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WELSH STATUTORY INSTRUMENTS

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**2006 No. 31**

**The Food Hygiene (Wales) Regulations 2006**

**PART 3**

**ADMINISTRATION AND ENFORCEMENT**

**Offences and penalties**

[<sup>F1</sup>17.—(1) Subject to paragraphs (4) to [<sup>F2</sup>(9)], any person who contravenes or fails to comply with any of the specified Community provisions is guilty of an offence.

(2) [<sup>F3</sup>Subject to paragraphs (3) and (3A)], a person guilty of an offence under these Regulations is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 15 is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

[<sup>F4</sup>(3A) A person guilty of an offence under paragraph 1A or 1B of Schedule 6 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

(4) Provided the requirements of Schedule 3 are complied with, a person is considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004 as read with paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs).

(5) Provided the requirements of Schedule 3A are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(6) Provided the requirements of Schedule 3B are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 5 of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption).

(7) Provided the requirements of Schedule 3C are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for

livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

(8) Provided the requirements of Schedule 3D are complied with, a person is considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).]

[<sup>F5</sup>(9) A person is not considered to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if—

- (a) in the case of a health mark or an identification mark—
  - (i) the health mark or identification mark was applied to a product of animal origin before IP completion day; and
  - (ii) the health mark or identification mark complied with Article 5(1) as that Article applied immediately before IP completion day; or
- (b) an identification mark is applied to a product of animal origin, on or after the day on which the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021 came into force and before [<sup>F6</sup>1 January 2024], in accordance with Article 5(1), as that Article applied immediately before IP completion day, using a label, wrapping or packaging bearing that identification mark which is owned by the food business operator immediately before IP completion day.]

#### Textual Amendments

- F1** Reg. 17 substituted (13.4.2010) by [The Food Hygiene \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/893\)](#), regs. 1, **2(3)**
- F2** Word in reg. 17(1) substituted (14.4.2021) by [The Food, Animal Feed and Seeds \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/371\)](#), regs. 1(2), **2(2)(a)**
- F3** Words in reg. 17(2) substituted (13.12.2014) by [The Food Hygiene \(Wales\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/3080\)](#), regs. 1(2), **2(2)(a)**
- F4** Reg. 17(3A) inserted (13.12.2014) by [The Food Hygiene \(Wales\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/3080\)](#), regs. 1(2), **2(2)(b)**
- F5** Reg. 17(9) inserted (14.4.2021) by [The Food, Animal Feed and Seeds \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021 \(S.I. 2021/371\)](#), regs. 1(2), **2(2)(b)**
- F6** Words in reg. 17(9)(b) substituted (30.9.2022) by virtue of [The Food Information \(Amendment of Transitional Provisions\) \(Wales\) Regulations 2022 \(S.I. 2022/939\)](#), regs. 1(2), **2**

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Hygiene (Wales) Regulations 2006, Section 17.