

1973 No. 1351

FOOD AND DRUGS

FOOD HYGIENE

The Imported Food (Amendment) Regulations 1973

<i>Made - - - -</i>	<i>27th July 1973</i>
<i>Laid before Parliament</i>	<i>7th August 1973</i>
<i>Coming into Operation</i>	<i>1st September 1973</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, being designated (a) Ministers for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred upon them by the said section 2(2) and in exercise of the powers conferred upon them by sections 13 and 123 of the Food and Drugs Act 1955 (c) as read with the Secretary of State for Social Services Order 1968 (d), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the said Act of 1955, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Imported Food (Amendment) Regulations 1973, and shall come into operation on 1st September 1973.

Interpretation

2.—(1) In these regulations the expression “the principal regulations” means the Imported Food Regulations 1968(e) and, unless the context otherwise requires, any reference herein to a numbered regulation shall be construed as a reference to the regulation bearing that number in the principal regulations.

(2) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the principal regulations

3.—(1) Regulation 2(1) shall be amended—

(a) by inserting after the definition of “fully cooked” the following definition:—

“ ‘health certificate’ means a health certificate issued by an official veterinarian designated by the competent central authority of

(a) Designated by the European Communities (Designation) Order 1972—S.I. 1972/1811 (1972 III, p. 5216).

(b) 1972 c. 68.

(d) S.I. 1968/1699 (1968 III, p. 4585).

(f) 1889 c. 63.

(c) 4 & 5 Eliz. 2. c. 16.

(e) S.I. 1968/97 (1968 I, p. 272).

the exporting country, such certificate to be expressed at least in the English language, to correspond in form and content to the model in Schedule 5 in the case of meat and to the model in Schedule 6 in the case of poultry meat and to contain the information specified in the appropriate model in each case;”;

(b) by substituting for the definition of “official certificate” the following definition:—

“ ‘official certificate’ means a certificate, label, mark, seal, stamp or other voucher which—

(a) the competent authority has affixed, or caused to be affixed in the country of origin to any meat, poultry meat or meat product or to a package containing or intended to contain any meat, poultry meat or meat product, or which, in the case of lard or any rendered animal fat transported unpackaged in the tank of a ship, aircraft or hover vehicle, the competent authority at the place of shipment has caused to be sent in that ship, aircraft or hover vehicle; and

(b) is for the time being recognised by the Minister in accordance with regulation 3 or 12(1)(c) as showing—

(i) that the meat or poultry meat to which it relates, or the meat from which the meat product to which it relates was prepared, was derived from mammals or poultry inspected before and after death, or in the case of mammals killed when wild, was derived from mammals inspected after death only, in the country of origin of the meat or poultry meat and passed in accordance with criteria satisfactory to the Minister; and

(ii) that the dressing, packing and other preparation of the meat, poultry meat or meat product was carried out with all necessary precautions for the prevention of danger to health;”;

(c) by inserting after the definition of “pig” the following definition:—
“ ‘poultry meat’ means the flesh or other edible part of domestic fowls, turkeys, guinea fowls, ducks and geese which in each case is fresh, chilled or frozen;”.

(2) The following regulation shall be substituted for regulation 12:—

“12.—(1) Except as provided in paragraph (5) of this regulation, no person shall import into England and Wales for sale for human consumption—

(a) any fresh, chilled or frozen meat derived from domestic animals of the bovine, porcine, ovine, caprine or equine species from the Channel Islands or from any country of the European Economic Community, or remove any such meat into England and Wales from the Isle of Man for sale as aforesaid, unless that meat is accompanied in each case by a health certificate; or

(b) (i) any meat product from any place elsewhere than the Republic of Ireland or the Channel Islands, or

(ii) any meat (other than meat of a description set out in Schedule 2) from any place elsewhere than the Republic of Ireland or the Channel Islands, or

(iii) any meat of a description set out in sub-paragraph (a) above (other than meat of a description set out in Schedule 2) from the Republic of Ireland or the Channel Islands, or remove any such

- meat into England and Wales from the Isle of Man for sale as aforesaid,
- unless in each case such meat product or meat is accompanied by an official certificate; or
- (c) any meat of a description set out in Schedule 2, or remove into England and Wales from the Isle of Man any such meat for sale as aforesaid, unless it is accompanied by an official certificate in the recognition of which by the Minister it is expressly indicated that that recognition extends to that description of meat; or
- (d) any meat product imported into the Republic of Ireland or the Channel Islands and re-exported therefrom, or remove into England and Wales from the Isle of Man for sale as aforesaid any meat product imported into the Isle of Man, whether or not the meat product has been subjected while in those countries to any process or treatment, unless it is accompanied by an official certificate in each case; or
- (e) any poultry meat, or remove into England and Wales from the Isle of Man for sale as aforesaid any such meat, unless it is accompanied by an official certificate and by a health certificate.
- (2) An official certificate required by this regulation shall be—
- (a) so placed as to be legible and clearly visible, and
- (b) affixed to any sides or quarters of meat, to any poultry meat, to packages of meat, meat products or poultry meat, as well as to any container in which any of the foregoing are packed.
- (3) An official certificate in respect of lard or rendered animal fat transported unpackaged in a tank of a ship, aircraft or hover vehicle shall—
- (a) indicate the position in the ship, aircraft or hover vehicle of the tank;
- (b) state the quantity of lard or fat contained in the tank; and
- (c) state that the tank was inspected and found to be clean before the lard or fat was loaded.
- (4) (a) In any case where the importation or removal into England or Wales of any meat, poultry meat or meat product described in paragraph (1) of this regulation is not permitted by an authorised officer, having regard to the foregoing provisions of this regulation, by reason of the absence of an official certificate, or a health certificate (or both such certificates), or some deficiency or inaccuracy in the form of an accompanying official certificate or health certificate, as the case may be, and that officer has reasonable cause to believe that such absence, deficiency or inaccuracy is due to a bona fide mistake or to the official certificate or health certificate or both such certificates being lost or damaged in transit, he may forthwith notify the Minister to that effect, and in that case shall furnish him with all relevant information in his possession.
- (b) On receipt of such notification and information the Minister shall make such enquiries as he considers appropriate, and shall communicate the results of his enquiries to the authorised officer.
- (c) If, after taking into consideration the results of the Minister's enquiries, and after consultation with the Minister, the authorised officer is satisfied that—
- (i) the meat, poultry meat or meat product originally came from a

- country the official certificate of whose competent authority is for the time being recognised by the Minister pursuant to regulation 3,
- (ii) the meat, poultry meat or meat from which the meat product was prepared, was derived from mammals or poultry, as the case may be; inspected before and after death or in the case of mammals killed while wild was derived from mammals inspected after death only, by the competent authority in the country of origin of the meat or poultry meat and passed in accordance with criteria satisfactory to the Minister, and
 - (iii) the dressing, packing and other preparation of the meat, poultry meat or meat product were carried out with all necessary precautions for the prevention of danger to health,

and notifies the Minister in writing to that effect, the foregoing provisions of this regulation shall have effect in relation to the meat, poultry meat or meat product as if it had been accompanied by an official certificate or a health certificate, or both such certificates, in compliance with the relevant requirements of paragraphs (1) to (3) of this regulation.

(5) This part of these regulations shall not apply to any article of food specified in Schedule 3.”

(3) Regulation 13 shall be amended—

(a) by substituting for paragraphs (1) and (2) thereof the following paragraphs:—

“(1) If upon examination of any food an authorised officer is of the opinion that it comprises any meat, poultry meat or meat product imported or removed into England and Wales in contravention of the provisions of regulation 12 or that it comprises any meat, poultry meat or meat product to which regulation 12(4)(a) applies, he shall notify in writing the importer or master of the ship, aircraft or hover vehicle in which the food is so imported or removed that the food must not be removed for any purpose other than its exportation.

(2) Unless the authorised officer proposes to notify the Minister under regulation 12(4)(a) of the absence, deficiency or inaccuracy of any official certificate or health certificate he shall, when giving a notice under paragraph (1) of this regulation, notify the importer in writing that unless within a time specified in the notice, being not less than 24 hours after the notice is received, he gives a written undertaking to the enforcing authority to export the food to which the notice relates at his own expense within fourteen days from the date of the undertaking, or to prove in proceedings before a justice of the peace that its importation or removal into England and Wales is not contrary to the provisions of regulation 12, it may be destroyed or disposed of so that it cannot be used for human consumption.”;

(b) by inserting in paragraph (3) thereof after the words “official certificate” the words “or of a health certificate or of both such certificates”;

(c) by inserting in paragraphs (5) and (6) thereof after the word “importation” in each case where it appears the words “or removal into England and Wales”.

(4) Regulation 14 shall be amended by inserting after the word “importation” in each case where it appears the words “or removal into England and Wales”.

(5) Regulation 15 shall be amended by inserting after the words "any meat" the words "poultry meat".

4. The principal regulations shall be amended by adding thereto, as Schedules 5 and 6 respectively, Schedules 1 and 2 to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th July 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

26th July 1973.

Keith Joseph,
Secretary of State for Social Services.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 1st September 1973, amend the Imported Food Regulations 1968 so as to implement the provisions of—

- (a) EEC Council Directive No. 64/433/EEC (O.J. No. 121, 29.7.1964, p.2012/64; O.J./S.E. 1963-64, p.185) on health problems affecting intra-Community trade in fresh meat, as amended by EEC Council Directives No. 66/601/EEC (O.J. No. 192, 27.10.1966, p.3302/66; O.J./S.E. 1965-66, p.244), No. 69/349/EEC (O.J. No. L. 256, 11.10.1969, p.5; O.J./S.E. 1969 (II), p. 431) and No. 70/486/EEC (O.J. No. L. 239, 30.10.1970, p.42; O.J./S.E. 1970 (III), p. 744), and
- (b) EEC Council Directive No. 71/118/EEC (O.J. No. L. 55, 8.3.1971, p.23; O.J./S.E. 1971 (I), p. 106) on health problems affecting trade in fresh poultry meat.

As respects Community arrangements applicable to the Channel Islands and the Isle of Man the Regulations, in implementing the above mentioned directives, take account of the provisions of Council Regulation (EEC) No. 706/73 (O.J. No. L. 68, 15.3.1973, p.1; 1973 Vol. 16) concerning Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products.

The Regulations require—

- (a) imports of specified kinds of meat from the Republic of Ireland, the Channel Islands and the Isle of Man to be accompanied by an official certificate and a health certificate in the form set out in Schedule 1 to these Regulations Regulation 12(1)(a) and (b) of the principal Regulations as amended by Regulation 3(2) of these Regulations;
- (b) imports of specified kinds of meat from any country of the European Economic Community to be accompanied, not only by an official certificate as required by the principal Regulations, but also by a health certificate in the form set out in Schedule 1 to these Regulations Regulation 12(1)(a) of the principal Regulations as so amended);
- (c) imports of poultry meat from all sources, which under the principal Regulations were not subject to the official certificate procedure but only to the general requirements relating to imported food, to be accompanied by an official certificate and by a health certificate in the form set out in Schedule 2 to these Regulations Regulation 12(1)(e) of the principal Regulations as so amended).

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