
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 75

The Food Hygiene (Scotland) Amendment Regulations 2012

Citation and commencement

1. These Regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations 2012 and come into force on 1st April 2012.

Amendments to the Food Hygiene (Scotland) Regulations 2006

2.—(1) The Food Hygiene (Scotland) Regulations 2006(1) are amended as follows.

(2) In regulation 2(1) (interpretation) for the definitions of the EU instruments appearing after the definition of “the Community Regulations” substitute—

““Decision 2006/766”, “Decision 2011/131”, “Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005”, “Regulation 1020/2008”, “Regulation 1021/2008”, “Regulation 219/2009”, “Regulation 596/2009”, “Regulation 669/2009”, “Regulation 1162/2009”, “Regulation 15/2011”, “Regulation 739/2011”, “Regulation 880/2011”, “Regulation 1086/2011”, “Regulation 1109/2011”, “Regulation 1169/2011”, “Regulation 1223/2011”, “Regulation 1277/2011”, “Regulation 16/2012” and “Regulation 28/2012” have the meanings respectively given to them in Schedule 1;”.

(3) After regulation 2(4) insert—

“(5) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as any Annex to it is amended from time to time.”.

(4) In regulation 9(1) (remedial action notices and detention notices) omit “subject to approval under Article 4(2) of Regulation 853/2004”.

(5) After regulation 22(3) (appeals against hygiene improvement notices and remedial action notices) insert—

“(4) Where on appeal against a remedial action notice under paragraph (1) a sheriff or the Court cancels the notice, the enforcement authority shall compensate the food business operator who brought the appeal in respect of any loss suffered by reason of the food business operator’s compliance with the notice, and any dispute as to the right to or the amount of any compensation payable under this paragraph is to be determined by a single arbiter appointed, failing agreement between the parties, by the sheriff or the Court.”.

(6) After regulation 32 (restrictions on the sale of raw milk intended for direct human consumption) insert—

“Special health mark

32A.—(1) The special health mark referred to in paragraph 9 of Chapter VI of Section I of Annex III to Regulation 853/2004 and paragraph 7 of Chapter III of Section I of Annex I to Regulation 854/2004 shall conform with Schedule 6A.

(2) No person shall place on the market minced meat, meat preparations, mechanically separated meat or meat products prepared or produced from meat derived from animals that have undergone emergency slaughter outside a slaughterhouse unless they have an identification mark which conforms with Schedule 6A and has been applied in accordance with Section I of Annex II to Regulation 853/2004.

(3) No person shall export or offer to export to other member States or to third countries minced meat, meat preparations, mechanically separated meat or meat products prepared or produced from meat derived from animals that have undergone emergency slaughter outside a slaughterhouse.

(4) No person shall place on the market minced meat, meat preparations, mechanically separated meat or meat products prepared or produced from meat derived from animals that have undergone emergency slaughter outside a slaughterhouse outside the United Kingdom.

(5) A person who contravenes or fails to comply with paragraphs (2), (3) or (4) is guilty of an offence.”.

(7) For Schedule 1 (definitions of EU legislation) substitute the Schedule set out in Schedule 1 to these Regulations.

(8) After Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) insert the Schedule set out in Schedule 2 to these Regulations.

St Andrew’s House,
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29th February 2012

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers