
STATUTORY INSTRUMENTS

1992 No. 3163

The Food Safety (Fishery Products) Regulations 1992

Approval of factory vessels, and establishments

9.—(1) Subject to regulation 24(2) and any derogation no person shall operate any factory vessel or establishment unless it has been approved by the relevant food authority and no such vessel or establishment shall be so approved unless—

- (a) the food authority is satisfied that it meets the requirements of these Regulations; or
- (b) the food authority is satisfied that it meets the requirements save in so far as there is in force in respect of it a derogation and the terms on which it was granted are complied with.

(2) An application for approval pursuant to paragraph (1) in respect of a factory vessel or an establishment shall be made by the proprietor of the food business in the course of which fishery products are handled there and shall be—

- (a) in writing, and
- (b) accompanied by such supplementary information, documents, plans and diagrams as are necessary to enable the food authority to determine the application having regard to the matters specified in the Schedule to the Food Safety (Fishery Products) (Derogation) Regulations 1992.

(3) An approval may be granted only if the food authority is satisfied in relation to the matters referred to in paragraph (2)(b).

(4) An approval may be granted subject to limitations as to the particular activities approved, the method of operation approved and the intensity of use approved.

(5) In every case the food authority shall notify the applicant in writing of the result of the application and in the case of a refusal the reasons for that refusal.

(6) If an application is approved the food authority shall—

- (a) designate the establishment by a unique approval number;
- (b) notify the Secretary of State of the approval and the approval number allocated; and
- (c) in a case to which paragraph (1)(b) applies specify that the approval will expire on the date on which the derogation is due to expire.

(7) Where an appeal is made to a magistrates' court or a sheriff in accordance with section 37(1)(c) of the Act as applied by regulation 18(3) the applicant may continue to operate the centre the subject of the appeal until such time as the appeal is finally determined.

(8) In this regulation and in regulation 13 “relevant food authority” means—

- (a) in relation to an establishment, the food authority for the area in which it is situated;
- (b) in relation to a factory vessel, the food authority for the area which includes the place at which the vessel usually lands fishery products.