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WELSH STATUTORY INSTRUMENTS

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**2014 No. 3087**

**The Products Containing Meat etc. (Wales) Regulations 2014**

**Title, application and commencement**

1.—(1) The title of these Regulations is the Products Containing Meat etc. (Wales) Regulations 2014.

(2) These Regulations apply in relation to Wales and come into force on 13 December 2014.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“FIC” (“*FIC*”) means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(1);

“ingredient” (“*cynhwysyn*”) has the meaning given in Article 2(2)(f) of FIC;

“meat” (“*cig*”) means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(2);

“regulated product” (“*cynnyrch rheoleiddiedig*”) means a food that contains one of the following as an ingredient (whether or not the food also contains any other ingredient)—

- (a) meat;
- (b) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council;
- (c) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail of any mammalian or bird species recognised as fit for human consumption;

“sell” (“*gwerthu*”) includes offer or expose for sale and includes have in possession for sale;

“uncooked” (“*heb ei goginio*”), in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

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(1) OJ No L 304, 22.11.2011, p. 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p. 7).

(2) OJ No L 139, 30.4.2004, p. 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 14.6.2014, p. 6).

**Scope**

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

(a) that is not intended for sale for human consumption; or

(b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004<sup>(3)</sup> apply.

(3) These Regulations do not apply to any product that is brought into Wales from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully marketed.

(4) In this regulation—

“final consumer” (“*defnyddiwr terfynol*”) has the meaning given in point 18 of Article 3 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; and

“mass caterer” (“*arlwywr mawr*”) has the meaning given in Article 2(2)(d) of FIC.

**Restrictions on the use of certain names**

4.—(1) No person may sell or advertise a regulated product using a name that appears in column 1 of the table in Schedule 1 as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of that table.

(2) No person may sell or advertise a food using a name that appears in column 1 of the table in Schedule 1, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product is an ingredient of the food and that product complied with the appropriate requirements in columns 2 and 3 of the table in Schedule 1 at the time it was used as an ingredient in the preparation of food.

**Parts of the carcass in uncooked regulated products**

5.—(1) Subject to paragraph (3), no person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) has been used as an ingredient in the preparation of that product.

(2) The specified parts of a carcass are brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder of any mammalian species.

(3) The prohibition in paragraph (1) does not extend to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” (“*selsig*”) includes chipolata, frankfurter, link, salami and any similar product.

**Enforcement**

6. It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

(3) S.I. 2004/314 (W. 32), amended by S.I. 2005/3254 (W. 247), 3111 (W. 231), 2007/2753 (W. 232), 2011/2131.

### **Application of provisions of the Act**

7.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modification.

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with regulations 4(1) or (2) or 5(1) of the Products Containing Meat etc. (Wales) Regulations 2014, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”

(3) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7 of the Products Containing Meat etc. (Wales) Regulations 2014, may appeal to the magistrates’ court.”; and

(b) in subsection (6)—

- (i) for “(3) or (4)”, substitute “(1)”; and
- (ii) in paragraph (a), omit “or to the sheriff”.

(4) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7 of the Products Containing Meat etc. (Wales) Regulations 2014, the magistrates’ court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”; and

(b) in subsection (3), omit “for want of prosecution”.

(5) The provisions of the Act specified in column 1 of the table in Schedule 2 apply for the purposes of these Regulations with the modifications specified in column 2 of that table.

### **Revocations**

8.—(1) The following Regulations are revoked—

- (a) the Meat Products (Wales) Regulations 2004(4); and

(b) the Meat Products (Wales) (Amendment) Regulations 2008<sup>(5)</sup>.

(2) The entry relating to the Meat Products (Wales) Regulations 2004 in the table in Part 4 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012<sup>(6)</sup> is revoked.

**Consequential amendments**

9. Schedule 3 has effect.

18 November 2014

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Minister for Health and Social Services, one of  
the Welsh Ministers

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<sup>(5)</sup> S.I. 2008/713 (W. 74).

<sup>(6)</sup> S.I. 2012/1809, to which there are amendments not relevant to these Regulations.