stored" shall be replaced by "re-packaged exclusively".

(4) Regulation 3(1)(b) shall be replaced by—

- "(b) to a cold store which handles only fresh meat which is—
  - (i) packaged; or
  - (ii) destined for sale to the final consumer;" .

(5) In regulation 4(1)—

- (a) after "cutting premises," there shall be inserted "a re-packaging centre,"; and
- (b) at the end there shall be added ", except that a person lawfully using any premises as a re-packaging centre prior to 1st January 1996 may continue to use them in that way pending a decision by the Minister on an application for a licence and, where a licence is refused, until the time limit for appealing against such refusal has expired, and, if an appeal is lodged, until the appeal is finally disposed of or abandoned".

(6) In regulation 4(2)(a)(i) and (v), "it was in operation on or before 31st December 1991 and" shall be deleted.

(7) At the end of regulation 4(2)(a), there shall be added—

- "(vi) as a re-packaging centre if he is satisfied that the premises comply with Schedule 1 and that the method of operation in those premises complies with Schedules 7, 13 and 14;" .

(8) Regulation 4(6) shall be replaced by—

" (6) 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 or method of operation in those premises, shall comply with the requirements of these Regulations.

(6A) In granting a licence in respect of any mobile slaughterhouse the Minister may make it subject to the condition that the mobile slaughterhouse shall be used only in conjunction with the static unit or units specified in the licence." .

(9) In regulation 4(10), "or until any such earlier date as the Minister may specify" shall be replaced by "or, where the occupier of the premises has begun to bring the premises into compliance with those requirements and has demonstrated to the satisfaction of the Minister that, for reasons not attributable to him, those requirements cannot be met by that date, such later date as the Minister may specify".

(10) Regulation 4(11) shall be replaced by—

" (11) In low throughput slaughterhouses—

(a) while not exceeding the yearly limit of 1,000 livestock units, the weekly rate of 20 units per week may be exceeded to enable the slaughter of lambs and kids for religious festivals, provided that the OVS is present at the time of slaughter, the appropriate hygiene requirements are met and the meat is not frozen before being sold; and

(b) where different operators slaughter on their own account at separate times during the week, or where an operator slaughters on behalf of any butcher operating on his own account, the yearly limit and weekly rate applicable to premises may be increased to 1,500 and 30 respectively, provided that the following conditions are satisfied—

(i) the Minister is satisfied that the hygienic operation of the premises is not compromised thereby;

(ii) all operators of the premises have received training in production hygiene which the Minister deems, and has confirmed in writing as, satisfactory;

(iii) the animals to be slaughtered are the property of the operator carrying out the slaughter or of the butcher referred to above;

(iv) the meat is obtained in premises which meet the requirements of Schedule 5; and

(v) the meat obtained is supplied only to establishments belonging to the butcher referred to above or sold at the premises otherwise than for the purpose of resale." .

(11) At the end of regulation 4 there shall be added—

" (13) Where any premises licensed as a low throughput slaughterhouse or low throughput cutting premises are undergoing alterations on the basis of a restructuring plan approved by the Minister with the aim of obtaining a licence as a slaughterhouse or cutting premises, the Minister may determine the maximum throughput of those premises according to the progress of the alteration works." .

(12) Regulation 6(4) shall be replaced by—

" (4) Without prejudice to sections 9 to 13 of the Act, where the Minister has revoked the licence of any premises under regulation 5, a person who, immediately before such revocation, had been using those premises may continue to use them, 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." .

(13) At the end of regulation 14(1)(a) there shall be added—

"(vi) in the case of frozen meat, the month and year of freezing, clearly indicated; and

(vii) in the case of meat destined for Finland or Sweden, an indication that—

(aa) the meat is intended for processing;

(bb) the meat comes from an establishment which is subject to a recognised programme as referred to in paragraph 15 of Schedule 10; or

(cc) the test referred to in paragraph 15 of Schedule 10 has been carried out;" .

(14) After regulation 14(1)(b) there shall be added—

";and

(c) in the case of meat intended for consignment to a member State which is then intended for export to a third country after processing, when requested by the competent authority in that member State, by an appropriate form of health attestation, the costs of which are to be borne by the operator of the consigning premises" .

(15) In regulation 14(3), "for a period of at least one year from the date of receipt" shall be replaced by "so that it can be produced at the request of the enforcement authority".

(16) In regulation 21(4), "(1) or" shall be deleted.

(17) In Schedule 1—

(a) in the first line of paragraph 1, after "cutting premises" there shall be inserted ", re-packaging centres"; and

(b) in the first line of paragraph 2, after "cutting premises" there shall be inserted ", re-packaging centre".

(18) In Schedule 5—

(a) in paragraph 2 of Part I, "one hour" shall be replaced by "two hours" and

(b) in paragraph 1 of Part II—

(i) at the end of sub-paragraph (e) there shall be added—

";or

(iii) stomachs and intestines are opened and cleaned in the slaughterhall at times when no slaughtering is taking place;" ; and

(ii) in sub-paragraph (g)—

(aa) the words from "suitable" in the first line to "facilities" in the second line shall be replaced by "a room of sufficient capacity in relation to the size and type of animals slaughtered with a separate area for the storage of detained carcasses, except in cases where such carcasses are dispatched immediately under the responsibility of the OVS to a specialist establishment for additional examinations; such room"; and

(bb) the words from "except" to the end shall be deleted.

(19) At the end of paragraph 2(b) of Part II of Schedule 7, after "human consumption", there shall be inserted ", and except that mechanical insufflation may be used for the flaying of lambs and kids of a live weight of less than 15kg, in accordance with hygiene requirements".

(20) In paragraph 1(1) of Schedule 9—

- (a) at the end of sub-paragraph (h)(i), there shall be added "the spinal cord shall be removed from bovine animals over six months old;"; and
- (b) in sub-paragraph (q)(ii), "one hour" shall be replaced by "two hours".

(21) In paragraph 1(1) of Part IX of Schedule 10, after "generalised" in the entry for Sarcocysts, ", macroscopically visible" shall be inserted.

(22) At the end of Part IX of Schedule 10 there shall be added—

**"15.** Save where the establishment from which it originates is subject to a programme recognised in accordance with the procedure laid down in Article 16 of Council Directive 64/433/EEC<sup>[4]</sup>, beef, veal or pigmeat intended for Finland or Sweden shall be subjected to microbiological testing in accordance with one of the two isolation techniques used in the standard method of the International Organisation for Standardisation, ISO 6579:1993, referred to in Section C of the Annex to Council Decision 95/409/EC<sup>[5]</sup>."

(23) At the end of paragraph 2(k) of Schedule 11, there shall be added—

"and if the meat is intended for export, or for consignment to an EEA State and it is derived from bovine animals aged over two and a half years at slaughter which have resided on a holding where Bovine Spongiform Encephalopathy has been confirmed within the six years prior to slaughter, the following lymph nodes are removed, collected as above and not used for human consumption: popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal, prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical" .

(24) In Schedule 12—

- (a) in paragraph 1, "paragraph 2" shall be replaced by "paragraphs 2 and 7";
- (b) in paragraph 2, at the beginning there shall be inserted "Subject to paragraph 7 below,";
- (c) in paragraph 3 after sub-paragraph (1) there shall be inserted the following new sub-paragraph (1A)—
  - " (1A) Lamb, kid and piglet carcasses shall have the health mark applied in at least two places, one on each side of the carcass, on the shoulder or on the external surface of the thigh, and such health mark may be in the form of a label or tag, to be used only once." ;
- (d) in paragraph 4—
  - (i) after "solipeds" there shall be inserted "other than wrapped or packaged livers which are not intended for another Member State or an EEA State"; and
  - (ii) "unless they are packaged" shall be deleted;
- (e) paragraph 5 shall be replaced by the following—

**"5.** Cuts of fresh meat shall have the health mark applied in ink or hot branded unless—

- (a) they are wrapped or packaged in accordance with the requirements of Schedule 13; or
  - (b) they are not wrapped or packaged but come from low throughput premises." ; and
- (f) at the end there shall be added—

"7. In the case of the health marking of fresh meat from lambs, kids or piglets, the dimensions and characters of the health mark may be reduced."

(25) In Schedule 13—

- (a) in paragraph 1(f) of Part I, "a reproduction of the health mark" shall be replaced by "the health mark, which may be of reduced dimensions,";
- (b) at the end of paragraph 1 of Part I, there shall be added—  
"; and (g) only livers, kidneys or hearts of the same species are packaged together" ; and
- (c) in paragraph 1 of Part II—
  - (i) at the end of sub-paragraph (a), there shall be added ", save that wood may be used only in the case of lamb and kid carcasses where all reasonable precautions are taken to prevent contact between the meat and the wood packaging in the event of a tear in the wrapping";
  - (ii) sub-paragraph (d) shall be replaced by—  

"(d) where meat is re-packaged in a plant other than that in which it was first wrapped, the wrapping shall bear the health mark of the cutting plant where it was first wrapped and the packaging shall bear the health mark of the re-packaging centre;" ;
  - (iii) at the end of sub paragraph (e), there shall be added ", non-destruction of the mark being permissible only where the packaging itself is destroyed on opening"; and
  - (iv) sub-paragraph (f) shall be deleted.

(26) In the first lines of paragraphs 1 and 2 of Schedule 14, after "cold store" there shall be inserted "or re-packaging centre".

(27) In paragraph IV of the model health certificate in the Annex to Schedule 16, a third indent shall be added as follows—

- ", or— is intended for consignment to Finland or Sweden and—
- (i) the test referred to in paragraph 15 of Schedule 10 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 has been carried out;
  - (ii) the meat is intended for processing; or
  - (iii) the meat comes from an establishment which is subject to a programme as referred to in paragraph 15 of Schedule 10 to those Regulations<sup>(4)</sup>" .

(28) Schedule 19 shall be replaced by the schedule set out in the Schedule to these Regulations.

(29) In paragraph 2(2) of Schedule 21—

- (a) after "shall not" there shall be inserted ", at the time of nomination or of the hearing,"; and
- (b) at the end there shall be added "appointed in accordance with regulation 8".

*Angela Browning*

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

7th December 1995

Signed by authority of the Secretary of State for Health

*Cumberlege*

Parliamentary Under Secretary of State, Department of Health

3rd December 1995

*Lindsay*

Parliamentary Under Secretary of State, Scottish Office

8th December 1995

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*

Parliamentary Under Secretary of State, Welsh Office

5th December 1995

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*Notes:*

[1] 1990 c. 16; "the Ministers" is defined in section 4(1) of the Act. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40) and section 6(6) was added by section 76 of, and paragraph 16 of Schedule 16 to, that Act. [back](#)

[2] S.I. 1995/539 to which there are amendments not relevant to these Regulations. [back](#)

[3] OJ No. L148, 28.6.68, p.24. [back](#)

[4] OJ No. L121, 29.7.64, p.2012. The Directive was amended and consolidated by Council Directive 91/497/EEC (OJ No. L268, 24.9.91, p.69). [back](#)

[5] OJ No. L243, 11.10.95, p.21. [back](#)

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