

## SCHEDULES

### SCHEDULE 7

Regulation 33

#### CONSEQUENTIAL AMENDMENTS

##### **The Colours in Food Regulations 1995**

1. The Colours in Food Regulations 1995 <sup>M1</sup> are amended as provided in paragraph 2.

##### **Marginal Citations**

**M1** [S.I. 1995/3124](#), to which there are amendments not relevant to these Regulations.

2. In regulation 4 (health marking etc. of certain meat and meat products) for the words “as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995” there are substituted the words “ as required by the Food Hygiene (Wales) Regulations 2005 ”.

##### **The Animal By-Products (Identification) Regulations 1995**

3. The Animal By-Products (Identification) Regulations 1995 <sup>M2</sup> are amended as provided in paragraphs 4 to 11.

##### **Marginal Citations**

**M2** [S.I. 1995/614](#), amended by [S.I. 1995/1955](#), [S.I. 1996/3124](#), [S.I. 1997/2073](#), [S.I. 2000/656](#), [S.I. 2002/1472](#) (W.146), [S.I. 2002/1849](#) (W.199) and [S.I. 2003/2754](#) (W.265).

4. In paragraph (1) of regulation 2 (interpretation) —
  - (a) for the definition of “animal by-products premises” there is substituted the following definition—

““animal by-products premises” means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;”;
  - (b) for the definition of “cold store” there is substituted the following definition—

““cold store” means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;”;
  - (c) for the definition of “cutting premises” there is substituted the following definition—

““cutting plant” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;
  - (d) immediately after the definition of “farmed game” there is inserted the following definition—

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““fresh meat” means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;”;

- (e) for the definition of “game processing facility” there is substituted the following definition—

““game-handling establishment” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;

- (f) for the definition of “the Hygiene Regulations” there is substituted the following definition—

““the Hygiene Regulations” means the Food Hygiene (Wales) Regulations 2005;”;

- (g) for the definition of “occupier” there is substituted the following definition—

““occupier” means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;”;

- (h) for the definition of “slaughterhouse” there is substituted the following definition—

““slaughterhouse” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”.

5. In paragraph (a) of regulation 4 (scope) for the words “in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995” there are substituted the words “ in accordance with the Hygiene Regulations ”.

6. In paragraph (2)(c) of regulation 5 (exemptions) for the words “cutting premises, slaughterhouse, game processing facility” there are substituted the words “ cutting plant, game-handling establishment, slaughterhouse ”.

7. For regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) there is substituted the following regulation—

**“Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses**

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which—

- (a) is—

- (i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse,
- (ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect, and
- (iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

- (b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is stained and removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.”.

8. For regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) there is substituted the following regulation—

**“Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse**

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2)”.

9. In regulation 9 (storage and packaging of animal by-products)—

(a) for paragraph (2) there is substituted the following paragraph—

“(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect.”; and

(b) in paragraph (3) for the words “cutting premises, game processing facility” there are substituted the words “ cutting plant, game-handling establishment ”.

10. In regulation 10 (restriction on movement of animal by-products)—

(a) in paragraph (1) for the words “cutting premises, game processing facility” there are substituted the words “ cutting plant, game-handling establishment ”; and

(b) in paragraph (2) for the words “cutting premises, game processing facility” there are substituted the words “ cutting plant, game-handling establishment ”.

11. In regulation (1) of regulation 12 (enforcement)—

(a) in sub-paragraph (a) for the words “in relation to premises licensed under the Hygiene Regulations” there are substituted the words “ in relation to any cutting plant, game-handling establishment or slaughterhouse ”; and

(b) for sub-paragraph (b) there is substituted the following sub-paragraph—

“(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.”.

**The Food Labelling Regulations 1996**

12. The Food Labelling Regulations 1996 <sup>M3</sup> are amended as provided in paragraphs 13 and 14.

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#### Marginal Citations

**M3** S.I. 1996/1499, amended by S.I. 1998/141, S.I. 1998/1398, S.I. 1998/2424, S.I. 1999/747, S.I. 1999/1136, S.I. 1999/1483, S.I. 1999/1540, S.I. 1999/1603, S.I. 2000/1925 (W.134) S.I. 2001/1232 (W.66), S.I. 2001/1440 (W.102), S.I. 2001/2679 (W.220), S.I. 2001/3909 (W.321), S.I. 2002/329 (W.42), S.I. 2002/330 (W.43), S.I. 2003/832 (W.104), S.I. 2003/1635 (W.177), S.I. 2003/1713 (W.181), S.I. 2003/1721 (W.188), S.I. 2003/3037 (W.285), S.I. 2003/3044 (W.288), S.I. 2003/3047 (W.290), S.I. 2003/3053 (W.291), S.I. 2004/249 (W.26), S.I. 2004/553 (W.56), S.I. 2004/554 (W.57), S.I. 2004/1396 (W.141), S.I. 2004/2558 (W.229), S.I. 2004/2731 (W.238), S.I. 2004/3022 (W.261), S.I. 2005/1309 (W.91) and S.I. 2005/2835 (W.200). S.I. 2005/2835 (W.200) was itself amended by S.I. 2005/3236 (W.241).

**13.** In Schedule 3 (generic names in list of ingredients) in the entry in column 2 of Part I (general) opposite to the entry in column 1 for “Meat” and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes” for the words “(g) any products covered by the definition of “mechanically recovered meat” in Article 2(c) of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC.” there are substituted the words specified in paragraph 14.

**14.** The words are “(g) the product obtained by removing the meat from flesh-bearing bones after boning or from carcasses of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure.”.

#### The Beef Bones Regulations 1997

**15.** The Beef Bones Regulations 1997<sup>M4</sup> are amended as provided in paragraphs 16 and 17.

#### Marginal Citations

**M4** S.I. 1997/2959, amended by S.I. 1999/3371 and S.I. 2000/656.

**16.** In paragraph (1) of regulation 2 (interpretation)—

- (a) immediately after the definition of “carcase” the following definition is inserted—
 

““cutting plant” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;
- (b) immediately after the definition of “fresh meat” the following definitions are inserted—
 

““game-handling establishment” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;

“the Hygiene Regulations” means the Food Hygiene (Wales) Regulations 2005;”;

and
- (c) immediately after the definition of “occupier” the following definitions are inserted—
 

““official veterinarian” means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;

“Regulation 854/2004” has the meaning that it bears in Schedule 1 to the Hygiene Regulations; and

“slaughterhouse” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”.

**17.** In regulation 12 (enforcement)—

(a) for paragraph (1) there is substituted the following paragraph—

“(1) These Regulations shall be enforced—

- (a) by the Agency in relation to any cutting-plant, game-handling establishment or slaughterhouse; and
- (b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.”; and

in paragraph (2) for the words “an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995)” there are substituted the words “an official veterinarian”.

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**Changes to legislation:**

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