SCOTTISH STATUTORY INSTRUMENTS

# 2000 No. 288

# FOOD

## The Meat (Disease Control) (Scotland) Regulations 2000

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| *Made - - - -* | *18th August 2000* |
| *Laid before the Scottish Parliament - - - -* | *18th August 2000* |
| *Coming into force - -* | *19th August 2000* |

The Scottish Ministers, in exercise of the powers conferred on them under section 2(2) of the European Communities Act 1972(**1**) in so far as these Regulations could not have been made under the powers in the Food Safety Act 1990 specified below, and in exercise of the powers conferred by sections 16(1)(b), (c), (d), (e) and (f), (2)(a) and (3), 17(1), 19(1)(b), 26, 45, 48(1) and 49(2) of, and paragraphs 5(1), (2) and (3), 6(1)(a) and 7(1) and (2) of Schedule 1 to, the Food Safety Act 1990(**2**), and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(**3**) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) of that Act, make the following Regulations:

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Meat (Disease Control) (Scotland) Regulations 2000, and shall come into force on 19th August 2000.

(2) These Regulations extend to Scotland only.

### Amendments to the Fresh Meat (Hygiene and Inspection) Regulations 1995

**2.**—(1) The Fresh Meat (Hygiene and Inspection) Regulations 1995(**4**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (3) of regulation 13 (general conditions)–

(a) the word "or" separating sub-paragraphs (c) and (d) shall be omitted;

(**1**) 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.

(**2**) 1990 c. 16. Sections 16(1) and (2), 19(1) and 48(1), were amended by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 8; section 17(1) was amended by paragraphs 8 and 12 of Schedule 5. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

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

(**4**) S.I. 1995/539, amended by S.I. 1995/731, 1763, 2148, 2200, 3124 and 3189, S.I. 1996/1148 and 2235, S.I. 1997/1729 and 2074, S.S.I. 2000/62 and 171.

(b) the phrase "cutting premises;" shall be substituted for the phrase "cutting premises." in sub-paragraph (d); and

(c) the following sub-paragraphs shall be inserted after sub paragraph (d)–

"(e) fresh meat obtained from domestic sheep, goats or solipeds which have not been held in Community territory for at least 21 days on the date of slaughter, or from birth in the case of animals which are less than 21 days old;

(f) fresh meat obtained from animals which–

(i) come from a holding or area which, at the time of their departure from the holding or area concerned, was subject to a prohibition or restriction as a result of an outbreak of foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease); and

(ii) are susceptible to the particular disease referred to above which led to the prohibition or restriction being imposed;

(g) fresh meat obtained from a slaughterhouse while that slaughterhouse was under restriction by virtue of an Order made under the Animal Health Act 1981(**5**) following the confirmation there of foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease);

(h) (without prejudice to sub-paragraph (f) above) fresh meat obtained from swine, sheep or goats originating from a holding which at the time of their departure from the holding concerned was subject to a prohibition for health reasons (as provided for by Article 4 of Council Directive 72/461/EEC(**6**) on health problems affecting intra–Community trade in fresh meat as amended by amendments up to and including those effected by Council Decision 95/1/EC, Euratom, ECSC(**7**)) as a result of an outbreak of porcine, ovine or caprine brucellosis; or

(i) any fresh meat which has not been obtained, cut, stored and transported either separately or at a different time from the meat referred to in any of sub-paragraphs (e) to (h) of this paragraph.".

(3) In Schedule 12 (health marking)–

(a) in paragraph 1, for "paragraphs 2 and 7", there shall be substituted "paragraphs 2, 7 and 8";

(b) in paragraph 2, for "Regulation 13(3)", there shall be substituted "any of sub-paragraphs (a) to (d) of paragraph (3) of regulation 13"; and

(c) the following paragraph shall be inserted at the end–

"**8.** In the case of the fresh meat referred to in any of sub paragraphs (e) to (i) of paragraph (3) of regulation 13, the health mark required by paragraph 1 or 2 above shall be–

(a) overstamped in such a way that it is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible; or

(b) applied with a single mark, consisting of the health mark referred to in paragraph 1 or 2 above, overstamped in accordance with sub-paragraph (a) of this paragraph.".

(**5**) 1981 c. 22.
(**6**) O.J. No. L 302, 31.12.72, p.24 (Special edition 1972 31 Dec (3) p.3).
(**7**) O.J. No. L 1, 1.1.95, p.1.

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

**3.**—(1) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**8**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (3) of regulation 14 (general conditions) sub-paragraph (c) shall be replaced by–

"(c) fresh meat which–

(i) has been marked in accordance with paragraph 6 of Schedule 11; or

(ii) has not been obtained, cut, stored and transported separately or at a different time from meat which has been marked in accordance with paragraph 6 of Schedule 11;".

(3) In regulation 14, after the end of paragraph (3) there shall be inserted the following paragraph–

"(3A) No person shall consign or sell for consignment to any relevant EEA State, or a region of any relevant EEA State or a region of Northern Ireland, which has been recognised in accordance with Article 12(2) of Council Directive 90/539/EEC(**9**) on animal health conditions governing intra–Community trade in, and imports from third countries of, poultry and hatching eggs, as amended by amendments up to and including those effected by Council Decision 95/1/EC, Euratom, ECSC, any meat which comes from a bird which has been vaccinated against Newcastle disease with a live vaccine during the 30 days preceding the date of slaughter.".

(4) In Schedule 11 (health marking), paragraph 6 shall be replaced by–

"**6.**—(1) Subject to paragraph 7 below, the health mark required by paragraph 1 or 4 above shall be overstamped or applied as specified in sub-paragraph (2) below in cases where fresh meat–

(a) is obtained from any bird which comes from a holding–

(i) in relation to which a notice has been served under article 5 of the Diseases of Poultry Order 1994(**10**) restricting movements to or from that holding; or

(ii) which, at the time of the bird's departure from the holding concerned, was under restriction by virtue of an Order made under the Animal Health Act 1981 relating to any disease to which poultry is susceptible;

(b) is obtained from any bird which has come into contact with a bird suffering from avian influenza or Newcastle disease during transport from the holding to the slaughterhouse;

(c) is obtained from a slaughterhouse while that slaughterhouse is under restriction by virtue of an Order made under the Animal Health Act 1981 relating to avian influenza or Newcastle disease; or

(d) is suspected or may reasonably be suspected of having been contaminated by avian influenza or Newcastle disease at the slaughterhouse, cutting premises, cold store or during transportation.

(2) The health mark shall be–

(a) overstamped in such a way that it is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible; or

(b) applied with a single mark, consisting of the health mark referred to in paragraph 1 or 4 above, overstamped in accordance with paragraph (a) of this sub-paragraph.".

(**8**) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2220, 2148 and 3205, S.I. 1997/1729, S.S.I 2000/62 and 171.
(**9**) O.J. No. L 303, 31.10.90, p.6.
(**10**) S.I. 1994/3141, amended by S.I. 1997/150.

**Amendments to the Meat Products (Hygiene) Regulations 1994**

**4.**—(1) The Meat Products (Hygiene) Regulations 1994(**11**) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 8 (general conditions), the following paragraphs shall be inserted at the end–

"(2) No person shall apply the British EC health mark to, or consign or sell for consignment to a relevant EEA State for human consumption, a meat product prepared in whole or in part from any meat referred to in–

(a) any of sub-paragraphs (e) to (i) of paragraph (3) of regulation 13 of the Fresh Meat (Hygiene and Inspection) Regulations 1995; or

(b) paragraph 6 of Schedule 11 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995,

unless the meat product has undergone treatment in accordance with section D of Part VIII of Schedule 2.

(3) Any meat product to which paragraph (2) above applies shall–

(a) be prepared only under official veterinary supervision and must be protected from any contamination or recontamination; and

(b) notwithstanding regulation 12(2), be accompanied during transportation by the health certificate referred to at regulation 12(1)(c).

(4) The meat referred to in paragraph (2) above shall be transported and stored separately or at a different time from meat which is not referred to in paragraph (2) above.",

and the existing text of regulation 8 shall become its paragraph (1).

(3) In regulation 12 (storage and transportation conditions), sub paragraphs (b) and (c) of paragraph (1) and paragraph (2) shall be replaced by the following provisions–

"(b) it is accompanied during transportation by a commercial document which bears the official approval code of the meat products premises of origin; and

(c) subject to paragraph (2) below, it is accompanied during transportation by a health certificate signed by an authorised officer of the enforcement authority at the time of loading corresponding in form and content to that specified in Schedule 4 where–

(i) it contains meat obtained from a slaughterhouse while that slaughterhouse was under restriction by virtue of an Order made under the Animal Health Act 1981;

(ii) it contains meat bearing a special mark under regulation 13(2)(c) or (d) of the Fresh Meat (Hygiene and Inspection) Regulations 1995; or

(iii) it is intended to be sent to a relevant EEA State after transit through a third country.

(2) The requirement for a health certificate at paragraph (1)(c) above shall not apply to a meat product in a hermetically sealed container where the product has undergone the treatment referred to in section B(a) of Part VIII of Schedule 2 and the health mark is indelibly marked on the container.

(2A) Where a meat product is intended to be sent to a relevant EEA State after transit through a third country, it shall be transported in a sealed means of transport.".

(4) Paragraph (3) of regulation 12 shall be replaced by the following–

"(3) The enforcement authority may make a reasonable charge for the issue of any health certificate pursuant to paragraph (1)(c) above.".

(5) In Part VIII of Schedule 2 (special conditions) there shall be inserted at the end–

(**11**) S.I. 1994/3082, amended by S.I. 1995/539, 1763, 2200 and 3205, S.I. 1996/1499 S.I. 1999/683, S.S.I. 2000/62 and 171.