
STATUTORY INSTRUMENTS

1995 No. 540

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

PART VI

ADMINISTRATION, PENALTIES AND ENFORCEMENT

Records of inspections

17.—(1) The official veterinary surgeon shall record the results of the pre-slaughter health inspections and post-mortem health inspections carried out by him or under his supervision and, where any such inspection reveals the presence of any transmissible disease in any birds or rabbits, he shall immediately notify the occupier of the slaughterhouse and the producer of the birds or rabbits in question of such presence.

(2) The Minister shall retain a record of the inspections referred to in paragraph (1) above until the end of the period of one year commencing with the date of the inspection to which it relates.

Duties of occupier

18.—(1) The occupier of any licensed premises shall—

- (a) keep, and retain for a period of at least one year from its date, a record adequate to show the number of birds, rabbits, or both, as appropriate, identified by species, received into, and the amounts of fresh meat despatched from, the premises during each week;
- (b) take all practicable steps to secure compliance by any person employed by him or by any person invited on to the premises with the provisions of these Regulations;
- (c) ensure that the official veterinary surgeon, inspector or veterinary officer is provided with adequate facilities to enable him to carry out his duties under these Regulations and that he is given such reasonable assistance and access to the premises and records as he may from time to time require for such purposes;
- (d) take all necessary measures to ensure that at all stages of production the requirements of these Regulations are complied with and carry out checks (including any microbiological checks the Minister may require) on the general hygiene of conditions of production in his establishment to ensure that all equipment, machinery, instruments, fittings and facilities and, if necessary, fresh meat, comply with the requirements of these Regulations; and
- (e) take all necessary measures to ensure—
 - (i) that a record in permanent form, which shall be made available to the official veterinary surgeon or inspector upon request, is kept in respect of the matters specified in sub-paragraph (d) above for a period of at least two years from the date of such record;
 - (ii) the proper application of the health mark, as provided for in regulation 12(2), including the use of any labels or wrapping on which the health mark is printed;

- (iii) that the Minister is notified immediately when any information at the occupier's disposal reveals a serious health risk; and
- (iv) in the event of a serious health risk, the withdrawal of fresh meat which has been obtained under or stored in similar conditions (as the case may be) and is likely to present the same risk.

(2) The occupier of any licensed premises shall in consultation with the official veterinary surgeon arrange or establish a staff training programme to train staff to comply with hygiene requirements appropriate to their operations in those premises.

(3) Where the occupier of any licensed premises has informed the Minister that a specified number of plant inspection assistants are or will be made available at those premises, he shall ensure that such plant inspection assistants—

- (a) are present at the times notified to him by the official veterinary surgeon appointed in respect of those premises; and
- (b) carry out the function specified in paragraph 1 of Part I of Schedule 9, as directed by such official veterinary surgeon.

Duties of producer

19.—(1) A producer shall, so as to enable the official veterinary surgeon, inspector and veterinary officer to carry out their functions under these Regulations—

- (a) give any such person such assistance as he may reasonably request for any such purpose, and
- (b) ensure that any birds or rabbits are made available in a condition suitable for inspection by such person.

(2) Without prejudice to regulation 20, if a producer fails to comply with paragraph (1) above, the official veterinary surgeon, inspector or veterinary officer may suspend the inspection or other function until the producer complies with his obligation under paragraph (1) above.

(3) Where a producer has received a notification under regulation 17(1) regarding the presence of a transmissible disease in any of his birds or rabbits, he shall retain such notification and bring it to the notice of the veterinary surgeon carrying out a pre-slaughter health inspection of that producer's birds or rabbits during the subsequent production period.

Offences and penalties

20.—(1) If any person contravenes regulation 10(1), 11(2), 13(1) or 19(1), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person contravenes—

- (a) regulation 3(3) or (4), 4(1), 7, 12(3), (4), (5) or (7), 14(1), (2) or (3), 15(1) or (2), 16(5), 18(1)(a), (b), (c) or (e) or 19(3); or
- (b) a condition imposed by the Minister under regulation 6(4),

he shall be guilty of an offence and shall be liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum; or
- (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

(3) Neither paragraph (1) nor paragraph (2) above applies to anything done or omitted by the Minister.

(4) No prosecution for an offence under any of the provisions mentioned in paragraph (1) or (2) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

Recovery of costs

21. The Minister shall be entitled to recover on demand from a producer the costs of carrying out any inspection specified in paragraph 3(b) of Schedule 7.

Information to be provided by food authorities

22. Every food authority shall provide the Minister with such information relating to the execution of its duties under these Regulations as the Minister may from time to time require.

Enforcement

23.—(1) Subject to paragraph (2) below, these Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and by the Secretary of State in relation to Scotland and Wales.

(2) Each food authority shall execute and enforce, within its own area, regulation 3(3) and (4).

(3) In this regulation “food authority” does not include—

- (a) the council of a non-metropolitan county in England and Wales; or
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Application of various sections of the Act

24. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 and 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food is intended for sale for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 33 (obstruction etc. of officers);
- (f) section 36 (offences by bodies corporate), subject to the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and
- (g) section 44 (protection of officers acting in good faith).