
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 3

The Food Hygiene (Scotland) Regulations 2006

PART 1

PRELIMINARY

Enforcement

5.—(1) In respect of any food business operator to whose operations Regulation 852/2004 applies but Regulation 853/2004 does not apply—

- (a) the Agency or the food authority in whose area the food business operator carries out its operations may enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out primary production and those associated operations listed in paragraph 1 of Part AI of Annex I to Regulation 852/2004 other than the associated operations described in sub-paragraphs (a) and (c) of that paragraph to the extent that they concern wild game; and
- (b) subject to paragraph (5), the food authority in whose area the food business operator carries out its operations shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations which are not enforced and executed by the Agency or the food authority as provided for in sub paragraph (a).

(2) In respect of any food business operator to whose operations both Regulation 852/2004 and Regulation 853/2004 apply—

- (a) the Agency shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to—
 - (i) a slaughterhouse;
 - (ii) a game handling establishment; or
 - (iii) a cutting plant; and
- (b) subject to paragraph (5), the food authority in whose area the food business operator carries out its operations shall enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to any establishment or activity that is not specified in sub paragraph (a).

(3) Subject to paragraph (4) the food authority in whose area operations are carried out shall execute and enforce—

- (a) the Hygiene Regulations in relation to collection centres and tanneries supplying raw material for the production of gelatine intended for human consumption pursuant to paragraph 5 of Chapter I of Section XIV of Annex III to Regulation 853/2004;
- (b) the Hygiene Regulations in relation to collection centres and tanneries supplying raw material for the production of collagen intended for human consumption pursuant to paragraph 5 of, Chapter I of Section XV of Annex III to Regulation 853/2004; and
- (c) these Regulations in relation to the matters regulated by Schedules 3 to 6.

- (4) The Agency may, if it considers it appropriate to do so, execute and enforce—
- (a) the Hygiene Regulations in relation to any of the establishments, activities, operations or matters referred to in paragraphs (1)(b), (2)(b) and (3)(a) and (b); and
 - (b) these Regulations in relation to the matters regulated by Schedules 3 to 6.

(5) Before exercising its option to enforce and execute the Hygiene Regulations or these Regulations under paragraph (4), the Agency shall consult the enforcement authority which would otherwise have a duty to carry out such enforcement and execution.

(6) The Agency and any food authority may appoint as authorised officers such persons (whether or not officers of the Agency or the authority) as they consider necessary for the purpose of enforcing the Hygiene Regulations.

- (7) In this regulation—

“cutting plant” means an establishment which is used for boning and, where appropriate, cutting up fresh meat for placing on the market and which—

- (a) is approved or conditionally approved under Article 31(2) of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations⁽¹⁾ or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽²⁾;

“game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which—

- (a) is approved or conditionally approved under Article 31(2) of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995⁽³⁾; and

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved in accordance with Article 31(2) of Regulation 882/2004; or
- (b) (although lacking approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

(1) S.I. 1995/539, to which relevant amendments were made by S.I. 1995/225, S.I. 1995/3189 and S.S.I. 2000/171.

(2) S.I. 1995/540, to which relevant amendments were made by S.S.I. 2000/141.

(3) S.I. 1995/2148.