
STATUTORY INSTRUMENTS

1994 No. 1029

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994

PART II

LICENSING OF SLAUGHTERHOUSES, CUTTING PREMISES, COLD STORES AND RE-WRAPPING CENTRES

Issue of licences

4.—(1) Subject to paragraph (2) below, no person shall use any premises as a slaughterhouse, cutting premises, cold store or re-wrapping centre unless those premises are currently licensed.

(2) Paragraph (1) above shall not apply until 1st August 1994, to—

- (a) low throughput premises;
- (b) premises, other than low throughput premises, the supply of fresh meat from which before the coming into force of these Regulations was exempt under the proviso to regulation 3 of the 1976 Regulations;
- (c) premises, other than low throughput premises, the occupier of which holds a licence issued under the 1976 Regulations on or before 30th April 1994 and which is valid at that date;
- (d) cold stores;
- (e) re-wrapping centres;
- (f) premises used as a slaughterhouse, cutting premises, cold store or re-wrapping centre for the slaughter or handling of farmed game meat or rabbit meat, or both, only.

(3) Without prejudice to paragraphs (10), (11) and (12) below, the Minister on application made to the Minister under this regulation—

(a) shall, subject to paragraph (8) below, license the premises to which the application relates as—

(i) a slaughterhouse if either—

(aa) the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 2; or

(bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Schedules 1 and 2 on or before 1st August 1996, and the supply of fresh meat from those premises before 1st May 1994 was exempt under the proviso to regulation 3 of the 1976 Regulations,

and (in either case) that the method of operation in those premises complies with the requirements of Schedules 6 to 9;

(ii) a low throughput slaughterhouse if either—

- (aa) the Minister is satisfied that it complies with the requirements of Parts I and II of Schedule 5; or
 - (bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Parts I and II of Schedule 5 on or before 1st August 1996, and (in either case) that the method of operation in those premises complies with the requirements of Schedules 6 to 9;
 - (iii) cutting premises if either—
 - (aa) the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 3; or
 - (bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Schedules 1 and 3 on or before 1st August 1996 and the supply of fresh meat from those premises before 1st May 1994 was exempt under the proviso to regulation 3 of the 1976 Regulations, and (in either case) that the method of operation in those premises complies with the requirements of Schedules 6 and 10;
 - (iv) low throughput cutting premises if either—
 - (aa) the Minister is satisfied that they comply with the requirements of Part I of Schedule 5; or
 - (bb) the occupier of the premises has agreed a work plan with the Minister to carry out and complete works at the premises necessary to comply with the requirements of Part I of Schedule 5 on or before 1st August 1996, and (in either case) that the method of operation in those premises complies with the requirements of Schedules 6 and 10;
 - (v) a cold store if the Minister is satisfied that the premises comply with the requirements of Schedules 1 and 4 and that the method of operation in those premises complies with the requirements of Schedule 6 and Schedule 12;
 - (vi) a re-wrapping centre if the Minister is satisfied that the premises comply with the requirements of Schedule 1 and that the method of operation in those premises complies with the requirements of Schedules 6, 12 and 13; and
- (b) shall refuse so to license those premises if the Minister is not so satisfied.
- (4) Each application for a licence under this regulation shall be made in writing to the Minister by the occupier of the premises to which the application relates.
- (5) The Minister shall notify the food authority in writing of each such application.
- (6) Where a food authority has been notified under paragraph (5) above of an application for the licensing of any premises, it shall, within 14 days after 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 as required by regulation 8; and
 - (b) where appropriate, written representations relating to that application, a copy of which it shall send to the occupier.
- (7) Within 14 days after the receipt of a copy of any representations submitted by the food authority under paragraph (6) above the occupier may submit written observations on those representations to the Minister.

(8) In determining whether or not to license any premises under paragraph (3) above the Minister shall have regard to—

- (a) any representations submitted by the food authority under paragraph (6) above; and
- (b) any observations submitted by the occupier under paragraph (7) above.

(9) The Minister shall notify the occupier and the food authority in writing of the Minister's decision on each application for a licence under this regulation and of the reasons for any refusal to license such premises.

(10) Any licence granted in respect of any premises under this regulation shall be subject to the condition that any significant alteration to the premises or the equipment in those premises or the method of operation in those premises shall comply with the provisions of these Regulations.

(11) In granting a licence in respect of any premises under this regulation the Minister may make that licence subject to conditions in respect of any rabbits or species of bird which shall be slaughtered or handled there.

(12) In granting a licence in respect of a cold store the Minister may make that licence subject to the condition that fresh meat shall be stored only in one or more specified storage chambers or that the cold store shall store only fresh meat which is packaged.

(13) Where the Minister has refused to grant a licence under this regulation or granted a licence subject to any condition imposed pursuant to paragraph (11) or (12) above, the notification under paragraph (9) above shall state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made in regulation 6, and the time within which an appeal shall be lodged.

Revocation of licences

5.—(1) The Minister may revoke a licence granted by the Minister under regulation 4 in respect of any premises if, after an inspection of, or an inquiry into, the operation or structure of the premises and a report by an official veterinary surgeon or veterinary officer and after consultation with the food authority and, if it appears to the Minister to be appropriate, the occupier, the Minister is satisfied that—

- (a) the conditions of hygiene at those premises are inadequate and the occupier has failed to take the necessary measures to make good the shortcoming within such period as the Minister may specify; or
- (b) any requirement of these Regulations as to hygiene has not been complied with and no action has been taken to ensure that a similar breach does not occur in future; or
- (c) any agreement made by the occupier with the Minister to carry out and complete any works referred to in regulation 4(3)(a)(i), (ii), (iii) or (iv) has not been complied with; or
- (d) the condition referred to in regulation 4(10) or any other condition attached to the licence in accordance with regulation 4(11) or (12) has not been complied with; or
- (e) the business carried on at the premises in respect of which the licence was granted is no longer being carried on there.

(2) The Minister shall forthwith notify in writing the occupier and the food authority of the Minister's decision under paragraph (1) above to revoke any licence granted under these Regulations in respect of any premises, of the date on which the revocation is to take effect and of the reasons for such revocation.

(3) Any notification under paragraph (2) above must state the right of appeal to a Meat Hygiene Appeals Tribunal for which provision is made in regulation 6, and the time within which an appeal must be lodged.

Appeals Tribunal

6.—(1) Where the Minister has refused to license any premises or has granted a licence with conditions unacceptable to the occupier of the premises under regulation 4 or has revoked the licence of any premises under regulation 5, the occupier of those premises may, within 28 days of being notified of that decision in accordance with regulation 4(9) or 5(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—

- (a) determines that the issue of a licence under regulation 4 should not be refused by the Minister; or
- (b) determines that any condition imposed by the Minister under regulation 4(11) or (12) is unreasonable; or
- (c) reverses the decision of the Minister under regulation 5, to revoke a licence;

the Minister shall give effect to the determination of the Tribunal.

(4) Without prejudice to sections 9 to 13 of the Act, where the Minister has refused a licence under regulation 4 or revoked the licence of any premises under regulation 5, a person who, immediately before such refusal or revocation had been using them as a slaughterhouse, cutting premises, cold store or re-wrapping centre (as the case may be), may continue to use them for that purpose, subject to any reasonable conditions imposed by the Minister for the protection of public health, until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

Prohibition on the slaughter at a slaughterhouse of a bird or rabbit not intended for sale for human consumption

7.—(1) Subject to paragraph (2) below, no person shall use or cause to be used any slaughterhouse for the slaughter of any bird or rabbit not intended for sale for human consumption.

(2) Paragraph (1) above shall not apply in respect of the use of a slaughterhouse for the slaughter of a bird or rabbit not intended for sale for human consumption if—

- (a) that bird or rabbit is slaughtered in a different room or at a different time from any bird or rabbit intended to be slaughtered for sale for human consumption; and
- (b) appropriate steps are taken to prevent the contamination of fresh meat in that slaughterhouse.