
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations (which extend to England only) amend—
 - (a) the Fresh Meat (Hygiene and Inspection) Regulations 1995;
 - (b) the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
 - (c) the Meat Products (Hygiene) Regulations 1994;
 - (d) the Minced Meat and Meat Preparations (Hygiene) Regulations 1995;
 - (e) the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992; and
 - (f) the Products of Animal Origin (Import and Export) Regulations 1996,

in each case in their application to England. All of the Regulations being amended extend to the whole of Great Britain.

2. These Regulations amend the Fresh Meat (Hygiene and Inspection) Regulations 1995 (S.I.1995/539, as amended) [“the Fresh Meat Regulations”] to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat (a consolidated text of which is annexed to Council Directive 91/497/EEC [OJNo. L268, 24.9.91, p. 69]) and Council Directive 91/495/EEC concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat (OJ No. L268, 24.9.91, p. 41).

3. These Regulations amend regulation 3 of the Fresh Meat Regulations (which specifies circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (*regulation 2(3) and (4)*).

4. They impose revised requirements relating to the licensing of premises under the Fresh Meat Regulations and impose a new requirement that the Minister must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Fresh Meat Regulations (“licensed premises”) (*regulation 2(5) to (7)*).

5. They amend the criteria under which the Minister may revoke licences granted under the Fresh Meat Regulations (*regulation 2(8) and (9)*).

6. A new power to suspend licences is created (*regulation 2(10)*).

7. These Regulations revise the conditions governing appeals against decisions taken by the Minister in relation to licences granted under the Fresh Meat Regulations (*regulations 2(11) to (13)*).

8. These Regulations also amend the Fresh Meat Regulations so that occupiers of premises licensed thereunder at the date of coming of force of these Regulations have to inform the Minister of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (*regulation 2(14)*).

9. The Regulations amend the Fresh Meat Regulations so as to enable official veterinary surgeons to inspect records kept by the occupiers of licensed premises pursuant to regulation 20(1)(a), (e) and (f) of those Regulations and to monitor such occupiers' compliance with their duties under regulation 20 thereof (*regulation 2(15)*).

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10. The powers of official veterinary surgeons set out in regulation 10 of the Fresh Meat Regulations are modified (*regulation 2(16) and (17)*).

11. The general conditions for the marketing of fresh meat set out in regulation 13 of the Fresh Meat Regulations are modified (*regulation 2(18) and (19)*).

12. The duties imposed on occupiers of licensed premises by regulation 20 of the Fresh Meat Regulations are modified (*regulation 2(20) to (23)*).

13. The penalties for a breach of the Fresh Meat Regulations contained in regulation 21 thereof are rationalised (*regulation 2(24)*); and regulation 23 of the Fresh Meat Regulations (enforcement) is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcing those Regulations (*regulation 2(25)*). Regulation 23 is further amended so that where any meat is certified as provided for in new paragraph (2) or (3) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (*also regulation 2(25)*).

14. These Regulations amend the Poultry Meat, Farmed Game Bird and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (S.I. [1995/540](#), as amended) [“the Poultry Meat Regulations”] to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive [71/118/EEC](#) on health problems affecting the production and placing on the market of fresh poultrymeat (a consolidated text of which is annexed to Council Directive [92/116/EEC](#) [OJ No. L62, 15.3.93, p. 1]) and Council Directive [91/495/EEC](#).

15. These Regulations amend regulation 3 of the Poultry Meat Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (*regulation 3(3) and (4)*).

16. They impose revised requirements relating to the licensing of premises under the Poultry Meat Regulations and impose a new requirement that the Minister must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of premises already licensed under the Poultry Meat Regulations (“licensed poultry meat premises”) (*regulation 3(5) to (7)*).

17. These Regulations amend the criteria under which the Minister may revoke licences granted under the Poultry Meat Regulations (*regulation 3(8) and (9)*).

18. A new power to suspend licences is created (*regulation 3(10)*).

19. These Regulations revise the conditions governing appeals against decisions taken by the Minister in relation to licences granted under the Poultry Meat Regulations (*regulation 3(11) to (13)*).

20. These Regulations also amend the Poultry Meat Regulations so that occupiers of premises licensed thereunder at the date of coming of force of these Regulations have to inform the Minister of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (*regulation 3(14)*).

21. These Regulations amend the Poultry Meat Regulations so as to enable official veterinary surgeons to inspect the records required to be kept by the occupiers of licensed poultry meat premises pursuant to regulation 18(1)(a) and (e)(i) of those Regulations and to monitor such occupiers' compliance with their duties under regulation 18 thereof (*regulation 3(15)*).

22. The powers of official veterinary surgeons set out in regulation 10 of the Poultry Meat Regulations are modified (*regulation 3(16) and (17)*).

23. The general conditions for the marketing of fresh meat set out in regulation 14 of the Poultry Meat Regulations are modified (*regulation 3(18)*).

24. The duties imposed on occupiers of licensed poultry meat premises by regulation 18 of the Poultry Meat Regulations are modified (*regulation 3(19)*).

25. The penalties for a breach of the Poultry Meat Regulations determined under regulation 20 thereof are rationalised (*regulation 3(20)*).

26. Regulation 23 of the Poultry Meat Regulations (enforcement) is amended so that (in relation to any place other than licensed premises) the relevant food authority is made responsible for enforcing the Regulations (*regulation 3(21)*). Regulation 23 is further amended so that where any meat is certified as provided for in new paragraph (4) or (5) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (*regulation 3(22)*).

27. These Regulations amend the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082, as amended [“the Meat Products Regulations”]) to provide enhanced powers of enforcement in relation to those Regulations in the light of Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products (OJ No. L26, 31.1.77, p.85).

28. These Regulations amend the definition of “combined premises” in paragraph (1) of regulation 2 (interpretation) of the Meat Products Regulations (*regulation 4(3)*).

29. These Regulations amend regulation 3 of the Meat Products Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise be exempt (*regulation 4(4) and (5)*).

30. They impose revised requirements relating to the approval of meat products premises and impose a new requirement that the approval authority must be informed of changes in the identity of those having management and similar responsibilities in relation to the occupier of those meat products premises which have already been approved under the Meat Products Regulations (“approved meat products premises”) (*regulation 4(6) to (8)*).

31. These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Meat Products Regulations (*regulation 4(9) to (11)*).

32. A new power to suspend approvals granted under the Meat Products Regulations is created (*regulation 4(12)*).

33. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals and special hygiene directions granted under the Meat Products Regulations (*regulation 4(13) and (14)*).

34. These Regulations also amend the Meat Products Regulations so that occupiers of approved meat products premises on the date of coming of force of these Regulations have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (*regulation 4(15)*).

35. Regulation 19 of the Meat Products Regulations (supervision and enforcement) is amended so that where any meat product is certified as provided for by new paragraph (4) or (5) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (*regulation 4(16)*).

36. These Regulations insert a new regulation into the Meat Products Regulations (regulation 19A), enabling authorised officers of the appropriate enforcement authority to prohibit the use of equipment or any part of approved meat products premises and to regulate the carrying on of a process (*regulation 4(17)*).

37. Regulation 21 of the Meat Products Regulations (application of various sections of the Food Safety Act 1990) is amended so that section 9 thereof is, with modifications, applied to them (*regulation 4(18)*).

38. These Regulations amend the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205, as amended) [“the Minced Meat Regulations”] to provide enhanced powers of

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enforcement in relation to those Regulations in the light of Council Directive [94/65/EEC](#) laying down the requirements for the production and placing on the market of minced meat and meat preparations (OJ No. L368, 31.12.94, p.10).

39. These Regulations amend the definition of “combined premises” in paragraph (1) of regulation 2 (interpretation) of the Minced Meat Regulations (*regulation 5(3)*).

40. These Regulations amend regulation 3 of the Minced Meat Regulations (circumstances in which those Regulations do not apply) and impose new obligations on persons engaged in activities which would otherwise give rise to an exemption (*regulation 5(4) and (5)*).

41. They impose revised requirements relating to the approval of premises to be used for the production of certain minced meat or meat preparations and impose a new requirement that the approval authority must be informed of changes in the identity of those having management and similar responsibilities in relation to such premises which have already been approved under the Minced Meat Regulations (“approved minced meat premises”) (*regulation 5(6) and (7)*).

42. These Regulations amend the criteria under which the approval authority may revoke approvals granted under the Minced Meat Regulations (*regulation 5(8) to (10)*).

43. A new power to suspend approvals granted under the Minced Meat Regulations is created (*regulation 5(11)*).

44. These Regulations revise the conditions governing appeals against decisions taken by the approval authority in relation to approvals granted under the Minced Meat Regulations (*regulation 5(12) and (13)*).

45. These Regulations also amend the Minced Meat Regulations so that occupiers of approved minced meat premises at the date of coming of force of these Regulations have to inform the approval authority of their identity and of the principal business address and identity of each of their directors, managers and controllers within 3 months of that date (*regulation 5(14)*).

46. Regulation 12 of the Minced Meat Regulations (supervision and enforcement) is amended so that where any minced meat or meat preparation is certified as provided for by new paragraph (8) or (9) thereof it is treated for the purposes of section 9 of the Food Safety Act 1990 (inspection and seizure of suspected food) as failing to comply with food safety requirements (*regulation 5(15)*).

47. These Regulations insert a new regulation into the Minced Meat Regulations (regulation 12A), enabling authorised officers of the appropriate enforcement authority to prohibit the use of any equipment or any part of approved minced meat premises and to regulate the carrying on of a process (*regulation 5(16)*).

48. Consequential amendments are made to the Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992 (S.I. [1992/2921](#), as already amended) (*regulation 6*) and the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. [1996/3124](#), as already amended) (*regulation 7*). Those latter amendments are effected in reliance on section 2(2) of the European Communities Act 1972 ([1972 c. 68](#)).

49. A regulatory impact assessment has been prepared for these Regulations and placed in the library of each House of Parliament. Copies of the assessment can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Ergon House, 17 Smith Square, London SW1P 3JR.