
STATUTORY INSTRUMENTS

1995 No. 537 (S.37)

FOOD

**The Bovine Offal (Prohibition)
(Scotland) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>2nd March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 6(4), 16(1)(f) and (3), 26(3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, after consultation in accordance with section 48 of that Act with such organisations as appear to him to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations may be cited as the Bovine Offal (Prohibition) (Scotland) Amendment Regulations 1995, shall come into force on 1st April 1995 and shall extend to Scotland only.

Amendment of the Bovine Offal (Prohibition) (Scotland) Regulations 1990

2. The Bovine Offal (Prohibition) (Scotland) Regulations 1990⁽²⁾ shall be amended as follows:

(a) in regulation 2(1) (interpretation)—

(i) after the definition of “dead stock collection centre” there shall be inserted the following definition:—

““enforcement authority” is to be construed in accordance with regulation 32(2) below;”;

(ii) the definition of “food authority” shall be omitted;

(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6.
(2) S.I. 1990/112, amended by S.I. 1990/2625, 1992/158 and 1994/2544.

- (iii) in the definition of “slaughterhouse” for the words “section 22 of the Slaughter of Animals (Scotland) Act 1980(3)” there shall be substituted the words “section 53 of the Act”;
- (iv) for the definition of “stained” there shall be substituted the following definition:—
- ““stained” means treated with a solution of the colouring agent Patent Blue V (E131, Colour Index No.42051) at a concentration of 0.5%; and, for the purposes of this definition, “treated” means that the whole surface of the specified bovine offal has been covered with the said solution either by immersing the specified bovine offal in, or spraying or otherwise applying the solution;”;
- (b) in regulations 6, 11(3), 12(3), 17(1), 24(1) and 27(2) for the words “food authority” in every place where they occur there shall be substituted the words “enforcement authority”;
- (c) for regulation 24(2) there shall be substituted the following:—
- “(2) An enforcement authority notified under paragraph (1) above shall, where the appropriate enforcement authority in England and Wales or Northern Ireland and the enforcement authority notified under that paragraph are not the same, inform the appropriate enforcement authority in England and Wales or Northern Ireland of the intended consignment and provide to that authority details of the intended consignment including the estimated date and time of delivery.”;
- (d) in regulation 26(2) the words “of a food authority” shall be omitted;
- (e) for regulation 32(2) (offences, penalties and enforcement) there shall be substituted the following:—
- “(2) These Regulations shall be enforced and executed—
- (a) by the Secretary of State in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(4);
- (b) in any other case, by each food authority within its area;
- accordingly, in these Regulations “enforcement authority”, in relation to any premises means the authority that has those responsibilities by virtue of sub-paragraph (a) or (b) above.”;
- (f) regulation 34 (application of various sections of the Act) is hereby revoked.

St Andrew’s House,
Edinburgh
2nd March 1995

Hector Monro
Parliamentary Under Secretary of State Scottish
Office

(3) 1980 c. 13; section 22 was amended by the Food Safety Act 1990 (c. 16), Schedule 3, paragraph 24.

(4) S.I. 1995/539.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bovine Offal (Prohibition) (Scotland) Regulations 1990.

The Regulations amend the definition of “stained” by requiring a different colour stain to be used to identify specified bovine offal (regulation 2(a)(iv)).

The other amendments made by these Regulations transfer enforcement powers in relation to slaughterhouses and specialised boning plants to the Secretary of State and correct a drafting error in the principal Regulations as amended by the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990 (S.I.[1990/2625](#)).