

2005 No. 81

FOOD

**The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat
(Hygiene and Inspection) Amendment (Scotland)
Regulations 2005**

Made - - - - - *23rd February 2005*

Laid before the Scottish Parliament *24th February 2005*

Coming into force - - - *17th March 2005*

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 Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2005 and come into force on 17th March 2005.

(2) These Regulations extend to Scotland only.

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

2.—(1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(b) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 14(2)(b) (general conditions) substitute—

“(b) poultry meat which—

- (i) has not been eviscerated or has been obtained from the body of any bird which has not been eviscerated; or
- (ii) has been treated with an agent used specifically to promote water retention or has been obtained in technologically similar conditions and is likely as a result to present the same risk; or”.

(3) For regulation 14(9) substitute—

“(9) Paragraph (2)(b)(i) above shall not apply to partially eviscerated poultry (“effilé”).”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown under section 2(2) of the 1972 Act, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.I. 1995/540. Relevantly amended by S.I. 1995/1763, 2148, 2200 and 3205, S.I. 1997/1729, S.S.I. 2000/62, 171 and 288 and S.S.I. 2002/87 and 234.

Consequential amendment

3. In paragraph 7 of Schedule 2 (regulations relevant to intra-Community trade) to the Products of Animal Origin (Import and Export) Regulations 1996^(a), for “The Meat (Hazard Analysis and Critical Control Point) (Scotland) Regulations 2002.”^(b), substitute–

“S.S.I. 2002/234;

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2005.”.

RHONA BRANKIN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
23rd February 2005

(a) S.I. 1996/3124, relevantly amended by S.S.I. 2000/171 and 288 and 2002/87, 234 and 445. By virtue of S.S.I. 2002/445, S.I. 1996/3124 now applies in relation to intra-Community trade only.
(b) S.S.I. 2002/234.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (S.I. 1995/540, as already amended, which extend to the whole of Great Britain). They implement that part of Article 5.1(b) of Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultrymeat (a consolidated text of which is annexed to Council Directive 92/116/EEC (O.J. No. L 62, 15.3.93, p.1)) that prohibits poultrymeat from being placed on the market for human consumption if it has been treated with water retention agents or obtained under technologically similar conditions and is likely as a result to present the same risk.

The above prohibition is implemented by making an appropriate amendment to regulation 14(2) of S.I. 1995/540 (regulation 2(2)).

These Regulations also make consequential changes to regulation 14(9) of S.I. 1995/540 (regulation 2(3)) and to Schedule 2 to the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended) (regulation 3).

A full regulatory impact assessment, which includes a compliance cost assessment, of the effect which these Regulations will have on business costs 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.

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150 02/05 19593

