SCOTTISH STATUTORY INSTRUMENTS

2002 No. 87

FOOD

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2002

Made - - - -	*5th March 2002*
Laid before the Scottish Parliament - - - -	*6th March 2002*
Coming into force - -	*1st April 2002, except for regulation 2(2), (3), (4), (5) and (6), which come into force on 1st December 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(b), (c), (d), (e), (f) and (3), 17(1), 19(1)(b), 26 and 48(1) of, and paragraphs 5(1)(a) and (2)(a) and 6(1)(a) of Schedule 1 to, 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) of that Act, and by section 2(2) of the European Communities Act 1972(**3**), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment (Scotland) Regulations 2002.

(2) These Regulations shall come into force on 1st April 2002, except for regulation 2(2), (3), (4), (5) and (6), which shall come into force on 1st December 2002.

(**1**) 1990 c. 16; sections 16(1), 19(1) and 48(1) were amended by the Food Standards Act 1999 (c. 28) ("the 1999 Act"), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by Schedule 6 of 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) 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 Scotland Act 1998.

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

(**3**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). 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.

(3) These Regulations shall extend to Scotland only.

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

2.—(1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**4**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) the following definitions shall be inserted in the appropriate alphabetical positions:–

""farmer" means any person who is an agricultural producer and manages a holding;"; and

""holding" means an agricultural production unit situated in the United Kingdom managed by a farmer;".

(3) In regulation 3(1) (exemptions and saving for existing licences)–

(a) sub-paragraph (b) shall be replaced with the following sub-paragraphs:–

"(b) subject to paragraphs (2), (3) and (4) below, to a farmer, with an annual production on the aggregate of all of that farmer's holdings of less than 10,000 birds or 10,000 rabbits, who sells small quantities of fresh poultry meat, small quantities of fresh farmed game bird meat or small quantities of fresh rabbit meat derived from those birds or rabbits produced on the holding–

(i) direct to the final consumer at the holding where the birds or the rabbits were produced;

(ii) direct to the final consumer at the local market nearest to the holding where the birds or the rabbits were produced; or

(iii) direct to retailers for sale direct to the final consumer, provided the retailers make such sales in the same locality as, or in a neighbouring locality to, the holding where the birds or the rabbits were produced;

(bA) to a producer, with an annual production of less than 10,000 rabbits, who sells fresh rabbit meat derived from such rabbits produced at premises under the control of the producer direct to a person who buys the meat for that person's own consumption;"; and

(b) in sub-paragraph (g), "(bA)," shall be inserted before "(c)".

(4) For regulation 3(2) there shall be substituted–

"(2) The exemptions in paragraph (1)(b) and (bA) above shall not apply in relation to any itinerant sale or sale by mail order or, as regards a sale by a retailer, any sale by the retailer at a market.".

(5) In regulation 3(3), for "slaughterhouse" there shall be substituted "holding".

(6) In regulation 3(4), for "occupier of any such slaughterhouse" there shall be substituted "farmer".

(7) In regulation 13 (notice of operation of licensed premises)–

(a) in paragraph (1, for "paragraph (3)" there shall be substituted "paragraphs (3) and (4)"; and

(b) after paragraph (3) there shall be inserted–

"(4) No person shall operate any licensed low throughput slaughterhouse unless the person has notified the Agency of the number and origin of the birds or rabbits to be slaughtered there.".

(**4**) S.I.1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205, 1997/1729, S.S.I. 2000/62, 171 and 288.