

1988 No. 848

AGRICULTURE

**The Animals and Fresh Meat (Examination for Residues)
Regulations 1988**

<i>Made</i> - - - -	<i>6th May 1988</i>
<i>Laid before Parliament</i>	<i>17th May 1988</i>
<i>Coming into force</i> -	<i>7th June 1988</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) 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, acting jointly in exercise of the powers conferred on them by the said section 2(2), hereby make the following Regulations:-

Title and commencement

1. These Regulations may be cited as the Animals and Fresh Meat (Examination for Residues) Regulations 1988 and shall come into force on 7th June 1988.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“analyst” means the person having the management or control of an approved laboratory;

“animal” means a domestic animal of the following species: bovine animals (including buffalo), swine, sheep, goats and solipeds;

“approved laboratory” means a laboratory designated by the competent authority for the purposes of these Regulations;

“authorised officer” means a person appointed by a competent authority to be an authorised officer for the purposes of these Regulations;

“authorised substance” means a transmissible substance the presence of which in any animal or fresh meat is permitted by or in implementation of Community law;

“competent authority” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, Northern Ireland or Wales, the Secretary of State;

“farm of origin”, in relation to a sample taken from any animal or fresh meat, means—

(a) where the sample was taken at a farm, that farm,

(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c.48), and S.I. 1984/447, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 54 of the Criminal Justice Act 1982 and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R.(N.I.) 1984 No. 253.

(b) where the sample was taken at any other place, the last farm on which the animal was before being taken to that place;

“fresh meat” means meat which has not undergone any preserving process other than chilling or freezing and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

“meat” means the flesh or other part of an animal suitable for human consumption;

“official sample” means a sample, taken by a competent authority, for the purposes of analysis in pursuance of Article 8.1(a) of Council Directive 86/469/EEC(a), which bears a reference to the species, the type, the amount and the method of collection and the identification of the origin of the animal or the meat;

“official veterinary certificate” means a certificate signed by an official veterinary surgeon;

“official veterinary surgeon” means a veterinary surgeon designated by the competent authority;

“owner” shall include, in relation to any animal, the person in charge of such animal and in relation to any fresh meat the person in possession of such fresh meat;

“prescribed”, in relation to the maximum level for an authorised substance, means prescribed by or in implementation of Community law;

“primary analysis” means an analysis of an official sample carried out by an approved laboratory;

“primary analysis certificate” means an analyst’s certificate specifying the finding of a primary analysis;

“prohibited substance” means a transmissible substance the presence of which in any animal or fresh meat is prohibited by or in implementation of Community law;

“reference analysis” means an analysis carried out by an approved laboratory to check the finding of a primary analysis;

“reference analysis certificate” means an analyst’s certificate specifying the finding of a reference analysis;

“residue” means a residue of a transmissible substance;

“transmissible substance” means any substance having a pharmacological action or any conversion product thereof or any other substance transmitted to meat and which is likely to be dangerous to human health;

“veterinary medicine” means any substance having a pharmacological action administered to an animal;

“veterinary surgeon” means a person registered in the register of veterinary surgeons.

(2) In these Regulations any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.

Purpose

3. These Regulations provide for the examination of animals and fresh meat for the presence of residues.

Primary analysis of official samples

4.—(1) An official sample taken from any animal, its excrement or body fluid or from its tissues or fresh meat shall be submitted for analysis at an approved laboratory and dealt with in accordance with paragraph (2) below.

(2) Part of the official sample shall be subjected to a primary analysis, the remainder being retained for any reference analysis.

Positive findings in samples

5. Where the primary analysis shows that the sample contains a residue of a prohibited substance or a quantity of an authorised substance exceeding the maximum

(a) OJ No. L275, 26.9.1986, p.36.

level prescribed for that authorised substance the analyst shall give a primary analysis certificate to the owner of the animal or fresh meat and to the competent authority which submitted the sample.

Reference analysis

6.—(1) If, within a period of seven days from the receipt of the primary analysis certificate, the owner of the animal or fresh meat challenges the finding specified in that certificate or if the competent authority in any event so decides, that finding shall be referred to an approved laboratory for a reference analysis together with the remainder of the official sample.

(2) Any challenge under paragraph (1) above shall be made by notice in writing and served on the competent authority which submitted the official sample for analysis.

(3) The analyst shall give to the owner of the animal or fresh meat and the competent authority who submitted the sample a reference analysis certificate.

Marking and examination of animals

7.—(1) If a competent authority—

(a) is of the opinion as a result of information—

(i) revealed by a primary analysis or reference analysis of an official sample submitted by that competent authority, or

(ii) supplied by another competent authority or by the competent authority of another Member State, or

(b) otherwise, has reasonable grounds for suspecting,

that any animal at the farm of origin or any other place may contain a residue of a prohibited substance or a quantity of an authorised substance exceeding the maximum level prescribed for that substance, the competent authority shall have the powers specified in paragraph (2) below.

(2) The competent authority may—

(a) paint, stamp, clip, tag or otherwise mark, or cause to be marked, that animal;

(b) subject that animal to such examination for the presence of residues, including the taking and analysis of samples, as the competent authority may reasonably consider to be necessary;

(c) give notice in writing to the owner of the animal that, during the period of the examination, that animal shall not be sold or otherwise disposed of except with the written consent of an official veterinary surgeon.

(3) A notice given under paragraph(2)(c) above may relate to more than one animal.

Notice on completion of examination

8.—(1) On completion of the examination specified in regulation 7(2)(b), the competent authority shall give notice in writing to the owner of the animal in accordance with the following paragraphs of this regulation.

(2) Where the examination shows that the animal does not contain any prohibited substance or a quantity of an authorised substance exceeding the maximum level prescribed for that authorised substance, the notice shall so declare.

(3) Where the examination shows that the animal contains a prohibited substance, the notice shall so declare, shall specify the result of the examination and shall prohibit the sale or slaughter of that animal for human or animal consumption.

(4) Where the examination shows that the conditions of use of the authorised substance have not been respected or that the animal contains a quantity of an authorised substance exceeding the maximum level prescribed for that authorised substance, the notice shall so declare, shall specify the result of the examination and shall, subject to regulation 9, prohibit the slaughter of that animal for human consumption.

(5) A notice given in accordance with paragraph (3) or (4) above prohibiting the sale or slaughter of any animal may at any time be withdrawn by a further notice in writing

given by the competent authority to the owner of the animal and a notice given in accordance with paragraph (4) above shall be so withdrawn as soon as the competent authority is satisfied that the amount of residue in the animal no longer exceeds the maximum level prescribed for that authorised substance.

(6) A notice given under this regulation may relate to more than one animal.

Early slaughter

9.—(1) Notwithstanding the prohibition on slaughter of an animal by notice given in accordance with regulation 8(4), that animal may be slaughtered before the withdrawal of such notice if the owner of that animal complies with the following paragraphs of this regulation.

(2) Notice of the proposed date and place of slaughter shall be given to the competent authority before that date.

(3) The animal, marked by the competent authority under regulation 7(2)(a), shall be accompanied to the place of slaughter by an official veterinary certificate identifying the animal and the farm of origin.

(4) After slaughter, the fresh meat of the animal shall be retained in such place and manner as the competent authority may specify, while it is subjected to such examination as the competent authority may reasonably consider necessary.

(5) Where the examination (the result of which shall be given by the competent authority to the owner by notice in writing) confirm that the fresh meat contains a quantity of an authorised substance exceeding the maximum level prescribed for that authorised substance, the fresh meat shall be disposed of for a purpose other than human consumption.

Keeping and retention of records

10.—(1) Any person engaged by way of business in the rearing or production of animals shall keep a record, in the form set out in Schedule 1, of such particulars relating to the administration of any veterinary medicine to any animal as are specified in the headings of the several columns of that Schedule.

(2) Any person engaged by way of business in the slaughter of animals shall keep a record, in the form set out in Schedule 2, of such particulars relating to any animal slaughtered by him as are specified in the headings of the several columns of that Schedule.

(3) Any person required to keep a record by paragraph (1) or (2) above shall retain that record for a period of two years from the end of the calendar year to which such record relates.

Production of records

11.—(1) Any person required to keep a record specified in regulation 10(1) or (2) shall upon demand by an authorised officer produce or cause to be produced such record for inspection by the authorised officer and shall allow him to take copies and make extracts from it.

(2) Any person engaged by way of business in purchasing or selling of animals (whether as an agent or on his own behalf) shall upon demand by an authorised officer produce or cause to be produced any document, book or record in his possession or control relating to such activity for inspection by the authorised officer and shall allow him to take copies and make extracts from it.

Powers of inspection and sampling

12. An authorised officer may—

- (a) inspect any animal for any mark made under regulation 7(2)(a) or otherwise for the purposes of these Regulations;
- (b) take a sample from any animal, its excrement or body fluids and from its tissues or fresh meat;

- (c) inspect and take a sample of any substance which he reasonably suspects of being a transmissible substance.

Powers of entry

13.—(1) Subject to paragraph (2) below, an authorised officer, on producing, if so required, some duly authenticated document showing his authority, may, for the purposes of these Regulations enter premises which he has reasonable cause to believe are used—

- (a) for the keeping, rearing, production, sale (whether by private treaty or auction) or slaughter of animals;
- (b) for the storage of fresh meat;
- (c) for the manufacture, handling, storage, transport, administration, distribution or sale of any transmissible substance.

(2) This power shall be exercisable at any reasonable time, but admission to any private dwellinghouse shall not be demanded as of right unless not less than seven days' notice of the intended entry has been given to the occupier.

(3) An authorised officer entering any premises by virtue of this regulation may take with him such other persons and such equipment as may appear to him to be necessary.

Assistance to authorised officers

14. An owner shall give to an authorised officer such assistance as the authorised officer may reasonably request so as to enable the authorised officer to examine the animal or fresh meat, to take samples from it for the purposes of these Regulations and in particular in relation to any animal, shall arrange for the collection, penning and securing of any animal, if so requested.

Certificates of analysis

15. Any certificate given by an analyst under these Regulations—

- (a) shall be signed by the analyst, although the analysis may be made by a person acting under the direction of the analyst, and
- (b) shall specify the name and address of the competent authority which submitted the sample for analysis.

Service of notices or certificates

16. Any notice or certificate to be given under these Regulations may be given—

- (a) by delivering it to that person; or
- (b) by leaving it or sending it in a prepaid letter addressed to him, at his usual or last known residence; or
- (c) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office.

Offences and penalties

17. If any person—

- (a) fails without reasonable excuse to comply with a notice given under regulation 7(2)(c) or 8(1), or a requirement under regulation 10, 11 or 14, or
- (b) without written authority given by a competent authority, intentionally alters, removes, obliterates or defaces a marking made under regulation 7(2)(a) or attempts to do so, or
- (c) intentionally obstructs an authorised officer acting in execution of these Regulations,

he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £2000.

Offences by officers of bodies corporate

18.—(1) Where an offence under these Regulations which has been committed by a body corporate is proven to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or a similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th May 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

4th May 1988

Sanderson of Bowden
Minister of State, Scottish Office

SCHEDULE 1

Regulation 10(1)

VETERINARY MEDICINE ADMINISTRATION RECORD
THE ANIMALS AND FRESH MEAT (EXAMINATION FOR RESIDUES) REGULATIONS 1988

Name and full address of person keeping the record

<i>Date of purchase of veterinary medicine</i>	<i>Name of veterinary medicine and quantity purchased</i>	<i>Supplier of veterinary medicine</i>	<i>Number and identity of animals treated</i>	<i>Date treatment finished</i>	<i>Total quantity of veterinary medicine used</i>	<i>Name of person who administered veterinary medicine</i>

SCHEDULE 2

Regulation 10(2)

ANIMALS SLAUGHTER RECORD
THE ANIMALS AND FRESH MEAT (EXAMINATION FOR RESIDUES) REGULATIONS 1988

Name and address of person keeping record

<i>Date of arrival at slaughterhouse</i>	<i>Species of animal</i>	<i>Number and description of animals</i>	<i>Name and address of premises or market from which animals were moved to slaughterhouse</i>	<i>Name and address of person who transported animals to slaughterhouse</i>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom, come into force on 1st May 1988. They implement Articles 8, 9 and 10 of Council Directive 86/469/EEC (OJ No. L275, 26.9.86, p.36) concerning the examination of animals and fresh meat for the presence of residues, Article 8.1(a) of which provides for sampling to be carried out officially in the Member States in accordance with common criteria for the different groups of substances of concern. Articles 3, 4, 5 and 6 of Council Directive 85/358/EEC (OJ No. 191, 23.7.85, p.46) supplementing Directive 81/602/EEC concerning the prohibition of certain substances having hormonal action and of any substances having a thyrostatic action, are also implemented by these Regulations, as modified by regulation 6 of the Animals and Fresh Meat (Hormonal Substances) Regulations 1988 (S.I. 1988/849).

The Regulations—

- (a) make provision for the primary analysis of official samples taken from animals and fresh meat, for notice to the owner and the competent authority of positive findings of prohibited substances and excess authorised substances and for reference analysis where such findings are challenged by the owner or the competent authority so decides (regulations 4, 5 and 6);
- (b) empower competent authorities, where they are of the opinion, as a result of information received from specified sources or otherwise have reasonable grounds for suspecting the presence of residues, to subject animals at farms of origin and elsewhere to examinations for residues, to mark them and to control their disposal during examinations (regulation 7);
- (c) require notices to be given to owners on completion of examinations, forbidding sale or slaughter for consumption where prohibited substances or while excess authorised substances are present (regulation 8);
- (d) permit, in specified circumstances, the early slaughter of animals containing excess authorised substances (regulation 9);
- (e) require the keeping, retention and production of specified records and documents (regulations 10 and 11 and Schedules 1 and 2);
- (f) confer on authorised officers powers of inspection, sampling and entry (regulations 12 and 13);
- (g) make provision for assistance to authorised officers, certificates of analysis, service of notices and certificates and offences and penalties (regulations 14–18).