

## 2001 No. 358

### FOOD

#### The Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) (Scotland) Regulations 2001

<i>Made</i>	<i>3rd October 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>5th October 2001</i>
<i>Coming into force</i>	<i>12th November 2001</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Marking of Meat, Meat Products, Minced Meat and Meat Preparations) (Scotland) Regulations 2001 and shall come into force on 12th November 2001.

(2) These Regulations extend to Scotland only.

#### **Amendment to the Meat Products (Hygiene) Regulations 1994**

2.—(1) The Meat Products (Hygiene) Regulations 1994(b) are amended in accordance with this regulation.

(2) In regulation 10(3)(c), for “and processed” there shall be substituted “or meat from such species or other biungulates handled in Great Britain”.

(3) In regulation 10(4)(d), after “originating in Great Britain” there shall be inserted “or any meat from such species or other biungulates handled in Great Britain after 23rd April 2001”.

(4) For paragraph 3A(2)(e) of Part VI of Schedule 2, there shall be substituted—

“(2) Paragraph 3A(1) shall not apply to meat products which have been heat-treated in accordance with Article 3(2) of Decision 2001/356/EC, but if they are dispatched from Great Britain this must be done in accordance with Articles 3(4), (5) and (6) of that Decision.”.

(5) After paragraph 3A(3) of Part VI of Schedule 2 there shall be inserted—

“(4) In this paragraph, “Decision 2001/356/EC” means Commission Decision 2001/356/EC of 4th May 2001 (concerning certain protection measures with regard to

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1994/3082, amended by S.I. 1995/539, 1763, 2200 and 3205, 1996/1499 and 683, S.S.I. 2000/62, 171 and 288 and 2001/160.

(c) Regulation 10(3) was substituted by S.S.I. 2001/160.

(d) Regulation 10(4) was inserted by S.S.I. 2001/160.

(e) Paragraph 3A of Part VI of Schedule 2 was inserted by S.S.I. 2001/160.

foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC of 1st March 2001)(a), as amended by Commission Decision 2001/372/EC(b), Commission Decision 2001/415/EC(c), Commission Decision 2001/430/EC(d), Commission Decision 2001/437/EC(e), Commission Decision 2001/518/EC(f), Commission Decision 2001/547/EC(g) and Commission Decision 2001/708/EC(h).”.

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

**3.—**(1) The Fresh Meat (Hygiene and Inspection) Regulations 1995(i) shall be amended in accordance with this regulation.

(2) In regulation 9(1)(j), for “and processed” there shall be substituted “or meat from such species or other biungulates processed in Great Britain”.

(3) After sub-paragraph (2) of paragraph 9 of Schedule 12 there shall be inserted—

“(3) Sub-paragraph (1) does not apply to fresh meat originating from outside the United Kingdom and handled in accordance with Article 2(2)(c) of Decision 2001/356/EC.

(4) Fresh meat to which sub-paragraph (3) applies must be marked in accordance with paragraph 1 of this Schedule.

(5) In this paragraph, “Decision 2001/356/EC” means Commission Decision 2001/356/EC of 4th May 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC of 1st March 2001), as amended by Commission Decision 2001/372/EC, Commission Decision 2001/415/EC, Commission Decision 2001/430/EC, Commission Decision 2001/437/EC, Commission Decision 2001/518/EC, and Commission Decision 2001/547/EC and Commission Decision 2001/708/EC.”.

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

**4.—**(1) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995(k) are amended in accordance with this regulation.

(2) In regulation 2, after the definition of “contravention”, there shall be inserted—

““Decision 2001/356/EC” means Commission Decision 2001/356/EC of 4th May 2001 (concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom and repealing Commission Decision 2001/172/EC of 1st March 2001), as amended by Commission Decision 2001/372/EC, Commission Decision 2001/415/EC, Commission Decision 2001/430/EC, Commission Decision 2001/437/EC, Commission Decision 2001/518/EC, Commission Decision 2001/547/EC and Commission Decision 2001/708/EC.”.

(3) In regulation 7, after paragraph (4), there shall be inserted—

“(5) Except where paragraph (6) below applies, no person shall affix the health mark to any minced meat which has been produced in Great Britain after 23rd April 2001.

(6) The health mark may be affixed to minced meat which satisfies the requirements specified in paragraph (1) above and is made from meat originating from outside the United Kingdom and handled in accordance with Article 2(2)(c) of Decision 2001/356/EC.

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(a) O.J. No. L 125, 5.5.01, p.46.

(b) O.J. No. L 130, 12.5.01, p.47.

(c) O.J. No. L 149, 2.6.01, p.38.

(d) O.J. No. L 153, 8.6.01, p.33.

(e) O.J. No. L 154, 9.6.01, p.66.

(f) O.J. No. L 186, 7.7.01, p.58.

(g) O.J. No. L 195, 19.7.01, p.61.

(h) O.J. No. L 261, 29.9.01, p.67.

(i) S.I. 1995/539 amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, S.I. 1996/1148 and 2235, S.I. 1997/1729 and 2074, S.S.I. 2000/62, 171 and 288 and S.S.I. 2001/160. Paragraph 9 of Schedule 12 was added by S.S.I. 2001/160.

(j) Regulation 9 was substituted by S.S.I. 2001/160.

(k) S.I. 1995/3205 amended by S.I. 1996/3124, S.S.I. 2000/62, 171 and 288.

(7) The stamp specified in paragraph 9 of Schedule 12 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 may be applied to minced meat which–

(a) satisfies the requirements specified in paragraph (1) above; and

(b) is made from meat which is itself marked with that stamp,

except that the dimension requirements need not apply where the stamp is applied to minced meat wrapped in commercial portions intended for direct sale to the consumer.”.

(4) In regulation 8, after paragraph (5), there shall be inserted–

“(6) Except where paragraph (7) below applies, no person shall affix the health mark to any meat preparation containing meat from animals of the bovine, ovine, caprine and porcine species and other biungulates and produced in Great Britain after 23rd April 2001.

(7) The health mark may be affixed to any meat preparation which satisfies the requirements specified in paragraph (1) above and is made from meat originating from outside the United Kingdom and handled in accordance with Article 2(2)(c) of Decision 2001/356/EC.

(8) The stamp specified in paragraph 9 of Schedule 12 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 may be applied to meat preparations containing meat from animals of the bovine, ovine, caprine and porcine species and other biungulates which–

(a) satisfy the requirements specified in paragraph (1) above; and

(b) are prepared from meat which is itself marked with that stamp,

except that the dimension requirements need not apply where the stamp is applied to meat preparations wrapped in commercial portions intended for direct sale to the consumer.”.

#### **Revocation**

5. Regulation 2(4) of the Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Scotland) Regulations 2001(a) shall be revoked.

Pentland House,  
Edinburgh  
3rd October 2001

*ROSS FINNIE*  
A member of the Scottish Executive

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(a) S.S.I. 2001/160.

## EXPLANATORY NOTE

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

These Regulations implement Commission Decision 2001/345/EC on marking and use of certain animal products relating to Commission Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom. Commission Decision 2001/172 was repealed and replaced by Commission Decision 2001/356/EC, which has now been further amended.

These Regulations should be read with the Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Scotland) Regulations 2001 which came into force on 23rd April 2001 and which first made changes to health marking of meat provisions because of foot-and-mouth disease.

Regulation 2 amends the Meat Products (Hygiene) Regulations 1994 to clarify the use of the round national health mark in relation to all meat products handled in Great Britain made from meat from species susceptible to foot-and-mouth disease, including meat products which have been imported. Meat products subject to the strict conditions and treatment detailed in Commission Decision 2001/356/EC may be eligible to bear the oval health mark.

Regulation 3 amends the Fresh Meat (Hygiene and Inspection) Regulations 1995 to clarify the use of the round national mark on all fresh meat processed in Great Britain, including meat which has been imported. This requirement does not apply to meat derived from imported animals that has been transported, stored and handled completely separately from other meat in accordance with Article 2(2)(c) of Commission Decision 2001/356/EC.

Regulation 4 amends the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 to introduce a new type of health mark (circular stamp) for marking minced meat and meat preparations from animals of the bovine, ovine, caprine and porcine species, as detailed in Commission Decision 2001/304 which also does not apply to meat derived from imported animals that has been transported, stored and handled completely separately from other meat in accordance with Article 2(2)(c) of Commission Decision 2001/356/EC.

These Regulations also revoke regulation 2(4) of the Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Scotland) Regulations 2001.

The export of minced meat and meat preparations is prohibited by the legislation implementing Decision 2001/356/EC in Scotland, the Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) (No. 2) Regulations (S.S.I 2001/186).

A Regulatory Impact Assessment has not been prepared for these Regulations.

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