SCOTTISH STATUTORY INSTRUMENTS

2002 No. 234

FOOD

The Meat (Hazard Analysis and Critical Control Point) (Scotland) Regulations 2002

Made - - - - *16th May 2002*
Laid before the Scottish Parliament - - - - *16th May 2002*
Coming into force in accordance with regulation 3

The Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1)(b), (d) and (f), 17(1), 26(2)(a) and 48(1) of the Food Safety Act 1990(**1**), having had regard in accordance with section 48(4A)(**2**) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(**3**) of that Act, by section 2(2) of the European Communities Act 1972(**4**) insofar as these Regulations amend the Products of Animal Origin (Import and Export) Regulations 1996(**5**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and extent

1.—(1) These Regulations may be cited as the Meat (Hazard Analysis and Critical Control Point) (Scotland) Regulations 2002.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations–

(**1**) 1990 c. 16; section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40) and paragraph 10(3) of Schedule 5 to the Food Standards Act 1999 (c. 46) ("the 1999 Act"); sections 16(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the 1999 Act; section 17(1) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act; amendments made by Schedule 5 to the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) ("the 1998 Act") by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(**2**) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(**3**) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.

(**4**) 1972 (c. 68). Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c. 46). The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**5**) S.I.1996/3124, amended by S.I. 1997/3023, 1998/994 and 1999/683 and S.S.I. 2000/62, 171 and 288, 2001/169 and 257 and 2002/87.

"the Fresh Meat Regulations" means the Fresh Meat (Hygiene and Inspection) Regulations 1995(**6**);

"fresh", as applied to red meat or to poultry meat, means all meat, including chilled or frozen meat, which has not undergone any preserving process and includes meat vacuum wrapped or wrapped in a controlled atmosphere;

"licensed poultry meat cutting plant" means cutting premises licensed under regulation 4 of the Poultry Meat Regulations;

"licensed poultry meat slaughterhouse" means a slaughterhouse licensed under regulation 4 of the Poultry Meat Regulations;

"licensed red meat cutting plant" means cutting premises licensed under regulation 4 of the Fresh Meat Regulations;

"licensed red meat slaughterhouse" means a slaughterhouse licensed under regulation 4 of the Fresh Meat Regulations;

"livestock unit" has the same meaning as in regulation 2(1) of the Fresh Meat Regulations;

"poultry" and "poultry meat" have the same meaning as in regulation 2(1) of the Poultry Meat Regulations;

"the Poultry Meat Regulations" means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**7**);

"red meat" has the same meaning as meat in regulation 2(1) of the Fresh Meat Regulations;

"the specified amount" means–

(a) in the case of any licensed red meat slaughterhouse, 500 livestock units;

(b) in the case of any licensed red meat cutting plant, 150 tonnes of fresh red meat;

(c) in the case of any licensed poultry meat slaughterhouse, 200,000 poultry; and

(d) in the case of any licensed poultry meat cutting plant, 150 tonnes of fresh poultry meat.

(2) Nothing in these Regulations shall apply in relation to any licensed red meat slaughterhouse which is used to process bovine animals under the purchase scheme introduced by Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom(**8**).

Commencement

3.—(1) Subject to paragraph (2) below, these Regulations come into force on 7th June 2002.

(2) Notwithstanding paragraph (1) above, these Regulations come into force on 7th June 2003 in so far as they apply in relation to any small meat establishment.

(3) For the purposes of paragraph (2) above, a "small meat establishment" means–

(a) a licensed red meat slaughterhouse, a licensed poultry meat slaughterhouse, a licensed red meat cutting plant or a licensed poultry meat cutting plant which–

(i) was operational in the calendar year 2000 and had an average weekly throughput in that year lower than the specified amount;

(ii) became operational for the first time on or after 1st January 2001 but before 1st May 2002 and had an average weekly throughput during the time it was operational in that period lower than the specified amount; or

(**6**) S.I. 1995/539, amended by S.I. 1995/731, 1763 and 2148, 2200, 3124 and 3189, 1996/1148 and 2235, 1997/1729 and 2074, S.S.I. 2000/62, 171 and 288, 2001/160, 358, 394 and 429 and 2002/35.
(**7**) S.I. 1995/540 amended by S.I. 1995/1763, 2200, 2148 and 3025 and 1997/1729 and S.S.I. 2000/62, 171 and 288 and 2002/87.
(**8**) O.J. No. L 99, 20.4.96, p.14.

(iii) became operational for the first time on or after 1st May 2002 and which the Agency considers is likely to have an average weekly throughput lower than the specified amount;

(b) a cold store licensed under regulation 4 of the Fresh Meat Regulations or regulation 4 of the Poultry Meat Regulations, in each case with a storage capacity of less than 25,000 cubic metres;

(c) a re-packaging centre licensed under regulation 4 of the Fresh Meat Regulations; or

(d) a re-wrapping centre licensed under regulation 4 of the Poultry Meat Regulations.

Amendment of the Fresh Meat (Hygiene and Inspection) Regulations 1995

4.—(1) The Fresh Meat Regulations are amended in accordance with the following paragraphs of this regulation.

(2) The following sub-paragraph is inserted between sub-paragraphs (aA) and (b) of regulation 8(1) (supervision of premises):–

"(aB) the inspection of any documents and records required to be retained by the occupier pursuant to regulation 20(1) (eA) or (eB);".

(3) In regulation 8(1)(e), for "and 17" there is substituted ", 17, 17A, 17B and 17C".

(4) In regulation 20(1)(d) (duties of occupier)–

(a) for "carry out" there is substituted "conduct regular"; and

(b) the phrase "(including any microbiological checks the Agency may require)" is omitted.

(5) In regulation 20(1)(e), for "pursuant to" there is substituted "by virtue of".

(6) The following sub-paragraphs are inserted between sub-paragraphs (e) and (f) of regulation 20(1):–

"(eA) shall retain for a period of at least one year any documents and records established by the occupier in accordance with paragraph (4)(g) below;

(eB) shall retain for a period of at least 18 months any records which, in compliance with Schedule 17A, 17B or 17C, as appropriate, have been made following the carrying out by the occupier of microbiological checks in accordance with paragraph (5) or (6) below;".

(7) The following paragraphs are inserted after regulation 20(3):–

"(4) The occupier of any licensed slaughterhouse, licensed cutting premises, licensed cold store or licensed repackaging centre shall conduct the regular checks on the general hygiene of conditions of production in those premises which are required by paragraph (1)(d) above by implementing and maintaining a permanent procedure developed in accordance with the following principles:–

(a) identify any hazards that must be prevented, eliminated or reduced to acceptable levels;

(b) identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels;

(c) establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;

(d) establish and implement effective monitoring procedures at critical control points;

(e) establish corrective actions when monitoring indicates that a critical control point is not under control;

(f) establish procedures to verify whether the measures outlined in sub-paragraphs (a) to (e) above are working effectively, and ensure that such verification procedures shall be carried out regularly; and

(g) establish documents and records commensurate to the nature and size of the business to demonstrate the effective application of the measures outlined in sub-paragraphs (a) to (f) above and to facilitate official controls.

(5) The occupier of any licensed slaughterhouse shall, in conducting the regular checks on the general hygiene of conditions of production in those premises as required by paragraph (1)(d) above, carry out microbiological checks–

(a) in relation to carcases, in accordance with the procedures laid down in–

(i) Schedule 17A; or

(ii) Schedule 17B; and

(b) in relation to cleaning and disinfection of the premises, in accordance with the procedures laid down in Schedule 17C.

(6) The occupier of any licensed cutting premises shall, in conducting the regular checks on the general hygiene of conditions of production in those premises which are required by paragraph (1)(d) above, carry out microbiological checks in relation to cleaning and disinfection of the premises, in accordance with the procedures laid down in Schedule 17C.".

(8) After Schedule 17 (transport of fresh meat-requirements applicable to occupiers or persons responsible for the control and management of transport) there shall be inserted Schedules 17A, 17B and 17C, which are set out in the Schedule to these Regulations.

Amendment of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

5.—(1) The Poultry Meat Regulations are amended in accordance with the following paragraphs of this regulation.

(2) The following sub-paragraph is inserted between sub-paragraphs (aA) and (b) of regulation 8(1) (supervision of premises):–

"(aB) the inspection of any documents and records required to be retained by the occupier pursuant to regulation 18(1)(f);".

(3) In regulation 18(1)(d) (duties of occupier)–

(a) for "carry out" there is substituted "conduct regular"; and

(b) the word "and" at the end is omitted.

(4) After regulation 18(1)(e) there is inserted–

"; and

(f) retain for a period of at least two years any documents and records established by the occupier in accordance with paragraph (4)(g) below".

(5) The following paragraph is inserted after regulation 18(3):–

"(4) The occupier of any licensed slaughterhouse used for slaughtering poultry, licensed cutting premises used for cutting up fresh poultry meat, licensed cold store used for the storage of fresh poultry meat or licensed re-wrapping centre used for packing, wrapping or re-wrapping fresh poultry meat shall conduct the regular checks on the general hygiene of conditions of production in those premises which are required by paragraph (1)(d) above by implementing and maintaining a permanent procedure developed in accordance with the following principles:–

(a) identify any hazards that must be prevented, eliminated or reduced to acceptable levels;

(b) identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels;

(c) establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;

(d) establish and implement effective monitoring procedures at critical control points;

(e) establish corrective actions when monitoring indicates that a critical control point is not under control;

(f) establish procedures to verify whether the measures outlined in sub-paragraphs (a) to (e) above are working effectively, and ensure that such verification procedures shall be carried out regularly; and

(g) establish documents and records commensurate to the nature and size of the business to demonstrate the effective application of the measures outlined in sub-paragraphs (a) to (f) above and to facilitate official controls.".

Amendments to the Products of Animal Origin (Import and Export) Regulations 1996

6. In Schedule 2 (regulations relevant to intra–community trade) to the Products of Animal Origin (Import and Export) Regulations 1996(**9**)–

(a) in paragraph 6 for "the Meat (Disease Control) (Scotland) Regulations 2000.", there is substituted the following:–

"S.S.I. 2000/288

S.S.I. 2001/160

S.S.I. 2001/358

S.S.I. 2001/394

S.S.I. 2001/429

S.S.I. 2002/35

The Meat (Hazard Analysis and Critical Control Point) (Scotland) Regulations 2002.".

(b) in paragraph 7, for "the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2002.", there is substituted the following–

"S.S.I. 2002/87

The Meat (Hazard Analysis and Critical Control Point) (Scotland) Regulations 2002.".

St Andrew's House,Edinburgh
16th May 2002

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

(**9**) S.I. 1996/3124, amended by 1997/3023, 1998/994 and 1999/683 and S.S.I. 2000/62, 171 and 288, 2001/169 and 257 and 2002/87.