

# Welsh Statutory Instrument 2001 No. 2198 (W.158)

## The Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001

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### STATUTORY INSTRUMENTS

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#### 2001 No. 2198 (W.158)

#### FOOD, WALES

#### The Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001

*Made* 14th June 2001

*Coming into force* 17th June 2001

#### ARRANGEMENT OF REGULATIONS

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The National Assembly for Wales, being designated [1] for the purposes of section 2(2) of the European Communities Act 1972 [2] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section insofar as these Regulations could not have been made under the powers mentioned below; and

in exercise of the powers conferred on it by sections 16(1)(b), (c), (d) and (f), 17(1), 19(1), 26(2)(e) and (f), 37(2) and 48(1) of, and paragraphs 5(1) and (2)(a), 6(1) and 7(1) and (2) of Schedule 1 to, the Food Safety Act 1990[3]) after having regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, after consultation in accordance with section 48(4) and (4B) of that Act and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992 [4];

makes the following Regulations:

### **Title, application and commencement**

**1.** - (1) These Regulations may be cited as the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001.

(2) These Regulations shall apply to Wales only and shall come into force on 17th June 2001.

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

**2.** - (1) Insofar as they apply to Wales, the Fresh Meat (Hygiene and Inspection) Regulations 1995 [5] shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions -

" "associate", in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means -

(a) if the person so entitled is a natural person -

(i) that natural person's husband, wife, son or daughter (including a stepson or step-daughter),

(ii) any body corporate of which that natural person is a director,

(iii) any person who is that natural person's employee or partner;

(b) if the person so entitled is a body corporate -

(i) any of its directors,

(ii) any body corporate which is a subsidiary of it,

(iii) any employee or director of any such subsidiary,

(iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common,

(v) any employee or director of any such subsidiary; and

(c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement -

(i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition, or

(ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate, that other person;"

"controller", in relation to the occupier of any licensed premises which is a body corporate, means a person -

(a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act, or

(b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;"

"director" means -

(a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;

(b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;"

"manager" means a person who exercises managerial functions in relation to licensed premises;"

"subsidiary" and "holding company" mean respectively a "subsidiary" and a "holding company" within the meaning of section 736(1) of the Companies Act 1985 [6];".

(3) In paragraph (1) of regulation 3 (exemptions and savings for existing licences) the phrase "Subject to regulation 3A," shall be inserted at the beginning.

(4) The following regulation shall be inserted into Part I immediately after regulation 3 -

**" Obligations on persons engaged in otherwise exempt activities**

**3A.** - (1) No person who (by virtue of regulation 3(1)(f)) is stated to be exempt from these Regulations shall -

(a) sell, offer for sale or expose for sale; or

(b) possess with a view to sale or preparation for sale,

any fresh meat intended for human consumption unless each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3(1)(f), regulations 2, 21, 22 and 23 shall apply in respect of the prohibitions imposed by paragraph (1) above."

(5) Paragraph (1) of regulation 4 (issue of licences) shall be replaced with the following

" (1) In Wales, no person shall carry on the business of a slaughterhouse, cutting premises, a re-packaging centre, a cold store, a farmed game handling facility or a farmed game processing facility unless -

(a) the premises concerned are licensed for the business concerned by the Agency;

(b) that person complies with any conditions to which the licence is subject; and

(c) that person -

(i) applies for the licence for those premises on or after the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001,

(ii) was the occupier of these premises on the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001 and has complied with the obligation in regulation 7A,

(iii) (subsequent to the grant of the licence or the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001, whichever is later) notified the Agency in accordance with regulation 4A(3) of his or her intention to carry on that business there, or

(iv) (where the previous occupier of those premises was a natural person) is the personal representative or a member of the family of the previous occupier, and that previous occupier died less than one month previously."

(6) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4 -

" (3A) Each application for a licence under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant."

(7) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of licences) -

**" Change of directors, managers and controllers of occupiers of licensed premises and change of occupier of such premises**

**4A.** - (1) The occupier of licensed premises in Wales shall notify the Agency of any change in the identity or principal business address of his or her directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) No occupier of licensed premises in Wales shall transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the licence unless he or she notifies the Agency of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy licensed premises in Wales (whether alone or jointly) for the purposes of carrying on any business for which those premises are licensed shall notify the Agency at least 21 days before he or she occupies them of his or her intention to do so, and of his name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) above shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his or her family, but the successor shall notify the Agency of his or her name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) above shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier."

(8) In paragraph (1)(b) of regulation 5 the words "as to hygiene" shall be revoked.

(9) Paragraph (1)(c) of regulation 5 shall be replaced with the following -

" (c) any condition attached to the licence has not been complied with;".

(10) The following regulation shall be inserted between regulation 5 and regulation 6 (appeals) -

**" Suspension of licences**

**5A.** - (1) The Agency may suspend a licence granted in respect of any premises in Wales where -

(a) it appears to it that -

(i) any requirement of these Regulations in relation to the premises is being breached, or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in relation to those premises pursuant to regulation 10(1), and -

(i) the Agency is not satisfied that the action specified in the notice has been taken within the time specified there, and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where the Agency intends to suspend a licence pursuant to paragraph (1) above, it shall give notice in writing to the occupier of the premises, informing the occupier of -

- (a) its decision to suspend the licence;
- (b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);
- (c) the matters which must be remedied in order for the suspension to be lifted;
- (d) the occupier's right to appeal under regulation 6, and of the time within which any such appeal must be made.

(3) Insofar as a licence is suspended pursuant to paragraph (1) above, the premises in respect of which that licence was granted shall be treated for the purposes of these Regulations as if they were not licensed premises.

(4) The Agency shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in paragraph (2) above have been remedied or where a Meat Hygiene Appeals Tribunal has determined under regulation 6(3) that the licence should not have been suspended, and may lift the suspension of any licence in any other case.

(5) Where the Agency lifts a suspension pursuant to paragraph (4) above, it shall do so by notice specifying the date on which it is lifted."

(11) Paragraph (1) of regulation 6 shall be replaced with the following -

" (1) Where the Agency -

- (a) has refused to license any premises;
- (b) has granted a licence subject to conditions or has subsequently attached conditions to a licence;
- (c) has suspended the licence of any premises; or
- (d) has revoked the licence of any premises,

the owner or occupier of, or any person proposing to occupy, the premises may within 21 days of being notified of the relevant decision of the Agency referred to above appeal to a Meat Hygiene Appeals Tribunal."

(12) Paragraph (3) of regulation 6 shall be replaced with the following -

" (3) Where on an appeal under paragraph (1) above a Meat Hygiene Appeals Tribunal determines that -

- (a) the grant of a licence should not have been refused;
- (b) conditions have unreasonably been attached to a licence;
- (c) a licence should not have been suspended; or
- (d) a licence should not have been revoked,

the Agency shall give effect to the determination of the Tribunal."

(13) Paragraph (4) of regulation 6 shall be replaced with the following -

" (4) Where the Agency 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 Agency for the protection of public health, unless -

- (a) the time for appealing against the Agency's decision pursuant to paragraph (1) above has expired without an appeal having been lodged; and
- (b) (where an appeal has been lodged within the 21-day period stipulated in that paragraph) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) above shall permit premises to be used if -

- (a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 11, 12 or 13 of the Act; or
- (b) the Agency has suspended the licence of the premises pursuant to regulation 5A."

(14) The following regulation shall be inserted into Part II, after regulation 7 -

**" Provision of information by current occupiers of licensed premises**

**7A.** Every person who is the occupier of licensed premises in Wales on the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001 shall notify the Agency of -

- (a) his or her identity and principal business address;
- (b) the identity and principal business address of each of his or her managers and (if applicable) directors and controllers; and
- (c) the address of those licensed premises (where different from the address required to be notified under sub-paragraph (a) above),

within 3 months of the said date of coming into force."

(15) In paragraph (1) of regulation 8 (supervision of premises), the following sub-paragraph shall be inserted between sub-paragraphs (a) and (b) -

" (aA) the inspection of the records required to be kept by the occupier pursuant to regulation 20(1)(a), (e) and (f) and otherwise monitoring the occupier's compliance with his or her duties under regulation 20."

(16) In paragraph (1)(a) of regulation 10 (powers of OCVSs and veterinary officers) the words "as to hygiene" shall be revoked.

(17) Sub-division (ii) of regulation 10(1) shall be replaced with the following -

" (ii) impose conditions upon or prohibit the carrying out of any process,  
or

(iii) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely."

(18) In paragraph (1) of regulation 13 (general conditions) the following sub-paragraph shall be substituted for sub-paragraph (a) -

" (a) without prejudice to the specific conditions set out in the following sub-paragraphs of this paragraph, each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out;"

(19) In paragraph (1)(g) of regulation 13 the word "licensed" shall be inserted between "a" and "cold store".

(20) Paragraph (1)(a) of regulation 20 (duties of occupier) shall be replaced with the following -

" (a) shall make (and retain for a period of at least one year from the date of making) a record sufficient to show -

(i) the number of animals and where appropriate the mass (measured in tonnes) of meat entering the premises in each week, in each case identified by species, and

(ii) the mass (measured in tonnes) of fresh meat dispatched from those premises in each week."

(21) Paragraph (1)(e) of regulation 20 shall be replaced with the following -

" (e) shall as soon as is practicable after the completion of the checks concerned make and retain for a period of at least one year from the date of making a

record of any check carried out pursuant to sub-paragraph (d) of this paragraph;"

(22) Paragraph (1)(f) of regulation 20 shall be replaced with the following -

" (f) shall as soon as is practicable after getting the results concerned make and retain for a period of at least one year from the date of making a record of the results of water testing on the premises;"

(23) Paragraph (2) of regulation 20 shall be revoked.

(24) In regulation 21 (offences and penalties) -

(a) paragraph (1) and the word "other" in paragraph (2)(a) shall be revoked; and

(b) in paragraph (3) the phrase "Nothing in paragraph (2) above shall apply" shall be substituted for the phrase "Neither paragraph (1) nor paragraph (2) above applies".

(25) The following text shall be substituted for the existing text of regulation 23 (enforcement) -

" (1) In Wales, these Regulations shall be executed and enforced -

(a) in relation to licensed premises by the Agency; and

(b) in relation to any place other than licensed premises by the food authority within whose area that place is situated.

(2) On an inspection of any meat in licensed premises in Wales, an authorised officer of the Agency may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(3) On an inspection of any meat at any place in Wales other than licensed premises in Wales an authorised officer of the food authority within whose area that place is situated may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

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

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

**3.** - (1) Insofar as they apply to Wales, the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995 [7] shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions -

"associate", in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means -

(a) if the person so entitled is a natural person -

- (i) that natural person's husband, wife, son or daughter (including a stepson or step-daughter),
- (ii) any body corporate of which that natural person is a director,
- (iii) any person who is that natural person's employee or partner;

(b) if the person so entitled is a body corporate -

- (i) any of its directors,
- (ii) any body corporate which is a subsidiary of it,
- (iii) any employee or director of any such subsidiary,
- (iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common,
- (v) any employee or director of any such subsidiary; and

(c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement -

- (i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first - mentioned in this definition, or
- (ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;"

"controller", in relation to the occupier of any licensed premises which is a body corporate, means a person -

(a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or

(b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;"

"director" means -

(a) in relation to a body corporate whose affairs are managed by a board of directors

or similar body, a member of that board or body;

(b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;"

"manager" means a person who exercises managerial functions in relation to licensed premises;"

"subsidiary" and "holding company" mean respectively a "subsidiary" and a "holding company" within the meaning of section 736(1) of the Companies Act 1985; "

(3) In paragraph (1) of regulation 3 (exemptions and savings for existing licences) the phrase "Subject to regulation 3A," shall be inserted at the beginning.

(4) The following regulation shall be inserted into Part I immediately after regulation 3 -

**" Obligations on persons engaged in otherwise exempt activities**

**3A.** - (1) No person who (by virtue of regulation 3(1)(g) is stated to be exempt from these Regulations shall -

(a) sell, offer for sale or expose for sale; or

(b) possess with a view to sale or preparation for sale,

any fresh meat intended for human consumption unless each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3(1)(g), regulations 2, 20, 22, 23 and 24 shall apply in respect of the prohibitions imposed by paragraph (1) above."

(5) Paragraph (1) of regulation 4 (issue of licences) shall be replaced with the following

" (1) No person shall carry on the business of a slaughterhouse, cutting premises, a cold store or a re-wrapping centre unless -

(a) the premises concerned are licensed for the business concerned by the Agency;

(b) that person complies with any conditions to which the licence is subject; and

(c) that person -

(i) applies for the licence for those premises on or after the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001,

(ii) was the occupier of those premises on the date of coming into force

of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001 and has complied with the obligation in relation 7A,

(iii) (subsequent to the grant of the licence or the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001, whichever is later) notified the Agency in accordance with regulation 4A(3) of his or her intention to carry on that business there, or

(iv) (where the previous occupier of those premises was a natural person) is the personal representative or a member of the family of the previous occupier, and that previous occupier died less than one month previously."

(6) The following paragraph shall be inserted between paragraphs (3) and (4) of regulation 4 -

" (3A) Each application for a licence under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant."

(7) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of licences) -

**" Change of directors, managers and controllers of occupiers of licensed premises and change of occupier of such premises**

**4A.** - (1) The occupier of licensed premises shall notify the Agency of any change in the identity or principal business address of his or her directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) No occupier of licensed premises shall transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the licence unless he or she notifies the Agency of that person's name and principal business address at least 21 days before the transfer of occupation concerned.

(3) Any person who intends to occupy licensed premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are licensed shall notify the Agency at least 21 days before he or she occupies them of his or her intention to do so, and of his or her name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) above shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his or her family, but the successor shall notify the Agency of his or her name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) above shall record the respective identities and principal business addresses of each manager and (if applicable) director and controller of the new occupier."

(6) In paragraph (1)(b) of regulation 5 the words "as to hygiene" shall be revoked.

(7) Paragraph (1)(d) of regulation 5 shall be replaced with the following -

" (d) any condition attached to the licence has not been complied with;".

(8) The following regulation shall be inserted between regulation 5 and regulation 6 (appeals) -

**" Suspension of licences**

**5A.** - (1) The Agency may suspend a licence granted in respect of any premises where -

(a) it appears to it that -

(i) any requirement of these Regulations in relation to the premises is being breached, or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in relation to those premises pursuant to regulation 10(1), and -

(i) the Agency is not satisfied that the action specified in the notice has been taken within the time specified there, and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where the Agency intends to suspend a licence pursuant to paragraph (1) above, it shall give notice in writing to the occupier of the premises, informing the occupier of -

(a) its decision to suspend the licence;

(b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);

(c) the matters which must be remedied in order for the suspension to be lifted;

(d) the occupier's right to appeal under regulation 6, and of the time within which any such appeal must be made.

(3) Insofar as a licence has been suspended pursuant to paragraph (1) above, the premises in respect of which that licence was granted shall be treated for the purposes of these Regulations as if they were not licensed premises.

(4) The Agency shall lift the suspension of any licence where it is satisfied that the matters specified in the notice referred to in paragraph (2) above have been remedied or where a Meat Hygiene Appeals Tribunal has determined under regulation 6(3) that the licence should not have been suspended, and may lift the suspension of any licence in any other case.

(5) Where the Agency lifts a suspension pursuant to paragraph (4) above, it shall do so by notice specifying the date on which it is lifted."

(9) Paragraph (1) of regulation 6 shall be replaced with the following -

" (1) Where the Agency -

- (a) has refused to licence any premises;
- (b) has granted a licence subject to conditions or has subsequently attached conditions to a licence;
- (c) has suspended the licence of any premises; or
- (d) has revoked the licence of any premises,

the occupier of those premises may within 21 days of being notified of the relevant decision of the Agency referred to above appeal to a Meat Hygiene Appeals Tribunal."

(10) Paragraph (3) of regulation 6 shall be replaced with the following -

" (3) Where on an appeal under paragraph (1) above a Meat Hygiene Appeals Tribunal determines that -

- (a) the grant of a licence should not have been refused;
- (b) conditions have unreasonably been attached to a licence;
- (c) a licence should not have been suspended; or
- (d) a licence should not have been revoked, the Agency shall give effect to the determination of the Tribunal."

(11) Paragraph (4) of regulation 6 shall be replaced with the following -

" (4) Where the Agency 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 Agency for the protection of public health, unless -

- (a) the time for appealing against the Agency's decision pursuant to paragraph (1) above has expired without an appeal having been lodged; and
- (b) (where an appeal has been lodged within the 21-day period stipulated in that paragraph) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) above shall permit premises to be used if -

(a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 11, 12 or 13 of the Act; or

(b) the Agency has suspended the licence of the premises pursuant to regulation 5A."

(12) The following regulation shall be inserted into Part II, after regulation 7 -

**" Provision of information by current occupiers of licensed premises**

7A. Every person who is the occupier of licensed premises on the date of coming into force of the Meat (Enhanced Enforcement Powers)(Wales) Regulations 2001 shall notify the Agency of -

(a) his or her identity and principal business address;

(b) the identity and principal business address of each of his or her managers and (if applicable) directors and controllers

(c) the address of those licensed premises (where different from the address required to be notified under sub-paragraph (a) above),

within 3 months of the said date of coming into force."

(13) In paragraph (1) of regulation 8 (supervision of premises), the following sub-paragraph shall be inserted between sub-paragraphs (a) and (b) -

" (aA) the inspection of the records required to be kept by the occupier pursuant to regulation 18(1)(a) and (e)(i) and otherwise monitoring the occupier's compliance with his or her duties under regulation 18;".

(14) In paragraph 1(a) of regulation 10 (powers of official veterinary surgeons and veterinary officers) the words "as to hygiene" shall be revoked.

(15) Sub-division (ii) of regulation 10(1) shall be replaced with the following -

" (ii) impose conditions upon or prohibit the carrying out of any process,  
or

(iii) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely."

(16) In paragraph (1) of regulation 14 (general conditions) the following sub-paragraph is substituted for sub-paragraph (a) -

" (a) without prejudice to the specific conditions set out in the following sub-paragraphs of this paragraph, each operation in relation to that meat required to have been carried out in compliance with these Regulations has been so carried out;".

(17) Paragraph (1)(a) of regulation 18 (duties of occupier) shall be replaced with the following -

" (a) make (and retain for a period of at least one year from the date of making) a record sufficient to show -

(i) the number of birds and rabbits and where appropriate the mass (measured in tonnes) of meat entering the premises in each week, in each case identified by species, and

(ii) the mass (measured in tonnes) of fresh meat dispatched from those premises in each week."

(18) In regulation 20 (offences and penalties) -

(a) paragraph (1) shall be revoked;

(b) the following shall be substituted for paragraph (2)(a) -

" (a) any provision of these Regulations;"

(c) in paragraph (3) the phrase "Nothing in paragraph (2) above shall apply" shall be substituted for the phrase "Neither paragraph (1) nor paragraph (2) above applies"; and

(d) in paragraph (4) the phrase "paragraph (2) above" shall be substituted for the phrase "any of the provisions mentioned in paragraph (1) or (2) above".

(19) The following paragraph shall be substituted for paragraph (1) of regulation 23 (enforcement) and paragraph (2) of that regulation shall be revoked -

" (1) These Regulations shall be executed and enforced -

(a) in relation to licensed premises by the Agency; and

(b) in relation to any place other than licensed premises by the food authority within whose area that place is situated."

(20) The following paragraphs shall be inserted at the end of regulation 23 -

" (4) On an inspection of any meat in licensed premises an authorised officer of the Agency may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(5) On an inspection of any meat at any place other than licensed premises an authorised officer of the food authority within whose area that place is situated may certify that the meat concerned has not been produced, stored or transported in accordance with these Regulations.

(6) Where any meat is certified as mentioned in paragraph (4) or (5) above it shall be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements."

#### **Amendments to the Meat products (Hygiene) Regulations 1994**

4. - (1) Insofar as they apply to Wales the Meat Products (Hygiene) Regulations 1994<sup>[8]</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions -

" "associate", in relation to a person entitled to exercise or control the exercise of voting power in relation to a body corporate, means -

(a) if the person so entitled is a natural person -

(i) that natural person's husband, wife, son or daughter (including a step-son or step-daughter),

(ii) any body corporate of which that natural person is a director;

(iii) any person who is that natural person's employee or partner;

(b) if the person so entitled is a body corporate -

(i) any of its directors,

(ii) any body corporate which is a subsidiary of it,

(iii) any employee or director of such subsidiary,

(iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common,

(v) Any employee or director of any such subsidiary; and

(c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangement -

(i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition, or

(ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;";

"controller", in relation to the occupier of any approved premises which is a body corporate, means a person -

(a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or

(b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;"

"director" means -

(a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;

(b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;"

"manager" means a person who exercises managerial functions in relation to approved premises; "

"premises" means any premises subject to the requirements of regulation 4 or 5;"

"subsidiary" and "holding company" mean respectively a "subsidiary" and a "holding company" within the meaning of section 736(1) of the Companies Act 1985;"

(3) In paragraph (a) of the definition of "combined premises" in paragraph (1) of regulation 2 there shall be inserted before "a" where it appears second the phrase "or fall within the same curtilage as".

(4) In regulation 3 (exemption) the phrase "Subject to regulation 3A," shall be inserted at the beginning.

(5) The following regulation shall be inserted into Part I immediately after regulation 3 -

**" Obligations on persons engaged in otherwise exempt activities**

**3A.** - (1) No person who (by virtue of regulation 3) is stated to be exempt from these Regulations shall -

(a) sell, offer for sale or expose for sale; or

(b) possess for the purpose of or preparation for sale,

any meat products or other products of animal origin unless -

(c) each operation in relation to the raw materials for those meat products or other products of animal origin required to have been carried out in compliance with the Hygiene Regulations has been so carried out; and

(d) each operation in relation to those meat products or other products of animal origin required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3, regulations 2, 19, 20, 21 and 22 shall apply in respect of the prohibitions imposed by paragraph (1) above."

(6) The following paragraph shall be inserted between paragraphs (6) and (7) of regulation 4 (approvals of premises other than ambient stores, rewrapping centres and cold stores) -

" (6A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant."

(7) The following paragraph shall be inserted between paragraphs (5) and (6) of regulation 5 (approval of ambient stores, rewrapping centres and cold stores) -

" (5A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant."

(8) The following regulation shall be inserted between regulation 5 and regulation 6 (revocation of approvals) -

**" Change of directors, managers and controllers of occupiers of approved premises and change of occupier of such premises**

**5A.** - (1) The occupier of any approved premises shall notify the approval authority of any change in the identity or principal business address of his or her directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) No occupier of approved premises shall transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted there by these Regulations unless he or she notifies the approval authority of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy approved premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are approved shall notify the approval authority at least 21 days before he or she occupies them of his or her attention to do so and of his or her name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) above shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his or her family, but the successor shall notify the approval authority of his or her name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) above shall record the identity and principal business address of each manager and (if applicable) director and controller of the new occupier."

(9) In paragraph (1) of regulation 6, the phrase "to paragraph (3) below and" shall be revoked.

(10) The following sub-paragraph shall be inserted between sub-paragraphs (a) and (b) of paragraph (1) of regulation 6 -

" (aA) that any condition attached to the approval has not been complied with;"

(11) Paragraph (3) of regulation 6 shall be revoked.

(12) The following regulation shall be inserted between regulation 6 and regulation 7 (right of appeal) -

**" Suspension of approvals**

**6A.** - (1) The approval authority may suspend an approval granted in respect of any premises where -

(a) it appears to it that -

(i) any requirement of these Regulations in relation to the premises is being breached, or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in relation to those premises pursuant to regulation 19A(1), and -

(i) the approval authority is not satisfied that the action specified in the notice has been taken within the time specified in it, and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where the approval authority intends to suspend an approval pursuant to paragraph (1) above, it shall give notice in writing to the occupier of the premises concerned, informing the occupier of -

(a) its decision to suspend the approval;

(b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);

(c) the matters which must be remedied in order for the suspension to be lifted;

(d) the occupier's right to appeal under regulation 7, and of the time within which any such appeal must be made.

(3) When an approval is suspended pursuant to paragraph (1) above, the premises

in respect of which that approval was granted shall be treated for the purposes of these Regulations as if they were not approved premises.

(4) The approval authority shall lift the suspension of any approval where, first, it is satisfied that the matters specified in the notice referred to in paragraph (2) above have been remedied or, second, where a magistrates' court has determined under regulation 7(3) that the approval should not have been suspended; and the approval authority may lift the suspension of any approval in any other case.

(5) Where the approval authority lifts a suspension pursuant to paragraph (4) above, it shall do so by notice specifying the date on which it is lifted."

(13) The following paragraph shall be substituted for paragraph (1) of regulation 7 -

" (1) Any person who is aggrieved by -

- (a) the refusal by the approval authority to approve any premises;
- (b) the decision by the approval authority to grant an approval subject to conditions or to attach conditions to an existing approval;
- (c) the decision by the approval authority to suspend an approval;
- (d) the decision by the approval authority to revoke an approval; or
- (e) a special hygiene direction,

may appeal to a magistrates' court."

(14) The following paragraphs shall be substituted for paragraph (3) of regulation 7 -

" (3) Where on an appeal under paragraph (1) above a magistrates' court determines that -

- (a) the grant of an approval should not have been refused;
- (b) conditions have unreasonably been attached to an approval;
- (c) an approval should not have been suspended;
- (d) an approval should not have been revoked; or
- (e) a special hygiene direction should not have been given,

the approval authority shall give effect to the determination of the court concerned.

(4) Where the approval authority has revoked the approval of any premises under regulation 6, 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 approval authority for the protection of public health, unless -

(a) the time for appealing against the approval authority's decision pursuant to paragraph (1) above has expired without an appeal having been lodged; and

(b) (where an appeal under that paragraph has been lodged) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) above shall permit premises to be used if -

(a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 11, 12 or 13 of the Act; or

(b) the approval authority has suspended the approval of the premises pursuant to regulation 6A."

(15) The following regulation shall be inserted into Part II, after regulation 7 -

**" Provision of information by current occupiers of approved premises**

**7A.** Every person who is the occupier of approved premises on the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) regulations 2001 shall notify the approval authority of -

(a) his or her identity and principal business address;

(b) the identity and principal business address of each of his or her managers and (if applicable) directors and controllers; and

(c) the address of those approved premises (where different from the address required to be notified under sub-paragraph (a) above), within 3 months of the said date of coming into force."

(16) The following paragraphs shall be inserted at the end of regulation 19 (supervision and enforcement) -

" (4) On an inspection of any meat product in combined premises an authorised officer of the Agency may certify that the meat product concerned has not been handled, stored or transported in accordance with these Regulations.

(5) On an inspection of any meat product at any place other than combined premises the food authority within whose area that place is situated may certify that the meat product concerned has not been handled, stored or transported in accordance with these Regulations.

(6) Where any meat product is certified as mentioned in paragraph (4) or (5) above it shall be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements."

(17) The following regulation shall be inserted between regulation 19 and regulation 20 (offences and penalties) -

**" Powers of authorised officers**

**19A.** - (1) Where it appears to an authorised officer of the enforcement authority that in respect of any approved premises -

- (a) any of the requirements of these Regulations is being breached; or
- (b) adequate health inspection in accordance with these Regulations is being hampered,

the authorised officer may, by notice in writing given to the occupier of the premises concerned -

- (c) prohibit the use of any equipment or any part of the premises specified in the notice;
- (d) impose conditions upon or prohibit the carrying out of any process; or
- (e) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.

(2) A notice given under paragraph (1) above shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a) above, it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as an authorised officer of the enforcement authority is satisfied that such action has been taken.

(5) The issue of a notice pursuant to paragraph (1) above in respect of approved premises shall be treated for the purposes of these Regulations as the attachment of conditions to the approval for those premises."

(18) The following entry shall be inserted in the appropriate numerical position in the list of provisions of the Food Safety Act 1990 contained in regulation 21 (application of various sections of that Act) -

" section 9 (inspection and seizure of suspected food) with 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;"

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

**5.** - (1) Insofar as they apply to Wales, the Minced Meat and Meat Preparations (Hygiene) Regulations 1995<sup>[9]</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions -

" "associate", in relation to a person entitled to exercise or control the exercise

of voting power in relation to a body corporate, means -

(a) if the person so entitled is a natural person -

(i) that natural person's husband, wife, son or daughter (including a stepson or step-daughter),

(ii) any body corporate of which that natural person is a director,

(iii) any person who is that natural person's employee or partner;

(b) if the person so entitled is a body corporate -

(i) any of its directors,

(ii) any body corporate which is a subsidiary of it,

(iii) any employee or director of any such subsidiary,

(iv) (if it is itself a subsidiary) any other subsidiary of the holding company they have in common,

(v) any employee or director of any such subsidiary; and

(c) (whether the person so entitled is a natural person or a body corporate) if that person has with any other person an agreement or arrangements -

(i) with respect to the acquisition, holding or disposal of shares or other interests in the body corporate first-mentioned in this definition, or

(ii) under which both the parties to the agreement or arrangement undertake to act in exercising their voting power in relation to the said body corporate,

that other person;"

"controller", in relation to the occupier of any approved premises which is a body corporate, means a person -

(a) in accordance with whose directions or instructions the directors of that body corporate or of any other body corporate which is its controller are accustomed to act; or

(b) who, either alone or with any associate, is entitled to exercise, or control the exercise of, at least one-third of the voting power at any general meeting of that body corporate or of any other body corporate which is its controller;"

"director" means -

(a) in relation to a body corporate whose affairs are managed by a board of directors or similar body, a member of that board or body;

(b) in relation to a body corporate whose affairs are managed by a single director or similar person, that director or person;

(c) in relation to a body corporate whose affairs are managed by the members themselves, a member of the body corporate;"

"manager" means a person who exercises managerial functions in relation to approved premises;"

"subsidiary" and "holding company" mean respectively a "subsidiary" and a "holding company" within the meaning of section 736(1) of the Companies Act 1985; "

(3) In paragraph (a) of the definition of "combined premises" in paragraph (1) of regulation 2 there shall be inserted before "any" where it appears second the phrase "or fall within the same curtilage as".

(4) In regulation 3 (exemptions) the phrase "Subject to regulation 3A," shall be inserted at the beginning.

(5) The following regulation shall be inserted into Part I immediately after regulation 3 -

**" Obligations on persons engaged in otherwise exempt activities**

**3A.** - (1) No person engaged in any activity giving rise to an exemption pursuant to regulation 3 shall -

(a) sell, offer for sale or expose for sale; or

(b) possess for the purpose of or preparation for sale,

any minced meat or meat preparations unless -

(c) each operation in relation to the meat used as the raw material for that minced meat and those meat preparations required to have been carried out in compliance with the Hygiene Regulations or as the case may be the Products of Animal Origin (Import and Export) Regulations 1996[[10](#)] has been so carried out; and

(d) each operation in relation to that minced meat and those meat preparations required to have been carried out in compliance with these Regulations has been so carried out.

(2) Notwithstanding regulation 3, regulations 2, 10, 12, 13 and 14 shall apply in relation to the prohibitions imposed by paragraph (1) above."

(6) The following paragraph shall be inserted between paragraphs (4) and (5) of regulation 4 (approval of premises) -

" (4A) Each application for an approval under this regulation shall include the name and principal business address of each person who is a manager and (if applicable) director or controller of the applicant."

(7) The following regulation shall be inserted between regulation 4 and regulation 5 (revocation of approvals) -

**" Change of directors, managers and controllers of occupiers of approved premises and change of occupier of such premises**

**4A.** - (1) The occupier of approved premises shall notify the approval authority of any change in the identity or principal business address of his or her directors, managers or controllers as soon as is reasonably practicable after that change occurs, and in any event within one month of that change.

(2) No occupier of approved premises shall transfer possession of or allow another person to occupy those premises for the purposes of carrying on any activity permitted by the approval unless he or she notifies the approval authority of that person's name and principal business address at least 21 days before the transfer or occupation concerned.

(3) Any person who intends to occupy approved premises (whether alone or jointly) for the purposes of carrying on any business for which those premises are approved shall notify the approval authority at least 21 days before he or she occupies them of his or her intention to do so, and of his or her name and principal business address.

(4) Where the occupier (being a natural person) dies, paragraph (3) above shall not apply to occupation of those premises by the deceased's personal representatives or by any member of his or her family, but the successor shall notify the approval authority of his or her name and principal business address within one month of the death.

(5) Any notification made pursuant to paragraph (2), (3) or (4) above shall record the identity and principal business address of each manager and (if applicable) director and controller of the new occupier."

(8) In paragraph (1) of regulation 5, the phrase "to paragraph (3) below and" shall be revoked.

(9) Paragraph (3) of regulation 5 shall be revoked.

(10) The following sub-paragraph shall be inserted between sub-paragraphs (a) and (b) of regulation 5(1) -

" (aA) any condition attached to the approval has not been complied with;"

(11) The following regulation shall be inserted between regulation 5 and regulation 6 (right of appeal) -

**" Suspension of approvals**

**5A.** - (1) The approval authority may suspend an approval granted in respect of any premises where -

(a) it appears to it that -

(i) any requirement of these Regulations in relation to the premises is being breached, or

(ii) adequate health inspection in accordance with these Regulations is being hampered there; or

(b) a notice has been served in respect of those premises pursuant to regulation 12A(1), and -

(i) the approval authority is not satisfied that the action specified in the notice has been taken within the time specified in it, and

(ii) as a result of the failure to take the action specified in the notice, any requirement of these Regulations is still being breached, or adequate health inspection is still being hampered, there.

(2) Where the approval authority intends to suspend an approval pursuant to paragraph (1) above, it shall give notice in writing to the occupier of the premises concerned, informing the occupier of -

(a) its decision to suspend the approval;

(b) the date on which it intends the suspension to take effect (which may be the date on which the notice is issued);

(c) the matters which must be remedied in order for the suspension to be lifted;

(d) the occupier's right to appeal under regulation 6, and of the time within which any such appeal must be made.

(3) When an approval is suspended pursuant to paragraph (1) above, the premises in respect of which that approval was granted shall be treated for the purposes of these Regulations as if they were not approved premises.

(4) The approval authority shall lift the suspension of any approval where, first, it is satisfied that the matters specified in the notice referred to in paragraph (2) above have been remedied or, second, where a magistrates' court has determined under regulation 6(3) that the approval should not have been suspended; and the approval authority may lift the suspension of any approval in any other case.

(5) Where the approval authority lifts a suspension pursuant to paragraph (4) above, it shall do so by notice specifying the date on which it is lifted."

(12) The following paragraph shall be substituted for paragraph (1) of regulation 6 -

" (1) Any person who is aggrieved by -

(a) the refusal of an approval authority to approve any premises;

(b) the decision by an approval authority to grant an approval subject to conditions or to attach conditions to an existing approval;

(c) the decision by an approval authority to suspend an approval; or

(d) the decision by an approval authority to revoke an approval,

may appeal to a magistrates' court."

(13) The following paragraphs shall be substituted for paragraph (3) of regulation 6 -

" (3) Where on an appeal under paragraph (1) above a magistrates' court determines that -

- (a) the grant of an approval should not have been refused;
- (b) conditions have unreasonably been attached to an approval;
- (c) an approval should not have been suspended; or
- (d) an approval should not have been revoked,

the approval authority shall give effect to the determination of the court concerned.

(4) Where the approval authority has revoked the approval 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 approval authority for the protection of public health, unless -

- (a) the time for appealing against the approval authority's decision pursuant to paragraph (1) above has expired without an appeal having been lodged; and
- (b) (where an appeal under that paragraph has been lodged) the appeal has been finally disposed of or abandoned.

(5) Nothing in paragraph (4) above shall permit premises to be used if -

- (a) a prohibition order, emergency prohibition notice, emergency prohibition order or emergency control order has been imposed on the premises pursuant to section 11, 12 or 13 of the Act; or
- (b) the approval authority has suspended the approval of the premises pursuant to regulation 5A."

(14) The following regulation shall be inserted into Part II, after regulation 6 -

**" Provision of information by current occupiers of approved premises**

**6A.** Every person who is the occupier of approved premises on the date of coming into force of the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001 shall notify the approval authority of -

- (a) his or her identity and principal business address;
- (b) the identity and principal business address of each of his or her managers

and (if applicable) directors and controllers; and

(c) the address of those approved premises (where different from the address required to be notified under sub-paragraph (a) above), within 3 months of the said date of coming into force."

(15) The following paragraphs shall be inserted at the end of regulation 12 (supervision and enforcement) -

" (8) On an inspection of any minced meat or meat preparation in combined premises an authorised officer of the Agency may certify that the minced meat or meat preparation concerned has not been produced, stored or transported in accordance with these Regulations.

(9) On an inspection of any minced meat or meat preparation at any place other than combined premises an authorised officer of the food authority within whose area that place is situated may certify that the minced meat or meat preparation concerned has not been produced, stored or transported in accordance with these Regulations.

(10) Where any minced meat or meat preparation is certified as mentioned in paragraph (8) or (9) above it shall be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements."

(16) The following regulation shall be inserted between regulation 12 and regulation 13 (offences and penalties) -

**" Powers of authorised officers**

**12A.** - (1) Where it appears to an authorised officer of the enforcement authority that in respect of any approved premises -

(a) any of the requirements of these Regulations is being breached; or

(b) adequate health inspection in accordance with these Regulations is being hampered,

the authorised officer may, by notice in writing given to the occupier of the premises concerned -

(c) prohibit the use of any equipment or any part of the premises specified in the notice;

(d) impose conditions upon or prohibit the carrying on of any process; or

(e) require the rate of operation to be reduced to such an extent as is specified in the notice, or be stopped completely.

(2) A notice given under paragraph (1) above shall be given as soon as practicable and shall state why it is given.

(3) If it is given under paragraph (1)(a) above, it shall specify the breach and the action needed to remedy it.

(4) Such a notice shall be withdrawn by a further notice in writing given to the occupier of the premises as soon as the authorised officer in question is satisfied that the remedial action specified in it has been taken.

(5) The issue of a notice pursuant to paragraph (1) above in respect of approved premises shall be treated for the purposes of these Regulations as the attachment of conditions to the approval for those premises."

### **Amendments to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992**

6. - (1) Insofar as they apply to Wales the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992[[11](#)] shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (application) -

(a) the phrase ", the suspension of a licence of any premises" shall be inserted before "or" where it first occurs;

(b) in paragraph (a) the phrase "regulation 4, 5 or 5A" shall be substituted for the phrase "regulation 4 or 5, as the case may be,"; and

(c) in paragraph (b) the phrase "regulation 4, 5 or 5A" shall be substituted for the phrase "regulation 4 or 5, as the case may be,".

(3) In regulation 3 (reference to the Tribunal) the phrase "or against the suspension of a licence," shall be inserted before "or" where it occurs second.

### **Amendments to the Products of Animal Origin (Import and Export) Regulations 1996**

7. Insofar as the Products of Animal Origin (Import and Export) Regulations 1996 apply to Wales, Schedule 2 thereto shall be amended by the insertion of the following reference at the end of paragraphs 5, 6, 7 and 11 - "the Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[[12](#)].

*D. Elis-Thomas*

The Presiding Officer of the National Assembly

14th June 2001

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

1. These Regulations (which apply to Wales only) amend -

- (a) the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (b) the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
- (c) the Meat Products (Hygiene) Regulations 1994;
- (d) the Minced Meat and Meat Preparations (Hygiene) Regulations 1995;
- (e) the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992; and
- (f) the Products of Animal Origin (Import and Export) Regulations 1996,

in each case in their application to Wales. All of the Regulations being amended extend to the whole of Great Britain.

**2.** These Regulations amend the Fresh Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/539, as amended)("the Fresh Meat Regulations") to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat (a consolidated text of which is annexed to Council Directive 91/497/EEC (OJ No. L268, 24.9.91, p.69) and 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).

**3.** These Regulations amend regulation 3 of the Fresh Meat Regulations (which specifies circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 2(3) and (4)).

**4.** They impose revised requirements relating to the licensing of premises under the Fresh Meat Regulations. They impose a new requirement that the Food Standards Agency ("the Agency") must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Fresh Meat Regulations ("licensed premises") (regulation 2(5) to (7)).

**5.** They amend the criteria under which the Agency may revoke licences granted under the Fresh Meat Regulations (regulation 2(8) and (9)).

**6.** A new power to suspend licences is created (regulation 2(10)).

**7.** These Regulations revise the conditions governing appeals against decisions taken by the Agency in relation to licences granted under the Fresh Meat Regulations (regulations 2(11) to (13)).

**8.** Occupiers of premises currently licensed under the Fresh Meat Regulations will now have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 2(14)).

**9.** A further amendment enables official veterinary surgeons to inspect records kept by the occupiers of licensed premises pursuant to regulation 20(1)(a), (e) and (f) of the Fresh Meat Regulations and to monitor compliance with their duties under regulation 20 thereof (regulation 2(15)).

**10.** The powers of official veterinary surgeons set out in regulation 10 of the Fresh Meat Regulations are modified (regulation 2(16) and (17)).

**11.** The general conditions for the marketing of fresh meat set out in regulation 13 of the Fresh Meat Regulations are modified (regulation 2(18) and (19)).

**12.** The duties imposed on occupiers of licensed premises by regulation 20 of the Fresh Meat Regulations are modified (regulation 2(20) to (23)).

**13.** The penalties for breach contained in regulation 21 of the Fresh Meat Regulations are rationalised (regulation 2(24)). Regulation 23 of the Fresh Meat Regulations is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcement (regulation 2(25)). A further amendment to Regulation 23 introduces a new power for the Agency to certify that meat has not been produced, stored or transported in accordance with the Regulations. Meat certified in this way is treated, for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (also regulation 2(25)), with the result that it can be seized and, potentially, disposed of.

**14.** These Regulations amend the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (SI 1995/540, as amended)("the Poultry Meat Regulations") to provide enhanced enforcement powers in relation to these Regulations in the light of 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) and Council Directive 91/495/EEC.

**15.** In particular, these Regulations amend regulation 3 of the Poultry Meat Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 3(3) and (4)).

**16.** They impose revised requirements relating to the licensing of premises under the Poultry Meat Regulations. They impose a new requirement that the Agency must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Poultry Meat Regulations ("licensed poultry meat premises") (regulation 3(5) to (7)).

**17.** These Regulations amend the criteria under which the Agency may revoke licences granted under the Poultry Meat Regulations (regulation 3(8) and (9)).

**18.** A new power to suspend licences is created (regulation 3(10)).

**19.** These Regulations revise the conditions governing appeals against decisions taken by the Agency in relation to licences granted under the Poultry Meat Regulations (regulation 3(11) to (13)).

**20.** Occupiers of premises currently licensed under the Poultry Meat Regulations will now have to inform the Agency of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 3(14)).

**21.** A further amendment enables official veterinary surgeons to inspect the records required to be kept by the occupiers of licensed poultry meat premises pursuant to regulation 18(1)(a) and (e)(i) of the Poultry Meat Regulations and to monitor compliance with their duties under regulation 18 thereof (regulation 3(15)).

**22.** The powers of official veterinary surgeons set out in regulation 10 of the Poultry Meat Regulations are modified (regulation 3(16) and (17)).

**23.** The general conditions for the marketing of fresh meat set out in regulation 14 of the

Poultry Meat Regulations are modified (regulation 3(18)).

**24.** The duties imposed on occupiers of licensed poultry meat premises by regulation 18 of the Poultry Meat Regulations are modified (regulation 3(19)).

**25.** The penalties for breach contained in regulation 20 of the Poultry Meat Regulations are rationalised (regulation 3(20)).

**26.** Regulation 23 of the Poultry Meat Regulations is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcement of the Regulations (regulation 3(21)). A further amendment to Regulation 23 introduces a new power for the Agency to certify that meat has not been produced, stored or transported in accordance with the Regulations. Meat certified in this way is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 3(22)), with the result that it can be seized and, potentially, disposed of.

**27.** These Regulations amend the Meat Products (Hygiene) Regulations 1994 (SI 1994/3082, as amended) ("the Meat Products Regulations") to provide enhanced enforcement powers in relation to these Regulations in the light of Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (OJ No. L26, 31.1.77, p.85).

**28.** In particular, these Regulations amend the definition of "combined premises" in paragraph (1) of regulation 2 (interpretation) of the Meat Products Regulations (regulation 4(3)).

**29.** These Regulations amend regulation 3 of the Meat Products Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (regulation 4(4) and (5)).

**30.** They impose revised requirements relating to the approval of meat products premises. They impose a new requirement that the Agency must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of meat products premises which have already been approved under the Meat Products Regulations ("approved meat products premises") (regulation 4(6) to (8)).

**31.** These Regulations amend the criteria under which the Agency may revoke approvals granted under the Meat Products Regulations (regulation 4(9) to (11)).

**32.** A new power to suspend approvals granted under the Meat Products Regulations is created (regulation 4(12)).

**33.** These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals and special hygiene directions under the Meat Products Regulations (regulation 4(13) and (14)).

**34.** Occupiers of currently-approved meat products premises will now have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 4(15)).

**35.** Regulation 19 of the Meat Products Regulations (supervision and enforcement) is amended so that where any meat product is certified as provided for by new paragraph (4) or (5) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 4(16)), with the result that it can be seized and, potentially, disposed of.

**36.** These Regulations insert a new regulation into the Meat Products Regulations (regulation 19A). This enables authorised officers of the appropriate enforcement authority to prohibit the use of equipment or any part of approved meat products premises and to regulate or prohibit the carrying on of a process (regulation 4(17)).

**37.** Regulation 21 of the Meat Products Regulations (application of various sections of the Food Safety Act 1990) is amended so that section 9 thereof is, with modifications, applied to them (regulation 4(18)).

**38.** These Regulations amend the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205, as amended) ("the Minced Meat Regulations") to provide enhanced enforcement powers in relation to those Regulations in the light of Council Directive 94/65/EEC laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p.10).

**39.** In particular, these Regulations amend the definition of "combined premises" in paragraph (1) of regulation 2 (interpretation) of the Minced Meat Regulations (regulation 5(3)).

**40.** These Regulations amend regulation 3 of the Minced Meat Regulations (circumstances in which those regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise give rise to an exemption (regulation 5(4) and (5)).

**41.** They impose revised requirements relating to the approval of premises to be used for the production of certain minced meat or meat preparations. They impose a new requirement that the approval authority must be informed of changes in the identity of those having management and similar responsibilities in relation to premises which have already been approved under the Minced Meat Regulations ("approved minced meat premises") (regulation 5(6) and (7)).

**42.** These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Minced Meat Regulations (regulation 5(8) to (10)).

**43.** A new power to suspend approvals granted under the Minced Meat Regulations is created (regulation 5(11)).

**44.** These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals granted under the Minced Meat Regulations (regulation 5(12) and (13)).

**45.** Occupiers of currently-approved minced meat premises will now have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of these Regulations coming into force (regulation 5(14)).

**46.** Regulation 12 of the Minced Meat Regulations (supervision and enforcement) is amended so that where any minced meat or meat preparation is certified as provided for by new paragraph (8) or (9) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 5(15)), with the result that it can be seized and, potentially, disposed of.

**47.** These Regulations insert a new regulation into the Minced Meat Regulations (regulation 12A). This enables authorised officers of the appropriate enforcement authority to prohibit the use of any equipment or any part of approved minced meat premises and to regulate or prohibit the carrying on of a process (regulation 5(16)).

48. Consequential amendments are made to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992 (S.I. 1992/2921, as already amended) (regulation 6) and the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended) (regulation 7). Those latter amendments are effected in reliance on section 2(2) of the European Communities Act 1972 (1972 c.68).

49. A regulatory appraisal has been prepared for these Regulations and copies of the assessment can be obtained from the Food Standards Agency - Wales, 1st Floor, Southgate House, Wood Street, Cardiff CF10 1EN.

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*Notes:*

[1] SI 1999/2788[back](#)

[2] 1972 c.68[back](#)

[3] 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 the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).[back](#)

[4] 1992 c.53.[back](#)

[5] SI 1995/539, amended by SI 1995/731, SI 1995/1763, SI 1995/2148, SI 1995/2200, SI 1995/3124, SI 1995/3189, SI 1996/1148, SI 1996/2235, SI 1997/1729 and SI 1997/2074.[back](#)

[6] 1985 c.6; section 736(1) was substituted by section 144(1) of the Companies Act 1989 (1989 c.40).[back](#)

[7] SI 1995/540, amended by SI 1995/1763, SI 1995/2148, SI 1995/2200, SI 1995/3205, and SI 1997/1729.[back](#)

[8] SI 1994/3082, amended by SI 1995/539, SI 1995/1763, SI 1995/2200, SI 1995/3205, SI 1996/1499 and SI 1999/683.[back](#)

[9] SI 1995/3205, amended by SI 1996/3214.[back](#)

[10] SI 1996/3124, amended by SI 1997/3023, SI 1998/994 and SI 1999/683. SI 1996/3124 has been applied by SI 1996/3125 to imports of fresh meat.[back](#)

[11] SI 1992/2921, amended by SI 1994/1029, SI 1995/539, SI 1995/540 and SI 1995/2148.[back](#)

[12] 1998 c.38.[back](#)

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