

2005 No. 209

FOOD, ENGLAND

**The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat
(Hygiene and Inspection) (Amendment) (England)
Regulations 2005**

<i>Made</i>	- - - -	<i>3rd February 2005</i>
<i>Laid before Parliament</i>		<i>4th February 2005</i>
<i>Coming into force</i>		<i>25th February 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section;

And after consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c);

Makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2005, come into force on 25th February 2005 and apply in relation to England only.

Amendments to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

2.—(1) In so far as they apply in relation to England, the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(d) are amended in accordance with paragraphs (2) and (3).

(2) For sub-paragraph (b) of paragraph (2) of regulation 14 (general conditions) there shall be substituted the following sub-paragraph —

“(b) poultry meat which —

(a) 1972/1811, amended by S.I. 2002/794.

(b) 1972 c. 68.

(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(d) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3205, S.I. 1997/1729, S.I. 2000/225, S.I. 2000/656, S.I. 2000/2215, S.I. 2001/3399 and S.I. 2002/889.

- (i) has not been eviscerated or has been obtained from the body of any bird which has not been eviscerated, or
- (ii) has been treated with an agent used specifically to promote water retention or has been obtained in technologically similar conditions and is likely as a result to present the same risk; or”.

(3) For paragraph (9) of regulation 14 there shall be substituted the following paragraph —

“(9) Paragraph (2)(b)(i) above shall not apply to partially eviscerated poultry (“effilé”).”.

Consequential amendment

3. Insofar as the Products of Animal Origin (Import and Export) Regulations 1996^(a) apply in relation to England, paragraph 7 of Schedule 2 to those Regulations (regulations relevant to intra-Community trade) is amended by substituting the following references for the phrase “The Meat (Hazard Analysis and Critical Control Point) (England) Regulations 2002”^(b) —

“S.I. 2002/889;

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (England) Regulations 2005;”.

Signed by authority of the Secretary of State for Health

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health

3rd February 2005

^(a) S.I. 1996/3124, amended by S.I. 1997/3023, S.I. 1998/994, S.I. 1999/683, S.I. 2000/225, S.I. 2000/656, S.I. 2000/790, S.I. 2000/2215, S.I. 2001/1553, S.I. 2001/1640, S.I. 2001/3399, S.I. 2002/889, S.I. 2003/3003 and S.I. 2003/3177. By virtue of S.I. 2003/3177, S.I. 1996/3124 now applies in relation to intra-Community trade only.

^(b) S.I. 2002/889.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to England only, further amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (S.I. 1995/540, as already amended, which extend to the whole of Great Britain) and implement that part of Article 5.1(b) 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]) that prohibits poultrymeat from being placed on the market for human consumption if it has been treated with water retention agents or obtained under technologically similar conditions and likely as a result to present the same risk.

2. The above prohibition is implemented by making an appropriate amendment to regulation 14(2) of S.I. 1995/540 (*regulation 2(2)*).

3. These Regulations also make consequential changes to regulation 14(9) of S.I. 1995/540 (*regulation 2(3)*) and to Schedule 2 to the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended) (*regulation 3*).

4. A full regulatory impact assessment of the effect that these Regulations will have on the costs of business has been prepared and placed in the Library of each House of Parliament together with a Transposition Note setting out how the prohibition referred to in paragraph 1 is transposed in these Regulations. Copies may be obtained from the White Meat Branch of the Meat Hygiene and Veterinary Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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