

Statutory Instrument 2000 No. 288

The Meat (Disease Control) (Scotland) Regulations 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 288

FOOD

The Meat (Disease Control) (Scotland) Regulations 2000

<i>Made</i>	<i>18th August 2000</i>
<i>Laid before the Scottish Parliament</i>	<i>18th August 2000</i>
<i>Coming into force</i>	<i>19th August 2000</i>

ARRANGEMENT OF REGULATIONS

- 1. Citation, commencement and extent.
- 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.

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

6 Consequential amendments.

The Scottish Ministers, in exercise of the powers conferred on them under section 2(2) of the European Communities Act 1972[1] in so far 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 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

, and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)[2] of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act, make the following Regulations: **Citation, commencement and extent**

1. - (1) These Regulations may be cited as the Meat (Disease Control) (Scotland) Regulations 2000, and shall come into force on 19th August 2000.

(2) These Regulations extend to Scotland only.

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

2. - (1) The Fresh Meat (Hygiene and Inspection) Regulations 1995[3] 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 omitted;

(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 subparagraph (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^[4] following the confirmation thereof of 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^[5] on health problems affecting intra-Community trade in fresh meat as amended by amendments up to and including those effected by Council Decision 95/1/EC, Euratom, ECSC

) 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"; and

(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."

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

3. - (1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995^[6] 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[Z] on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs, 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-

" 6. - (1) Subject to paragraph 7 below, the health mark required by paragraph 1 or 4 above shall be over stamped 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[8] 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, cold store or during transportation.

(2) The health mark 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 4 above, over stamped in accordance with paragraph (a) of this sub-paragraph."

Amendments to the Meat Products (Hygiene) Regulations 1994

4. - (1) The Meat Products (Hygiene) Regulations 1994^[2] 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), subparagraphs (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 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**
- (b) in the case of a meat product which has been prepared exclusively from or with pig meat 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, although they come from an area which is specified in regulation 13(3)(f) of the Fresh Meat (Hygiene and Inspection) Regulations 1995, do not come from a holding which is so specified 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 in 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) may be applied to 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) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995

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 meatpreparations) there shall be inserted the following paragraph-

" 3. The following shall not be used for the production of meat preparationswhich 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) regulation 13 of the Fresh Meat Regulations; and**
- (b) meat referred to in paragraph 6 of Schedule 11 to the Poultry MeatRegulations."**

Consequential amendments
6. Schedule 2 (regulations relevant to intra-Community trade) of theProducts of Animal Origin (Import and Export) Regulations 1996

shall be amended as follows-

(a) in paragraph 5, there shall be substituted for the words ". The Meat(Enhanced Enforcement Powers) (Scotland) Regulations 2000." thefollowing references-

- " ;**
- SS.I. 2000/62;**
- S.S.I. 2000/171;**
- The Meat (Disease Control) (Scotland) Regulations 2000.";**

(b) in paragraph 6, there shall be substituted for the words ". The Meat(Enhanced Enforcement Powers) (Scotland) Regulations 2000." thefollowing references-

- " ;**
- S.I. 1997/1729;**
- S.I. 1997/2074;**
- S.S.I. 2000/62**
- S.S.I. 2000/171;**
- The Meat (Disease Control) (Scotland) Regulations 2000.";**

(c) in paragraph 7, there shall be substituted for the words ". The Meat(Enhanced Enforcement Powers) (Scotland) Regulations 2000." thefollowing references-

- " ;**

S.I. 1997/1729;
S.S.I. 2000/62;
S.S.I. 2000/171;
The Meat (Disease Control) (Scotland) Regulations 2000.";

(d) in paragraph 11, there shall be substituted for the words ". The Meat(Enhanced Enforcement Powers) (Scotland) Regulations 2000." thefollowing words-

" , to which the following relevant amendments have been made-
S.I. 1996/3124;
S.S.I. 2000/62;
S.S.I. 2000/171;
The Meat (Disease Control) (Scotland) Regulations 2000.".

SUSAN DEACON
A member of the Scottish Executive

St Andrew's House Edinburgh
18th August 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, give effect in partto the provisions of the following Council Directives relating to diseasecontrol:

Council Directive 72/461/EEC on health problems affecting intraCommunity trade in fresh meat (O.J. No. L 302, 31.12.72, p.24 (Specialedition 1972 31 Dec (3) p.3)), which was last amended by Council Decision95/1/EC, Euratom, ECSC (O.J. No. L 1, 1.1.95, p.1);

Council Directive 91/494/EEC on animal health conditions governingintra-Community trade in and imports from third countries of freshpoultrymeat (O.J. No. L 268, 24.9.91, p.35), which was last amended byCouncil Directive 93/121/EC (O.J. No. L 340, 31.12.93, p.39);

Council Directive 80/215/EEC on animal health problems affecting intraCommunity trade in meat products (O.J. No. L 47, 21.2.80, p.4), which waslast amended by Council Decision 95/1/EC, Euratom, ECSC (O.J. No. L 1,1.1.95, p.1);

Council Directive 77/99/EEC on health problems affecting the productionand 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 (O.J. No. L 57, 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 (O.J. No. L 368, 31.12.94, p.10).

The 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, 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.

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 restricts the use of overstamped meat in minced meat and meat preparations.

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 Scotland.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy of it has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Meat Hygiene Division of the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.

Notes:

[1] 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.[back](#)

[2] Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.[back](#)

[3] S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, S.I. 1996/1148 and 2235, S.I. 1997/1729 and 2074, S.S.I. 2000/62 and 171.[back](#)

[4] 1981 c.22.[back](#)

[5] O.J. No. L 302, 31.12.72, p.24 (Special edition 1972 31 Dec (3) p.3).[back](#)

[6] S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2220, 2148 and 3205, S.I. 1997/1729, S.S.I. 2000/62 and 171.[back](#)

[7] O.J. No. L 303, 31.10.90, p.6.[back](#)

[8] S.I. 1994/3141, amended by S.I. 1997/150.[back](#)

[9] S.I. 1994/3082, amended by S.I. 1995/539, 1763, 2200 and 3205, S.I. 1996/1499 S.I. 1999/683, S.S.I. 2000/62 and 171.[back](#)

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