

Statutory Instrument 1997 No. 2959

The Beef Bones Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 2959

FOOD

The Beef Bones Regulations 1997

<i>Made</i>	<i>15th December 1997</i>
<i>Laid before Parliament</i>	<i>15th December 1997</i>
<i>Coming into force</i>	<i>16th December 1997</i>

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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 6(4), 16(1)(a), (b), (c), (d) and (f) and (3), 26 and 48(1) of, and paragraphs 2(1), 3(1), 5(1) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990^[1], and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that 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 Beef Bones Regulations 1997 and shall come into force on 16th December 1997.

Interpretation

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

"the Act" means the Food Safety Act 1990;

"additive" means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritional value, used in the preparation, packaging, transport or storage of a food which results, or may reasonably be expected to result, in it or its by-products becoming directly a component of the food;

"bone-in beef" means a carcase or any fresh meat which contains or to which there is attached any bone;

"bone" means any bone (including bone marrow and any part of a bone) of a bovine animal, including the bones of the tail and feet, but excluding cartilage;

"bovine animal" means any bovine animal aged over six months at slaughter which is a food source, including buffalo of the species *Bubalis bubalis* and *Bison bison*;

"carcase" means the whole body of a slaughtered bovine animal;

"deboning" means removing any bone from any bone-in beef;

"fresh meat" means any part of a bovine animal suitable for human consumption, including chilled or frozen meat, which has not undergone any preserving process and includes any meat vacuum wrapped or wrapped in a controlled atmosphere;

"ingredient" means any substance, including any additive, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

"occupier" means the person carrying on a food business; and

"ultimate consumer" means any person who buys otherwise than for the purposes of a food business.

(2) For the purposes of these Regulations, the age at slaughter of a bovine animal shall be presumed to be over six months unless it can be shown, by reference to such records as are available in relation to the age at slaughter of the animal, that it was aged six months or less at slaughter.

(3) For the purposes of these Regulations, the delivery in the course of a business of bone-in beef to or to the order of its owner for human consumption shall be deemed to be a sale.

Bone-in beef

3. - (1) No person shall sell any bone-in beef to the ultimate consumer.

(2) No person shall use any bone-in beef in the preparation of any food or ingredient for sale direct to the ultimate consumer.

Bones

4. - (1) No person shall sell any bone to the ultimate consumer for human consumption.

(2) No person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation of any food or ingredient for human consumption.

(3) No person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation of any food or ingredient for sale for human consumption.

(4) No person shall sell any bone removed from bone-in beef deboned outside Great Britain for use in the preparation of any food or ingredient for sale direct to the ultimate consumer for human consumption.

(5) No person shall use any bone removed from bone-in beef deboned outside Great Britain in the preparation of any food or ingredient for sale direct to the ultimate consumer for human consumption.

Food and food ingredients

5. - (1) No person shall sell to the ultimate consumer for human consumption any food or ingredient of which consists of or is derived from bones removed from bone-in beef deboned in Great Britain.

(2) No person shall sell for use in the preparation of any food or ingredient for human consumption any substance derived from bones removed from bone-in beef deboned in Great Britain.

(3) No person shall use on food premises in the preparation of any food or ingredient for human consumption any substance derived from bones removed from bone-in beef deboned in Great Britain.

(4) Until 15th March 1998 this regulation shall not apply to anything, other than bone-in beef or bones, prepared for sale before the coming into force of these Regulations.

Deboning

6. - (1) No person in the course of a business shall debone any bone-in beef for preparation, preparation for sale or sale for human consumption except at food premises.

(2) The occupier of food premises shall ensure that any deboning of bone-in beef at the premises is carried out in a hygienic manner, in particular so as to avoid the risk of contamination of any food or ingredient.

Storage of bones

7. - (1) Bones removed from bone-in beef deboned in Great Britain shall be stored at food premises separately from any food or ingredient at the premises.

(2) No person shall store any bones, whether removed from bone-in beef deboned in or outside Great Britain, on any part of food premises where any food or ingredient for human consumption is prepared for sale direct to the ultimate consumer.

(3) The occupier of food premises shall ensure that any bones stored on the premises are stored in a hygienic manner, in particular so as to avoid the risk of contamination of any food or ingredient.

Disposal of bones

8. Bones removed from any bone-in beef deboned in Great Britain shall be treated as if they were animal by-products referred to in Part II of Schedule 1 to the Animal By-Products Order 1992[2] and shall be disposed of in accordance with that Order.

Records

9. - (1) For the purposes of these Regulations the occupier of food premises shall keep records relating to any bones removed from bone-in beef, used or stored on the premises.

(2) The records shall contain sufficient information to ensure that the origin of any bones removed from bone-in beef, used or stored on the premises, and any commercial operations previously carried out in relation to the bones (whether or not at those premises and whether or not in Great Britain), can be clearly traced and identified by an authorised officer.

(3) The occupier of food premises shall retain records relating to bones for the period of two years from the date on which commercial operations in relation to the bones were last carried out on the premises.

Offences and penalties

10. - (1) An occupier of food premises shall take all practicable steps to secure compliance by each of his employees with the provisions of these Regulations which apply to those premises.

(2) If any person contravenes -

(a) paragraph (1) above; or

(b) any other provision of these Regulations,

he shall be guilty of an offence and liable -

(i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or

(ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(3) Proceedings for an offence under any of the provisions mentioned in paragraph (2) above may, subject to paragraph (4) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) No such proceedings shall be begun more than three years after the commission of the offence.

(5) For the purposes of this regulation -

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and

(b) a certificate stating that matter purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(6) In relation to proceedings in Scotland, subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995[3] (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

Application of provisions of the Food Safety Act 1990

11. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations -

section 2 (extended meaning of "sale", etc.);

section 3 (presumptions that food intended for human consumption);

section 9 (inspection and seizure of suspected food), subject to the modification that it shall apply to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;

section 20 (offences due to fault of another person);

section 21 (defence of due diligence);

section 33 (offence of obstruction, etc. of officers);

section 36 (offences by bodies corporate), subject to the modification that a reference to a body corporate shall include a Scottish partnership and a reference to a director shall include a partner in a Scottish partnership;

section 44 (protection of officers acting in good faith).

Enforcement

12. - (1) These Regulations shall be enforced -

(a) by the Minister in relation to premises in England licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995[4];

(b) by the Secretary of State in relation to premises in Wales and Scotland licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995; and

(c) in relation to any other premises, by the food authority in whose area the premises are situated.

(2) On an inspection of any food or ingredient intended for human consumption an authorised officer of a food authority or an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995) may certify that the food or ingredient fails to comply with these Regulations.

(3) Where any food or ingredient is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements.

Jack Cunningham

Minister of Agriculture, Fisheries and Food

15th December 1997

Signed by authority of the Secretary of State for Health

Tessa Jowell

Minister of State for Public Health, Department of Health

15th December 1997

Sewel

Parliamentary Under Secretary of State, Scottish Office

15th December 1997

Signed by authority of the Secretary of State for Wales

Win Griffiths

Parliamentary Under Secretary of State, Welsh Office

15th December 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, make provision under the Food Safety Act 1990 in relation to bones, bone-in beef and other food and ingredients for human consumption derived from bovine animals aged over six months at slaughter. The age of a bovine animal at slaughter is presumed to be over six months in the absence of available records as to its age at slaughter. Expressions used in the Regulations not already defined in the Act are defined for the purposes of the Regulations in regulation 2(1).

Regulation 3(1) prohibits the sale of bone-in beef to the ultimate consumer and regulation 3(2) prohibits the use of bone-in beef in the preparation of any food or

ingredient for sale direct to the ultimate consumer. Regulation 4 contains prohibitions in relation to the sale of bones and the use of bones in the preparation of food and ingredients for sale for human consumption. Regulation 5 prohibits the sale of food containing ingredients consisting of or derived from bones removed from bone-in beef deboned in Great Britain. It also prohibits the sale of substances derived from those bones for use in the preparation of food and ingredients for sale for human consumption and the use of those substances for that purpose. There is a three month period before this regulation applies to food other than bone-in beef and bones.

Regulation 6 prohibits the deboning of bone-in beef in the course of a business for preparation, preparation for sale or sale for human consumption except at food premises. It requires the occupier of food premises to ensure that deboning of bone-in beef at those premises is carried out so as to avoid risk of contamination of food. Regulation 7 imposes requirements in relation to the storage of bones on food premises. Regulation 8 requires bones removed from bone-in beef deboned in Great Britain to be disposed of as if they were animal by-products referred to in Part II of Schedule 1 to the Animal By-Products Order 1992.

Regulation 9 requires the occupier of food premises to keep records on the premises relating to any bones removed from bone-in beef, used or stored there. These records must contain sufficient information to ensure that the origin of bones removed from bone-in beef, used or stored at the premises, and any commercial operations previously carried out in relation to the bones (whether or not at those premises and whether or not in Great Britain), can be clearly traced and identified by an authorised officer.

Regulation 10 provides offences and penalties and regulation 11 applies provisions of the Food Safety Act 1990 for the purposes of the Regulations. Regulation 12 makes provision for the enforcement of the Regulations.

A Regulatory Appraisal in relation to these Regulations has been placed in the Libraries of both Houses of Parliament. Copies can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Ergon House, 17 Smith Square, London SW1P 3JR.

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.

[2] S.I. 1992/3303, amended by S.I. 1996/827.

[3] 1995 c. 46.

[4] S.I. 1995/539; relevant amendments are S.I. 1995/2148 and 3189, S.I. 1996/1148 and S.I. 1997/2074.

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