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## EXPLANATORY NOTE

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

These Regulations amend the Food Hygiene (Scotland) Regulations 2006 (“the 2006 Regulations”) by updating the definitions of certain EU instruments that are referred to in those Regulations and by providing that when certain requirements are complied with a person shall be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin.

These Regulations amend the 2006 Regulations to update the definitions of certain EU instruments by—

- (a) substituting definitions of certain EU instruments for the definitions of the EU instruments that currently appear after the definition of “the Community Regulations” in paragraph (1) of regulation 2 (interpretation) (*regulation 2(2)*); and
- (b) substituting a revised Schedule 1 (definitions of EU legislation) for the existing Schedule 1 (*regulation 2(4)*).

These Regulations also amend the 2006 Regulations to provide that when certain requirements are complied with a person shall be considered not to have contravened or failed to comply with specified provisions of Regulation (EC) No. 853/2004 by substituting a revised regulation 17 (offences and penalties) and inserting new Schedules (*regulation 2(3) and (5)*).

The specified provisions of EU legislation and the related requirements that must be complied with if a person is to be considered not to have contravened or failed to comply with them are set out in the following paragraphs together with the relevant provision of revised regulation 17—

- (a) Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption) and the related requirements are set out in new Schedule 3A (new regulation 17 (5));
- (b) Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption) and the related requirements are set out in new Schedule 3B (new regulation 17(6));
- (c) Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby) and the related requirements are set out in new Schedule 3C (new regulation 17(7));
- (d) Article 3(1) or 4(1)(a) of Regulation (EC) No. 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered

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have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby) and the related requirements are set out in new Schedule 3D (new regulation 17(8)).

These Regulations also revoke the Food Hygiene (Scotland) Amendment Regulations 2007 (regulation 3).

These Regulations contain certain provisions which constitute a “technical regulation” within the meaning of Directive [98/34/EC](#) laying down a procedure for the provision of information in the field of technical standards and regulations. The provisions were notified in draft to the European Commission in accordance with that Directive.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.