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STATUTORY INSTRUMENTS

1992 No. 2036

FOOD

The Poultry Meat (Hygiene) (Amendment) Regulations 1992

Made - - - - 21st August 1992

Laid before Parliament 10th September 1992

Coming into force

*(a) for the purposes of
regulations 6, 7, 9, 10 and
16*

1st October 1992

(b) for all other purposes

1st January 1993

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4(1), 6(4), 16(1) (b), (c), (d) and (f), 17(1), 19(1)(b), 26, 37(2), 48(1) of, and paragraph 2(1)(a) of Schedule 1 to, the Food Safety Act 1990(1) and of all other powers enabling them in that behalf; the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3) in relation to the Common Agricultural Policy of the European Economic Community, acting jointly, in exercise (so far as is required for the amendment and revocation of regulations made under the said section 2(2)) of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf; after consultation in accordance with the said section 48 of the Act of 1990 with such organisations as appear to them to be representative of interests substantially affected by the Regulations (in so far as the Regulations are made in exercise of the powers conferred by the said sections of the said Act of 1990) and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(4), hereby make the following Regulations:

(1) 1990 c. 16; "the Minister" is defined in section 4(1) of the Act.;
(2) [S.I. 1972/1811](#).
(3) 1972 c. 68.
(4) 1992 c. 53.

Title and commencement

1. These Regulations may be cited as the Poultry Meat (Hygiene) (Amendment) Regulations 1992 and shall come into force for the purposes of regulations 6, 7, 9, 10 and 16 on 1st October 1992 and for all other purposes on 1st January 1993.

Amendments

2. The Poultry Meat (Hygiene) Regulations 1976(5) shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2(1) (interpretation) after the definition of “transport” there shall be inserted the following definition—

““veterinary officer” means a veterinary officer appointed by the Minister;”.

4. In regulation 3 (sale of poultry meat)—

- (a) in paragraph (1) after the words “no person shall” there shall be inserted the words “, on or after 1st January 1993,”; and
- (b) in paragraphs (1)(a)(i) and (1)(b)(i)—
 - (i) for the words “a local authority” there shall be substituted the words “the Minister”; and
 - (ii) after the word “supervised” there shall be inserted the words “by a local authority”.

5. In regulation 4 (exemptions)—

- (a) in paragraph (1) for the words “the local authority” in both places where they occur there shall be substituted the words “the Minister”; and
- (b) sub-paragraphs (1)(a) and (b) and paragraphs (4), (5) and (6) shall be deleted.

6. In paragraph (2) of regulation 11 (slaughterhouses and cutting premises to be licensed) for the words “the local authority” there shall be substituted the words “the Minister”.

7. For regulation 12 there shall be substituted the following regulation—

“Licences and application for licences

12.—(1) Where the Minister receives from the occupier of, or a person proposing to occupy, any premises, an application for the grant of a licence authorising him to occupy those premises as a slaughterhouse or cutting premises, as the case may be, then the Minister shall request a veterinary officer to inspect the premises and, if he is satisfied, to certify that—

- (a) the requirements of Schedule 3 are complied with; and
- (b) the requirements of Schedules 1 or 2, as the case may be, are, or within a reasonable time will be, complied with.

(2) If the Minister is satisfied that such prescribed requirements are or will be complied with, he shall, subject to paragraph (6) below, grant the licence in accordance with the application. If he is not so satisfied he shall refuse to grant the licence.

(3) The Minister shall notify the local authority in writing of each such application.

(4) Where a local authority has been notified under paragraph (3) above of an application for the approval of any premises, it must, within 14 days after the receipt of such notification, submit to the Minister—

- (a) written notification that it is making arrangements for the appointment of an adequate number of official veterinary surgeons to supervise those premises under regulation 24; and
- (b) where appropriate, written representations relating to that application, a copy of which it shall send to the applicant.

(5) Within 14 days after the receipt of a copy of any representations submitted by the local authority under paragraph (4) above the applicant may submit written observations on those representations to the Minister.

(6) In determining whether or not to license any premises under paragraph (2) above the Minister shall have regard to—

- (a) any representations submitted by the local authority under paragraph (4) above; and
- (b) any observations submitted by the applicant under paragraph (5) above.”.

8. For regulation 13 there shall be substituted the following regulation—

“Revocation of licences

13. The Minister may, at any time, revoke a licence granted by him under regulation 12 if, after an inspection of, or an inquiry into, the method of operation of the premises and a report by an official veterinary surgeon, a veterinary officer or a suitably qualified officer designated by the Minister, any requirement of Schedule 1, 2 or 3 of these Regulations is no longer being complied with in respect of the premises.”.

9. For regulation 14 there shall be substituted the following regulation—

“Notification of refusal of licence

14.—(1) If the Minister refuses to grant a licence, or decides to revoke a subsisting licence, he shall forthwith give notice to the applicant and to the local authority of his decision in the matter and a statement of the grounds on which that decision was based shall be included in the notice.

(2) Every notice under paragraph (1) above shall state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made in regulation 15, and the time within which an appeal shall be lodged.”.

10. For regulation 15 there shall be substituted the following regulation—

“Appeals Tribunal

15.—(1) Where the Minister has refused to license any premises under regulation 12 or has revoked the licence of any premises under regulation 13, the owner or occupier of, or the person proposing to occupy the premises may, within 21 days of being notified of that decision in accordance with regulation 14(2), appeal to a Meat Hygiene Appeals Tribunal.

(2) The provisions of Schedule 15 shall apply in respect of the constitution, appointment of members, remuneration of members and staffing of a Meat Hygiene Appeals Tribunal.

(3) Where on an appeal under paragraph (1) above a Meat Hygiene Appeals Tribunal determines that the issue of a licence under regulation 12 should not be refused by the Minister or reverses the decision of the Minister to revoke a licence under regulation 13, the Minister shall give effect to the determination of the Tribunal.”.

11. In regulation 16 (right to continue to use premises pending appeal) for the words “a local authority to cancel” there shall be substituted “the Minister to refuse a licence or to revoke” and

for the words “the local authority was given” there shall be substituted the words “the Minister was given”.

12. In regulation 17 (temporary continuance of licence on death) for the words “the local authority” there shall be substituted the words “the Minister”.

13. Regulation 18 (form of application) and 19 (form of a licence) shall be deleted.

14. For regulation 20 (record of licence) there shall be substituted the following regulation—

“Supply of information regarding licences

20.—(1) Subject to paragraph (2) below, the Minister shall, at the request of a local authority, supply to the authority—

- (a) copies of licences granted which are currently in force;
- (b) copies of licences that have expired or ceased to have effect for any reason;
- (c) the approval number of each licence; and
- (d) particulars of any exemption granted under regulation 4.

(2) The Minister need not supply to a local authority under paragraph (1) above copies of any licence in respect of which a period of at least five years has elapsed since it expired or ceased to have effect”.

15. For regulation 21 (information to be supplied to the Minister) there shall be substituted the following regulation—

“Information to be provided by local authorities

21. Each local authority shall provide the Minister with—

- (a) such information relating the execution of its duties under these Regulations as he may from time to time require;
- (b) details of existing licences granted by the local authority, within a reasonable time of request.”.

16. For regulations 22 and 23 (charges by local authorities) there shall be substituted the following regulation—

“Validity of licences

22.—(1) Any licence previously granted under regulation 11(2) by the local authority shall cease to have effect from 31st December 1992.

(2) Applications for the grant of a licence under regulation 11(2) may be made to the Minister from the date these Regulations come into force.

(3) Any licence granted under regulation 11(2) by the Minister shall have effect from 1st January 1993 until it is revoked or until the licence holder dies and the licence expires in accordance with the provisions of regulation 17.

(4) Any such licence shall be personal to the licence holder (including a body corporate) and shall not be transferable.”.

17. In regulation 30 (administration and enforcement), for paragraph (1) there shall be substituted the following paragraph—

“(1) These Regulations, except regulation 11(1) shall be executed and enforced by each local authority within its area and regulation 11(1) shall be executed and enforced by the Minister.”.

18. In sub-paragraph 1(v) of Schedule 1 (requirements applicable to occupiers of slaughterhouses) the words from “but in respect of slaughterhouses” to “15th February 1980;” shall be deleted.

19. In sub-paragraph 1(k) of Schedule 2 (requirements applicable to occupiers of cutting premises) the words from “but in respect of cutting premises” to “15th February 1980;” shall be deleted.

20. For Schedule 15 there shall be substituted Schedule 15 as set out in the Schedule to these Regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

20th August 1992.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

20th August 1992

Cumberlege
Parliamentary Under Secretary of State for
Health

21st August 1992

Wyn Roberts
Minister of State for Wales

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SCHEDULE

Regulation 20

“SCHEDULE 15

Regulation 15(2)

MEAT HYGIENE APPEALS TRIBUNAL

1. Each Tribunal shall consist of a Chairman or a Deputy Chairman and two other members.
 - 2.—(1) The Chairman or Deputy Chairman shall be an independent person appointed by the Minister.
 - (2) One member shall be a person nominated by the Royal College of Veterinary Surgeons, who shall not be a member of the State Veterinary Service nor an official veterinary surgeon.
 - (3) One member shall be a person whom the Minister considers to be representative of the interests of licensed premises.
 3. Each Tribunal may be serviced by a Secretary and such other staff as the Minister may appoint.
 4. The terms of appointment and the remuneration of the members, secretary and other staff of a Tribunal shall be determined by the Minister.”
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Poultry Meat (Hygiene) Regulations 1976. In addition to some minor and consequential drafting amendments, the principal changes are —

- (1) on and after 1st January 1993 slaughterhouses and cutting premises must be licensed or exempted from the need to be licensed by the Minister (instead of the local authority) (regulations 4 and 5);
- (2) the Minister will grant a licence in respect of slaughterhouses and cutting premises if a veterinary officer certifies that the premises comply with the prescribed requirements (regulations 6 and 7);
- (3) the Minister may revoke any such licence if the prescribed requirements are no longer complied with (regulation 8);
- (4) if the Minister refuses to grant a licence or decides to revoke an existing licence, there is a right of appeal to a Meat Hygiene Appeals Tribunal (regulation 9);
- (5) the composition and powers of the Tribunal are set out in regulation 10 and in the Schedule (regulations 10 and 19), the procedural rules in respect of an appeal are prescribed in the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992;
- (6) if the local authority so requests, the Minister will supply copies and details of licences and exemptions (regulation 14);
- (7) the local authority shall provide information relating to the execution of their prescribed duties to the Minister at his request and copies of existing licences (regulation 15);

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(8) licences granted by the local authority will cease to have effect from 31st December 1992; applications to the Minister for licences to be granted by him can be made now and will take effect from 1st January 1993 (regulation 16);

(9) specified regulations will be executed and enforced by each local authority within its area, one specified regulation will be executed and enforced by the Minister (regulation 17).