

Statutory Instrument 1999 No. 3371

The Beef Bones (Amendment) (England) Regulations 1999

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STATUTORY INSTRUMENTS

1999 No. 3371

FOOD, ENGLAND

The Beef Bones (Amendment) (England) Regulations 1999

<i>Made</i>	<i>15th December 1999</i>
<i>Laid before Parliament</i>	<i>16th December 1999</i>
<i>Coming into force</i>	<i>17th December 1999</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly in exercise of the powers conferred on them by sections 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 following Regulations, make the said Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Beef Bones (Amendment) (England) Regulations 1999, shall extend to England only and shall come into force on 17th December 1999.

Amendments to the Beef Bones Regulations 1997

2. - (1) In so far as they extend to England, the Beef Bones Regulations 1997[2] are amended in accordance with the following paragraphs of this regulation.

(2) The following regulation is substituted for regulation 3 (bone-in beef)-

" Bone-in beef

3. - (1) Subject to paragraphs (2) and (3) below, no person shall use any bone-in beef in the preparation in the course of a business of any food or ingredient for human consumption.

(2) The prohibition in paragraph (1) above shall not apply to the use of bone-in beef in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

(3) Nothing in paragraph (1) above shall prohibit the processing or treatment of bone-in beef for sale as such."

(3) The following regulation is substituted for regulation 4 (bones)-

" Bones

4. - (1) Subject to paragraph (3) below, no person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation in the course of a business of any food or ingredient for human consumption.

(2) Subject to paragraph (4) below, no person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

(3) The prohibition in paragraph (1) above shall not apply to the sale of bones for use in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale to the ultimate consumer involves delivery of take-away food.

(4) The prohibition in paragraph (2) above shall not apply to the use of bones in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food."

(4) The following regulation is substituted for regulation 5 (food and food ingredients)-

" Food and food ingredients

5. - (1) Subject to paragraph (5) below, no person shall in the course of a business sell for human consumption any food an ingredient of which consists of bones removed from bone-in beef deboned in Great Britain.

(2) Subject to paragraph (6) below, no person shall in the course of a business sell for human consumption any food an ingredient of which is derived from bones removed from bone-in beef deboned in Great Britain.

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

(4) Subject to paragraph (7) below, no person shall use any substance derived from bones removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

(5) The prohibition in paragraph (1) above shall not apply to the sale of any food, an ingredient of which consists of bones, direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the bones in question were added to the food at those premises.

(6) The prohibition in paragraph (2) above shall not apply to the sale of food direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the ingredient in question was derived from the bones concerned at those premises.

(7) The prohibition in paragraph (4) above shall not apply to the use of a substance in the production of food for sale direct to the ultimate consumer at the premises where the production takes place (including the case where the sale involves delivery of take-away food) if that substance was derived from the bones concerned at those premises.

(8) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone-in beef regardless of whether it was derived from the bones before, during or after their removal from the bone-in beef."

(5) Regulation 6 (deboning) is revoked.

(6) The following regulation is substituted for regulation 7 (storage of bones)-

" Storage of bones and substances

7. - (1) Subject to paragraph (2) below, the operator of any food premises shall ensure that-

(a) all bones at the premises which have been removed from bone-in beef deboned in Great Britain; and

(b) all substances at the premises which have been derived from bones removed from bone-in beef deboned in Great Britain,

are stored separately from and do not come into contact with any other food at those premises.

(2) Paragraph (1) above shall not apply to the storage of bones and substances at any premises at which (pursuant to these Regulations) the bones and substances are used in the production of food for sale direct to the ultimate consumer at those premises."

(7) Regulation 8 (disposal of bones) is revoked.

(8) The following regulation is substituted for regulation 9 (records)-

" Records

9. - (1) Each person who at food premises debones bone-in beef shall make a record of the place to which the bones concerned are consigned.

(2) Where those bones are re-consigned the person re-consigning them shall make a record of the place to which they are consigned.

(3) Any record required to be made pursuant to paragraph (1) or (2) above shall be kept for at least 2 years from the date of making.

(4) This regulation shall not apply where bones are-

(a) disposed of by way of sale to the ultimate consumer; or

(b) not consigned or re-consigned for human consumption."

Nick Brown

Minister of Agriculture, Fisheries and Food

15th December 1999

Signed by authority of the Secretary of State for Health

Yvette Cooper

Parliamentary Under-Secretary of State for Public Health, Department of Health

15th December 1999

Paul Murphy

Secretary of State for Wales

15th December 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Beef Bones Regulations 1997 (S.I. 1997/2959) in so far as they extend to England. Those 1997 Regulations extend to the whole of Great Britain.

2. The amendments have effect to permit-

(a) the retail sale of beef bones;

(b) the sale of bone-in beef, even if it has been processed or treated prior to sale;

(c) the use of bone-in beef, beef bones and (subject to conditions) substances

derived from beef bones in the production of food at catering and take-away premises;

(d) (subject to conditions) the sale at catering and take-away premises of any food produced there which contains ingredients consisting of beef bones; and

(e) (subject to conditions) the sale at such premises of any food produced there which contains ingredients derived from beef bones.

3. These Regulations do not have effect to lift the ban on the use of bones and bone-in beef for manufactured and processed products.

4. These Regulations make a number of consequential amendments to S.I. 1997/2959 and in particular change the existing provision (regulation 7) relating to the storage of bones. They also change the existing provision (regulation 9) relating to the keeping of records.

5. A regulatory impact assessment has been prepared in relation to these Regulations and a copy of it has been placed in the library of each House of Parliament. Further 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 relation to England and Wales in section 4(1) of the 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.[back](#)

[2] S.I. 1997/2959.[back](#)

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