STATUTORY INSTRUMENTS

1991 No. 2843

FOOD

The Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991

Made - - - -	*16th December 1991*
Laid before Parliament	*18th December 1991*
Coming into force - -	*8th January 1992*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 6(4), 16(1)(a), (b) and (f), 16(3), 17(1), 26(2)(a) and (b) and (3), 27(2) and (5), 30(9), 31(1) and (2), 45(1) and (2), 48(1) and 49(2) of, and paragraphs 3(1)(b) and 7 of Schedule 1 to, the Food Safety Act 1990 (**1**)and of all other powers enabling them in that behalf; the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Economic Community, acting jointly, in exercise (so far as is required for the amendment and revocation of regulations made under the said section 2(2)) of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf; after consultation in accordance with the said section 48 of the Act of 1990 with such organisations as appear to them to be representative of interests substantially affected by the Regulations (in so far as the Regulations are made in exercise of the powers conferred by the said sections of the said Act of 1990), hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991 and shall come into force on 8th January 1992.

Interpretation

2. –

(**1**) 1990 c. 16.
(**2**) S.I.1972/1811.
(**3**) 1972 c. 68.

(1) In these Regulations, unless the context otherwise requires–

"analyst" means the person having the management or control of an approved laboratory;

"animal" means any of the following food sources namely animals of the bovine species (including buffalo of species Bubalus bubalis and Bison bison) swine, sheep, goats, solipeds, camelids, rabbits,deer and birds reared for human consumption;

"animal test certificate" has the meaning given to it in section 32 of the Medicines Act 1968 (**4**);

"another member State" means a member State other than the United Kingdom;

"appropriate Minister" means, as respects England, the Minister of Agriculture, Fisheries and Food and, as respects Scotland or Wales, the Secretary of State;

"approved laboratory" means a laboratory approved by the appropriate Minister for the purposes of Council directive 86/469/EEC(**5**);

"authorised officer" means any person (whether or not an officer of an enforcement authority) who is authorised in writing by that authority, either generally or specially, to act in matters arising under these Regulations;

"authorised substance" means a transmissible substance the presence of which in any animal, meat or meat product is permitted by or in implementation of Community law;

"beta-agonist" means a beta-adrenoceptor agonist;

"carcase" means–

(a) the whole body of a slaughtered animal or bird (other than an uneviscerated bird) after bleeding and dressing; or

(b) the whole body of a slaughtered uneviscerated bird after bleeding;

"enforcement authority", subject to regulation 15(8) below and except for the purposes of regulations 9, 10, 11 and 21(1)(b), means the Ministers or a food authority within its area or both and, for the purposes of regulations 9, 10, 11 and 21(1)(b), means the Ministers;

"farm of origin", in relation to a sample taken from any animal, meat or meat product means–

(a) where the sample was taken at a farm, that farm;

(b) where the sample was taken at any other place, the last farm on which the animal from which the sample was taken or derived was kept before being taken to that place;

"food authority" means–

(a) as respects each London borough, metropolitan district or non-metropolitan county, the council of that borough, district or county;

(b) as respects the City of London (including the Temples) the Common Council; and

(c) as respects Scotland, an islands or district Council;

"fresh meat" means meat, including meat vacuum wrapped or wrapped in a controlled atmosphere,which has not undergone any preserving process other than chilling or freezing;

"hormonal substance" means any substance within either of the following categories–

(a) stilbenes and thyrostatic substances;

(b) substances with oestrogenic, androgenic or gestagenic action;

"maximum residue limit", in relation to a concentration of an authorised substance in the tissues or body fluids of an animal or in any meat or meat product, means,–

(**4**) 1968 c. 67.
(**5**) OJ No.L275, 26.9.86,p 36.

(a) in respect of each substance specified in column (1) of Schedule 1, and subject to regulation 2(2), the limit specified in column (2) thereof opposite the reference to such substance where such substance is contained in that part of the animal or in any meat or meat product derived from that part of the animal specified in column (3)thereof opposite the reference to such substance; and,

(b) in respect of an authorised substance of a kind specified in regulation 3 of the Animals and Fresh Meat (Hormonal Substances) Regulations 1988(**6**)the maximum natural physiological level for that substance;

"meat" means the flesh or other part of an animal suitable for human consumption;

"meat product" means a product prepared from or with meat which has undergone treatment such that the cut surface shows that the product no longer has the characteristics of fresh meat;

"offal" means meat other than that of the carcase whether or not naturally connected to the carcase;

"official sample" means a sample taken by an authorised officer for analysis for the purpose of these Regulations–

(a) from an animal, its excrement or body fluids or from its tissues or fresh meat and which bears a reference to the species, the type, the amount and the method of collection and the identification of the origin of the animal or the meat; or

(b) from any other meat or from any meat product;

"owner" includes, in relation to any animal, the person in charge of such animal and in relation to any meat or meat product the person in possession of such meat or meat product;

"primary analysis" means an analysis of an official sample carried out by an approved laboratory;

"primary analysis certificate" means an analyst's certificate specifying the finding of a primary analysis;

"prohibited substance", means an hormonal substance administered to an animal contrary to the prohibition in regulation 3 below;

"reference analysis" means an analysis carried out by an approved laboratory to check the finding of a primary analysis;

"reference analysis certificate" means an analyst's certificate specifying the finding of a reference analysis;

"residue" means a residue of a transmissible substance;

"stilbenes" has the same meaning as in the Medicines (Stilbenes and Thyrostatic substances) Regulations 1982 (**7**);

"thyrostatic substances" has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982;

"transmissible substance" means any substance having a pharmacological action or any conversion product thereof or any other substance which if transmitted to meat would be likely to be dangerous to human health;

"unlicensed substance" means–

(a) in relation to a substance administered to an animal in the United Kingdom, a transmissible substance in respect of which there is neither–

(**6**) S.I. 1988/849.
(**7**) S.I. 1982/626 to which there is an amendment not relevant to these Regulations.

(i) any current veterinary medical product license authorising its sale or supply for use in that animal in the United Kingdom; nor

(ii) any current animal test certificate authorising its use in that animal in the United Kingdom; and

(b) in relation to a substance administered to an animal in another member State, a transmissible substance in respect of which there is no current authorisation issued in that State for its use in that animal in that State;

"veterinary medicinal product" has the same meaning as in the Medicines(Restriction on the Administration of Veterinary Medicinal Products) Regulations 1983 (**8**), except that it excludes neither medicinal additives for feedingstuffs to which the provisions of Council directive 70/524/EEC(**9**)apply nor medicated feedingstuffs;

"veterinary medicinal product license" means a product license granted under the Medicines Act 1968 in respect of a veterinary medicinal product;

"veterinary surgeon" means a person registered in the register of veterinary surgeons or in the supplementary veterinary register;

"veterinary written direction" has the same meaning as in the Medicines (Medicated Animal Feedingstuffs) Regulations 1989 (**10**);

"withdrawal period", in relation to a veterinary medicinal product administered to an animal, means the period, specified in a current veterinary medicinal product license relating to the product or (in the absence of any such specification) specified in a prescription or veterinary written direction given by a veterinary surgeon in respect of the administration of the product,from the cessation of the medication of the animal with the product to the slaughter of the animal for human consumption or to the taking of products derived from the animal for human consumption.

(2) For the purposes of ascertaining whether the maximum residue limit has been exceeded for the purposes of these Regulations, the drug or drug metabolite (or combination thereof) specified in column(4) of Schedule 1 opposite the reference to each substance specified in column (1) thereof shall be taken to indicate the presence of that substance in that part of an animal, or in any meat or meat product derived from that part of an animal, specified in column (3) thereof opposite the reference to that substance and the maximum residue limit specified in column (2) thereof opposite the reference to that substance shall then apply in respect of the presence in such part of an animal, or in any meat or meat product derived from such part of an animal, of any such drug or drug metabolite (or combination thereof) as if it were that substance.

(3) In these regulations any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these regulations.

(4) In these Regulations any references to food or food sources shall be construed in accordance section 16(5) of the Food Safety Act 1990.

Prohibition on administration to animals of hormonal substances

3. –

(1) The administration to animals of hormonal substances is hereby prohibited as hereinafter provided.

(2) For the purposes of this regulation the provisions of –

(**8**) S.I. 1983/1732.
(**9**) OJ No. L270, 14.12.70.
(**10**) S.I.1989/2320 to which there is an amendment not revelevant to these Regulations.

(a) regulation 3 of the Medicines (Stilbenes and Thyrostatic substances) Regulations 1982 including paragraph (2) thereof, and

(b) regulation 3 of the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988 including paragraph (2) thereof,

shall have effect and be construed as if they were set out in this regulation.

Prohibition on administration to animals of unlicensed substances

4. –

(1) Subject to paragraphs (2) and (3) below, no person shall administer any unlicensed substances to an animal.

(2) Nothing in paragraph (1) above shall prohibit the administration of any veterinary medicinal product to an animal where it is administered for any of the purposes specified in regulation 3(2) of the Medicines (Restriction on the Administration of Veterinary Medicinal Products) Regulations 1983.

(3) Nothing in paragraph (1) above shall prohibit the administration to an animal of–

(a) any medicated feedingstuff where it is administered in accordance with a veterinary written direction; or

(b) in a case to which sub-paragraph (a) above does not apply, any veterinary medicinal product which has been specially prepared in accordance with section 9(2) of the Medicines Act 1968.

Prohibition on the sale and slaughter of animals for human consumption

5. –

(1) No person shall sell or supply for slaughter, or slaughter, any animal for human consumption if it contains–

(a) a prohibited substance;

(b) an unlicensed substance;

(c) a beta-agonist which has been deemed to be an unlicensed substance under regulation 18; or

(d) an authorised substance in any of its tissues at a concentration exceeding the relevant maximum residue limit.

(2) No person shall sell or supply for slaughter, or slaughter, any animal for human consumption if the withdrawal period in respect of any veterinary medicinal product which has been administered to the animal has not expired.

Prohibition of the sale of meat and meat products

6. No person shall sell for human consumption –

(a) any meat (whether or not mixed with other food);or

(b) any meat product,

in which there is any prohibited substance or beta-agonist which has been deemed to be an unlicensed substance under regulation 18 or an authorised substance at a concentration exceeding the relevant maximum residue limit.

Primary analysis of official samples

7. –

(1) An official sample shall be submitted for analysis at an approved laboratory and dealt with in accordance with paragraphs (2) or (3) below.

(2) Except where the official sample is of a kind described in paragraph (3) below, part of that sample shall be subjected to a primary analysis, the remainder being retained for any reference analysis.

(3) Where the official sample contains the remains of any solid implant, the analyst shall prepare an extract of such implant and subject part of that extract to a primary analysis, the remainder of the extract being retained for any reference analysis.

Results of primary analysis

8. –

(1) Where the primary analysis shows that an official sample, or in the case of such a sample containing the remains of a solid implant, such remains of solid implant contains–

(a) a prohibited substance;

(b) an unlicensed substance;

(c) a beta-agonist which has been deemed to be an unlicensed substance under regulation 18;

(d) a substance which an analyst reasonably suspects may be an unlicensed substance;

(e) in the case of a sample taken from an animal, its excrement or body fluids or from its tissues, an authorised substance ata concentration which is notified to the analyst by an authorised officer as one which causes him reasonably to suspect that meat or a meat product derived from that animal may contain an authorised substance at a concentration exceeding the relevant maximum residue limit; or

(f) in the case of a sample taken from any meat or meat product, an authorised substance at a concentration exceeding the relevant maximum residue limit,

the analyst shall give a primary analysis certificate to an authorised officer who shall then give this to the owner of the animal, meat or meat product.

(2) Where the primary analysis does not show anything requiring a primary analysis certificate to be given under paragraph (1) above, the analyst shall notify an authorised officer of that fact and the authorised officer shall then notify the owner of the animal ,meat or meat product.

Reference analysis

9. –

(1) If, within a period of seven days from the receipt of the primary analysis certificate, the owner of the animal, meat or meat product challenges the finding specified in that certificate or if an authorised officer in any event so decides, that finding shall be referred by an authorised officer to an approval laboratory for a reference analysis together with the remainder of the official sample retained by the analyst in accordance with regulation 7(2) or the remainder of the extract retained by the analyst in accordance with regulation 7(3).

(2) Any challenge under paragraph (1) above shall be made by notice in writing and served on an authorised officer.

(3) The analyst shall give a reference analysis certificate to an authorised officer who shall then give this to the owner of the animal,meat or meat product.

Notification to analyst

10. –

(1) An authorised officer who submits to an approved laboratory a sample for primary analysis shall inform the analyst of that approved laboratory of the name and address of the owner of the animal, meat or meat product from which such sample was taken.

(2) An authorised officer who refers to an approved laboratory a finding specified in a primary analysis shall inform the analyst of that approved laboratory of the name and address of the owner of the animal, meat or meat product.

Methods of analysis for prohibited substances

11. The analysis of any sample taken for the purpose of ascertaining whether any prohibited substance is present in any animal, its tissues or body fluids or in any meat, meat product or the remains of any solid implant shall be carried out–

(a) in relation to a primary analysis, in accordance with the methods authorised by Commission Decision 87/410/EEC(**11**), and

(b) in relation to a reference analysis, in accordance with methods determined under Article 5.2 of the Council Directive 85/358/EEC(**12**).

Certificate of analysis

12. –

(1) Any certificate given by an analyst under these regulations–

(a) shall be signed by the analyst;

(b) shall specify the name of the authorised officer who submitted the sample for analysis and the name and address of the enforcement authority whose officer he is.

(2) In any proceedings under these Regulations, the production by one of the parties–

(a) of a document purporting to be a certificate given by an analyst under paragraph (1) above; or

(b) of a document supplied to him by the other party as being a copy of such a certificate,

shall be sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a) above, the other party requires the analyst to be called as a witness.

Inspection of animals

13. An authorised officer may, by notice in writing reasonably given to the owner of an animal,require him to detain the animal at the place where it then is, or to remove it to such other place as is specified in the notice and detain it there, to enable the animal to be inspected by an authorised officerfor the purpose of ascertaining whether there is present in it a residue of a prohibited substance or of an unlicensed substance or a residue of an authorised substance which an authorised officer reasonably suspects may result in any meat or meat product derived from that animal containing an authorised substance at a concentration exceeding the relevant maximum residue limit.

Examination of animals

14. –

(**11**) OJ No. L223, 11.8.87, p 18.
(**12**) OJ No. L191, 23.7.85, p 46.

(1) If it appearsto an authorised officer, as aresult of an inspection carried out for the purposes referred to in regulation 13, that any animal at the farm of origin or any other place may contain a residue of a prohibited substance or of an unlicensed substance or a residue of an unlicensed substance which he reasonably suspects may result in any meat or meat product derived from that animal containing an authorised substance at a concentration exceeding the relevant maximum residue limit, an authorised officer shall have the powers specified in paragraph (2) below in relation to such an animal.

(2) An authorised officer may–

(a) give notice in writing to the owner of the animal that, until the notice is withdrawn by a further notice in writing-

(i) no commercial operations are to be carried out with respect to the animal; and

(ii) the animal is not to be moved from the place where it then is or is not to be so moved except to a place specified in the notice;

(b) subject the animal to such examinations for the presence of residue, including the taking and analysis of samples, as the authorised officer may reasonably consider to be necessary;

(c) paint, stamp, clip, tag or otherwise mark, or cause to be marked, the animal in order to identify it for the purposes of these Regulations.

Notice on the completion of examination

15. –

(1) On completion of an examination specified in regulation 14(2)(b), an authorised officer shall give notice in writing to the owner of the animal in accordance with the following paragraphs of this regulation.

(2) Where such an examination shows that an animal does not contain any prohibited substance or unlicensed substance or any authorised substance at a concentration likely to result in any meat or meat product derived from that animal having a concentration of the substance exceeding the relevant maximum residue limit or where an authorised officer considers that such an examination is unnecessary the notice shall so declare and shall withdraw any notice served on the owner of the animal under regulation 14(2)(a) in so far as it relates to that animal.

(3) Where the examination shows that an animal contains a prohibited substance or an unlicensed substance the notice shall so declare, shall specifythe result of the examination and shall require the owner of the animal to slaughter the animal,or to cause it to be slaughtered, within such a period and in accordance with such requirements as may be specified in the notice.

(4) Where the examination shows that an animal contain a concentration of an authorised substance which an authorised officer reasonably suspects may result in any meat or meat product derived from that animal having a concentration of that substance exceeding the relevant maximum residue limit, the notice shall so declare, shall specify the result of the examination and shall, subject to regulation 17, prohibit the slaughter of that animal for human consumption.

(5) A notice given in accordance with paragraph (4) above prohibiting the sale or slaughter of any animal may at any time be withdrawn by a further notice in writing given by an authorised officer to the owner of the animal and a notice given in accordance with paragraph (4) above shall be so withdrawn as soon as an authorised officer is satisfied that the animal does not contain a concentration of an authorised substance which may result in any meat or meat product derived from the animal having a concentration of that substance exceeding the relevant maximum residue limit.

(6) If any person on whom a notice has been served under paragraph (3) above fails to comply with the requirements of the notice relating to the slaughter of an animal, an authorised officer may, without prejudice to any proceedings arising out of such default, slaughter, or cause to be slaughtered, that animal.

(7) Where an authorised officer has exercised the powers conferred on him under paragraph (6) above the enforcement authority may make a charge of an amount equal to the amount of expenses reasonably incurred by the authorised officer in doing so, which charge shall be payable by the person in default and shall be recoverable by the enforcement authority.

(8) For the purposes of recovery of any amount payable under this regulation "enforcement authority" means–

(a) where the slaughter takes place in England, the Minister of Agriculture, Fisheries and Food,

(b) where the slaughter takes place in Wales, the Secretary of State for Wales, and

(c) where the slaughter takes place in Scotland, the Secretary of State for Scotland.

Prohibition on sale or disposal of slaughtered animals

16. Where an animal has been slaughtered under regulation 15, no person shall–

(a) sell the carcase or offal of that animal, or any part of such carcase or offal, for human consumption; or

(b) dispose of the carcase or offal of that animal, or any part of such offal or carcase for human or animal consumption.

Exception to prohibition on slaughter

17. –

(1) Notwithstanding the prohibition on slaughter of an animal by notice given in accordance with regulation 15(4), that animal may be slaughtered before the withdrawal of such notice if the owner of that animal complies with the following paragraphs of this regulation.

(2) Notice of the proposed date and place of slaughter shall be given to an authorised officer before that date.

(3) The animal, marked, or caused to be marked, by an authorised officer under regulation 14(2)(c), shall be accompanied to the place of slaughter by a certificate issued by a veterinary officer of the appropriate Minister identifying the animal and the farm of origin.

(4) After slaughter the fresh meat of the animal shall be retained in such place and manner as an authorised officer may specify, while it is subjected to such examination as an authorised officermay reasonably consider necessary.

(5) Where the examination (the result of which shall be given by an authorised officer to the owner by notice in writing) confirms that any part of the fresh meat contains an authorised substance at a concentration exceeding the relevant maximum residue limit, the fresh meatshall be disposed of for a purpose other than human consumption.

Beta-agonists in animals and carcases

18. –

(1) Where–

(a) the analysis of a sample taken from an animal shows that it contains a residue of a beta-agonist and an authorised officer informs the owner of the animal of this; or

(b) an authorised officer reasonably suspects that a carcase at a slaughterhouse contains such a residue and informs the owner of the carcase of this,

an authorised officer may, by notice in writing given to the owner of the animal or carcase, require him to produce, within five days of the date of the notice, documentary evidence of the authorisation

by a veterinary surgeon of the administration to the animal,or, in the case of a carcase, the animal from which that carcase was derived, of a beta-agonist and, in the event of no such evidence being produced to an authorised officer within such period, any such beta-agonist shall be deemed to be an unlicensed substance.

(2) Where a beta-agonist in an animal has been deemed to be an unlicensed substance under paragraph (1) above and it appears to an authorised officer on further examination that the beta-agonist is present in that animal the provisions of regulations 15(3), (6), (7) and (8) shall apply in respect of that animal as they apply to an animal which an examination specified in regulation 14(2)(b) has shown contains an unlicensed substance.

(3) Where a notice has been given in relation to a carcase under paragraph (1) above,the provisions of regulation 19(2) and (3) shall apply in respect of that carcase as if a notice under regulation 19(1) had been given in relation to it.

Inspection of, and controls on, meat and meat products

19. –

(1) If an authorised officer has reasonable grounds for suspecting that any meat or meat product is material the sale of which would contravene regulation 6 and considers that he requires to investigate it for the purposes of this regulation, he shall give notice of that fact to its owner.

(2) Following the giving of a notice referred to in paragraph (1) above and unless and until it is withdrawn, the owner to whom it is given shall neither–

(a) sell the meat or meat product, or, in the case of any such meat forming part of a carcase at a slaughterhouse, the whole or any part of that carcase or its offal for human consumption or use it (wholly or partly) as an ingredient in the preparation of any meat product intended for sale for human consumption, nor

(b) remove it except to a place or for a purpose specified in the notice.

(3) A notice given under paragraph (1) above may at any time be withdrawn by a further notice in writing given by an authorised officer to the owner of the meat, meat product or carcase in question and shall be withdrawn if, as a result of his investigations, an authorised officer is satisfied that there is no meat or meat product to which the original notice relates the sale of which is, or will be, prohibited by regulation 6.

Keeping and retention of records

20. –

(1) Any person engaged by way of business in the rearing or production of animals shall keep a record, in the form set out in Schedule 2, of such particulars relating to the administration of any veterinary medicinal product to any animal as are specified in the headings of the several columns of that Schedule.

(2) Any person engaged by way of business in the slaughter of animals shall keep a record, in the form set out in Schedule 3, of such particulars relating to any animal slaughtered by him as are specified in the headings of the several columns of that Schedule.

(3) Any person required to keep a record by paragraph (1) or (2) above shall retain that record for a period of three years from the end of the calendar year to which such record relates.

Offences, penalties and enforcement

21. –

(1) If any person–

(a) contravenes, or fails to comply with, any provision of these regulations (other than an obligation imposed on an enforcement authority, an authorised officer or an analyst) or of a notice given to him under these Regulations; or

(b) without the consent in writing of an authorised officer, defaces, obliterates or removes any marking made under regulation 14(2)(c) or attempts to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(2) Each enforcement authority shall enforce these Regulations and shall give such assistance and information to each other enforcement authority as that other enforcement authority reasonably requires for the purpose of its duties under these Regulations.

Application and modification of provisions of the Food Safety Act 1990

22. –

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

(a) section 3 (presumption that food is intended for human consumption);

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

(c) section 33 (obstruction etc. of officers);

(d) section 36 (offences by bodies corporate).

(2) Section 9 (inspection and seizure of suspected food) of the Act shall apply for the purposes of these Regulations as if food which it is an offence to sell under these Regulations were food which failed to comply with food safety requirements.

(3) Section 30 of the Food Safety Act 1990 (analysis etc. of samples) shall apply to these Regulations subject to such modifications as are necessary for the purposes of regulations 7 to 12.

Defence available to person charged with an offence

23. –

(1) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) above involves the allegation that the commission of the offence was due to the act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless–

(a) at least seven clear days before the hearing; and

(b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(3) In paragraph (2) above any reference to appearing before a court shall be construed as including a reference to being brought before a court.

Amendments

24. –

(1) For regulations 5 and 6 of the Animals and Fresh Meat (Hormonal Substances) Regulations 1988 (**13**), in so far as they relate to Great Britain, there shall be substituted the following regulations–

"**Application of the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991**

5. For the purposes of the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991–

(a) any substance within the definition of authorised substance in regulation 3 shall be an authorised substance; and

(b) any hormonal substance other than a substance within the definition of authorised substance in regulation 3 shall be a prohibited substance.

6. The Animals, Meat and MeatProducts (Examination for Residues and Maximum Residue Limits)Regulations 1991 shall apply in relation to any hormonal substance subject to the following modifications–

(a) in regulation 2(1)of those Regulations–

(i) there shall be substituted for the definition of animal the definition specified in regulation 2 of these regulations;

(ii) there shall be added at the end of the definition of official sample the following–

";or

(c) a sample, taken by a competent authority, for the purposes of analysis in pursuance of Article 5 of Council Directive 85/358/EEC(**14**);"

(iii) there shall be added at the end of the definition of primary analysis the words " in accordance with methods authorised by Commission Decision 87/410/EEC(**15**)"; and

(iv) there shall be inserted in the definition of reference analysis after the words"approved laboratory" the words "in accordance with the methods determined under Article 5.2 of Council Directive85/358/EEC"

(b) in regulation 14(1) of those Regulations there shall be inserted after the words "exceeding the relevant maximum residue limit" the words "or that an authorised substance has been used abusively"; and

(c) in regulation 15(5) of those Regulations there shall be inserted after the words "a notice given in accordance with paragraph (4) above shallbe so withdrawn" the words "(except where the examination shows that theconditions of use of the authorised substance have not been respected)"."

(2) At the end of Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations 1990 (**16**) there shall be added to the left hand column the title to these Regulationsand to the right hand column their reference.

(**13**) S.I.1988/849.
(**14**) OJ No. L191, 23.7.85, p 46.
(**15**) OJ No. L223, 11.8.87, p 18.
(**16**) S.I. 1990/2463.

(3) In regulation 2(1) of the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examination for Residues) (Charges) Regulations 1990 (**17**), for the definition of " the residues Regulations" there shall be substituted the following definition–

> ""the residues Regulations" means the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991;"

Revocation

25. –

(1) The Meat and Meat Products (Hormonal Substances) Regulations 1989(**18**), the Meat and Meat Products (Hormonal Substances) (Scotland) Regulations 1989(**19**) and the Hormonal Substances (Food Sources)(Animals) Regulations 1991(**20**) are hereby revoked.

(2) The Animals and Fresh Meat (Examination for Residues) Regulations 1988(**21**) are hereby revoked in so far as they relate to Great Britain.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th December 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture , Fisheries and Food

Signed by authority of the Secretary of State for Health

Stephen Dorrell
Parliamentary Under Secretary of State for Health
16th December 1991

Strathclyde
Parliamentary Under Secretary of State for Scotland
16th December 1991

David Hunt
Secretary of State for Wales
13th December 1991

(**17**) S.I. 1990/2494.
(**18**) S.I. 1989/2133.
(**19**) S.I. 1989/2157.
(**20**) S.I. 1991/1593.
(**21**) S.I. 1988/848.

SCHEDULE 1 Regulations 2(1) and (2)

MAXIMUM RESIDUE LIMITS

Column 1 *Substance*	Column 2 *Maximum residue limit*	Column 3 *Part of the animal*	Column 4 *Indicator residue*
Chloramphenicol	10 µg/kg	Any edible tissues	patent drug
Sulphonamides	100 µg/kg	Any edible tissues	total sulphonamide residues (parent drugs)
Trimethoprin	50 µg/kg	Any edible tissues	parent drug
Nitrofurans	5 µg/kg	Any edible tissues	total residues of parent drug and compounds with intact 5-nitro structure
Dapsone	25 µg/kg	Any edible tissues	parent drug
Dimetridazole	10 µg/kg	Any edible tissues	total residues of parent drug and compounds with intact nitroimidazole structure
Ronidazole	2 µg/kg	Any edible tissues	total residues of parent drug and compounds with intact nitroimidazole structure
Febantel	1,000 µg/kg	Liver	total residues of oxfendazole and oxfendazole-
	10 µg/kg	Any other edible tissues	sulphone and fenbendazole
Fenbendazole	1,000 µg/kg	Liver	total residues of oxfendazole and oxfendazole-
	10 µg/kg	Any other edible tissues	sulphone and fenbendazole
Oxfendazole	1,000 µg/kg	Liver	total residues of oxfendazole and oxfendaxzole-
	10 µg/kg	Any other edible tissues	sulphone and fenbendazole
Ivermectin	15 µg/kg	Liver	total residues of H2B1a compound
	20 µg/kg	Any other edible tissues	total residues of H2B1a compound

Column 1 *Substance*	Column 2 *Maximum residue limit*	Column 3 *Part of the animal*	Column 4 *Indicator residue*
Levamisole	10 µg/kg	Any edible tissues	parent drug
Carazolol	30 µg/kg	Liver, kidney	parent drug
	5 µg/kg	Any other edible tissues	parent drug
Streptomycin	1,000 µg/kg	Any edible tissues	parent drug
Azaperone	100 µg/kg	Kidney	azaperol
	50 µg/kg	Any other edible tissues	azaperol
Benzylpenicillin	50 µg/kg	Any edible tissues	parent drug
Ampicillin	50 µg/kg	Any edible tissues	parent drug
Amoxycillin	50 µg/kg	Any edible tissues	parent drug
Oxacillin	300 µg/kg	Any edible tissues	parent drug
Cloxacillin	300 µg/kg	Any edible tissues	parent drug
Tetracycline	600 µg/kg	Kidney	parent drug
	300 µg/kg	Liver	parent drug
	100 µg/kg	Any other edible tissues	parent drug
Oxytetracycline	600 µg/kg	Kidney	parent drug
	300 µg/kg	Liver	parent drug
	100 µg/kg	Any other edible tissues	parent drug
Chlortetracycline	600 µg/kg	Kidney	parent drug
	300 µg/kg	Liver	parent drug
	100 µg/kg	Any other edible tissues	parent drug
Clenbuterol	0.5 µg/kg	Any edible tissues	parent drug

SCHEDULE 2

Regulation 20(1)

VETERINARY MEDICINE ADMINISTRATION RECORDTHE ANIMALS, MEAT AND MEAT PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1991

Name and full address of person keeping the record .....

Date of purchase of veterinary medicine	*Name of veterinary medicine and quantity purchased*	*Supplier of veterinary medicine*	*Identity of animal/group treated*	*Number treated*	*Date treatment finished*	*Date when withdrawal period ended*	*Total quantity of veterinary medicine used*	*Name of person who administered veterinary medicine*

SCHEDULE 3

Regulation 20(2)

RECORD OF ANIMALS DELIVERED FOR SLAUGHTERTHE ANIMALS, MEAT AND MEAT PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1991

Name and full address of person keeping the record .....

Date of arrival at slaughterhouse	*Species of animal*	*Identity of animal/group*	*Number of animals*	*Name and address of premises or market from which animals were moved to slaughterhouse*	*Name and address of person who transported animals to slaughterhouse*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact provisions formerly contained in the Animals and Fresh Meat (Examination for Residues) Regulations 1988 (in so far as they related to Great Britain), the

Meat and Meat Products (Hormonal Substances) Regulations 1989, the Meat and Meat Products (Hormonal Substances) (Scotland) Regulations 1989 and the Hormonal Substances (Food Sources) (Animals) Regulations 1991 concerning the examination of animals, meat and meat products for the presence of residues and taking of further action in the event of any animal, or meat product being found to contain a residue of a hormonal substance. In addition, the Regulations contain various new provisions prohibiting the presence in food and food sources of unlicensed substances and regulating the presence in food and food sources of authorised substances by specifying maximum residue limits which will apply in respect of such substances.

The Regulations contain provisions which–

(1) treat prohibited substances as covered in previous regulations as also prohibited from administration to animals under these Regulations (regulations 2 and 3) and prohibit the administration to an animal of an unlicensed substance (regulation 4);

(2) prohibit the sale and the supply for slaughter, and the slaughter, of an animal for human consumption if it contains a prohibited substance, an unlicensed substance (including a beta-agonist deemed to be an unlicensed substance under the Regulations) or a concentration of an authorised substance exceeding the relevant maximum residue limit or if the withdrawal period in respect of any veterinary medicinal product which has been administered to the animal has not expired (regulation 5);

(3) prohibit the sale of meat and meat products in which there is any prohibited or unlicensed substance (including a beta-agonist deemed to be an unlicensed substance under the Regulations) or a concentration of an authorised substance exceeding the relevant maximum residue limit (regulation 6)

(4) make provision for the primary analysis of samples taken from animals, meat and meat products, for notice to be given to the owner of positive findings of prohibited and unlicensed substances (including beta-agonists deemed to be unlicensed substances under the Regulations) and excess concentrations of authorised substances and for a reference analysis to be carried out where such findings are challenged by the owner or an authorised officer of an enforcement authority so decides (regulations 7, 8 and 9);

(5) empower an authorised officer of an enforcement authority to give notice to the owner of an animal requiring him to detain the animal at the place where it is (or to remove it to such other place as is specified in the notice and detain it there) to enable it to be inspected in order to ascertain whether it contains a prohibited or an unlicensed substance or a residue of an authorised substance which an authorised officer reasonably suspects may result in any meat or meat product derived from that animal containing an authorised substance at a concentration exceeding the relevant maximum residue limit (regulation 13);

(6) empower an authorised officer of an enforcement authority, where it appears to him as a result of an inspection that an animal contains a residue of a prohibited or an unlicensed substance or a residue of an authorised substance which he reasonably suspects may result in any meat or meat product derived from that animal containing an authorised substance at a concentration exceeding the relevant maximum residue limit, to give notice to the owner of the animal prohibiting any commercial operations being carried out in respect of it, prohibiting it being moved from the place where it is (except to a place specified in the notice) until the notice is withdrawn in order that the animal can be subjected to such examinations for the presence of residues as an authorised officer may reasonably consider to be necessary (regulation 14);

(7) require a notice to be given to the owner of an animal found to contain a prohibited or an unlicensed substance requiring the animal to be slaughtered (regulation 15(3))

(8) require a notice to be given to the owner of any animal found to contain a concentration of an authorised substance which an authorised officer of an enforcement authority reasonably suspects may result in any meat or meat product derived from that animal having a concentration of that substance exceeding the relevant maximum residue limit, prohibiting the slaughter of that animal

for human consumption until such time as an authorised officer is satisfied that the animal does not contain such a concentration of an authorised substance (regulation 15(4) and (5));

(9) prohibit the sale for human consumption and the disposal for human or animal consumption of an animal which has been slaughtered in accordance with the Regulations (regulation 16);

(10) permit, in specified circumstances, the early slaughter of animals containing excess concentrations of authorised substances (regulation 17);

(11) empower an authorised officer of an enforcement authority, where the analysis of a sample taken from an animal shows that it contains a beta-agonist or where he reasonably suspects that a carcase at a slaughterhouse contains such a residue to require the owner of the animal or carcase to produce documentary evidence of the authorisation by a veterinary surgeon of the administration to the animal (including the animal from which the carcase was derived) of a beta-agonist with effect that, if no such evidence is produced, the beta-agonist is to be an unlicensed substance (regulation 18);

(12) empower an authorised officer of an enforcement authority if he has reasonable grounds for suspecting that any meat or meat product is material the sale of which would be prohibited by the Regulations, to give notice to the owner of such meat or meat product prohibiting its sale or use as an ingredient in any meat product for sale for human consumption or its removal (except to a place specified in the notice) (regulation 19);

(13) require the keeping of certain records relating to the administration to animals of veterinary medicinal products and to the slaughter of animals (regulation 20); and

(14) apply specified sections of the Food Safety Act 1990 to these Regulations, including section 9 which is applied so as to treat food prohibited from sale under these Regulations as equivalent for purposes of control and seizure by authorised officers and action by justices of the peace to food which fails to comply with food safety requirements (regulation 22).

The contravention or failure to comply with provision of the Regulations or with any provision of a notice given under the Regulations is an offence in respect of which a person is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine (regulation 21(2)).

The Regulations continue the implementation of Community provisions contained in Council Directives 81/602/EEC and 85/358/EEC (concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action) and 86/469/EEC (concerning the examination of animals and fresh meat for the presence of residues) which were originally implemented, in relation to Great Britain, by the Animals and Fresh Meat (Examination for Residues) Regulations 1988, the Meat and Meat Products (Hormonal Substances) Regulations 1989 and the Meat and Meat Products (Hormonal Substances) (Scotland) Regulations 1989.

For the purposes of these Regulations—

> "animal" means an animal of the bovine species (including certain species of buffalo), swine, sheep, goats, solipeds, camelids, rabbits, deer and birds reared for human consumption;
>
> "prohibited substance" means any hormonal substance administered to an animal contrary to the prohibition contained in regulation 3;
>
> "unlicensed substance" means—
>
> (a) in relation to a substance administered to an animal in the United Kingdom, a transmissible substance in respect of which there is neither—
>
> (i) any current veterinary product licence authorising its sale or supply for use in that animal in the United Kingdom; nor
>
> (ii) any current animal test certificate authorising its use in that animal in the United KIngdom; and

(b) in relation to a substance administered to an animal in another member State, a transmissible substance in respect of which there is no current authorisation issued in that State for its use in that animal in that State;

"authorised substance" means a transmissible substance the presence of which in any animal, meat or meat product is permitted by or in implementation of Community law; and

"transmissible substance" means any substance having a pharmacological action or any conversion product thereof or any other substance which if transmitted to meat would be likely to be dangerous to human health.