SCOTTISH STATUTORY INSTRUMENTS

# 2000 No. 93

# FOOD

## The Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000

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| *Made - - - -* | *29th March 2000* |
| *Laid before the Scottish Parliament - - - -* | *30th March 2000* |
| *Coming into force* | |
| *regulations 1 and 5* | *8th May 2000* |
| *regulations 2, 3 and 4* | *2nd October 2000* |

The Scottish Ministers in exercise of the powers conferred on them by sections 16(1)(d) and (f) and (3), 19(1)(b), 26(2)(a) and (d) and (3), 45(1) and 48(1)(b) and (c) of, and paragraph 5(3) of Schedule 1 to, the Food Safety Act 1990(**1**), and in exercise of all other powers enabling them in that behalf, it appearing to them to be necessary or expedient to make these Regulations for the purpose of securing that food complies with food safety requirements in so far as required by sections 16(1)(f) and 19(2)(a) of that Act and after consultation with such organisations as appear to them to be representative of interests likely to be substantially affected as required by section 48(4) thereof, hereby make the following Regulations:

**Citation, commencement, interpretation and extent**

**1.**—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment (Scotland) Regulations 2000 and come into force as follows–

(a) regulations 1 and 5 on 8th May 2000; and

(b) regulations 2, 3 and 4 on 2nd October 2000.

(2) In these Regulations "the general Regulations" means the Food Safety (General Food Hygiene) Regulations 1995(**2**).

(3) These Regulations extend to Scotland only.

(**1**) 1990 c. 16. *See* section 4(1) which contains a definition of "the Ministers" which is relevant to the powers being exercised in the making of these Regulations. The functions of the Secretary of State so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.1995/1763, to which there are amendments not relevant to these Regulations.

**Amendment of regulation 3(1)**

**2.** In regulation 3(1) (application of provisions of the general Regulations), for the words "regulations 4 and 5" there is substituted the words "regulations 4, 4A and 5".

**Insertion of regulation 4A and Schedule 1A**

**3.**—(1) After regulation 4 of the general Regulations there is inserted the following regulation:–

"**Licences for butchers' shops**

**4A.** Schedule 1A (provisions relating to the licensing of butchers' shops) shall have effect.".

(2) After Schedule 1 to the general Regulations there is inserted as Schedule 1A the provisions set out in the Schedule to these Regulations.

**Amendment of regulation 6(1)**

**4.** In regulation 6(1) (offences and penalties) of the general Regulations after "or 5," there is inserted "or paragraph 2 of Schedule 1A".

**Transitional provision**

**5.**—(1) Before regulation 2, 3 and 4 above come into force–

(a) any person who would have been entitled to apply for a licence in accordance with Schedule 1A to the general Regulations, may apply for a licence as if that regulation were in force by submitting an application which complies with that Schedule, as set out in the Schedule to these Regulations;

(b) food authorities–

(i) shall determine any such applications which they receive, give notices of determinations and, where appropriate, issue licences; and

(ii) may suspend or revoke any licence issued in respect of such an application and take any steps which they consider appropriate for the purposes of making determinations in relation to such applications and licences (including the inspection of premises and the receipt of charges),

as if the said Schedule 1A was in force.

(2) Any licence granted by a food authority pursuant to such an application shall, subject to paragraph 10 of Schedule 1A, remain in force for a period of one year commencing with the later of the date on which it is issued or 2nd October 2000.

St Andrew's House,Edinburgh
29th March 2000

*SUSAN C DEACON*
A member of the Scottish Executive

## THE SCHEDULE

Regulation 3(2)

## SCHEDULE 1A FOR INSERTION IN THE GENERAL REGULATIONS

## "SCHEDULE 1A

Regulations 4A and 6(1)

## LICENSING OF BUTCHERS' SHOPS IN SCOTLAND

**1.** The following definitions shall apply for the purposes of this Schedule–

"appropriate food authority" in relation to a butcher's shop, or an application or licence relating to a butcher's shop, means the food authority for the area in which the shop is situated or the food authority which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations 1991(**3**);

"butcher's shop" means the premises of a food business in or from which–

(a) commercial operations are carried out in relation to unwrapped raw meat; and

(b) raw meat and ready to eat food are both placed on the market for sale or supply,

other than catering premises;

"catering premises" means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business–

(a) food is prepared for delivery to the ultimate consumer for consumption; and

(b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

"HACCP procedures" mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles–

(a) analysis of the potential food hazards in a food business operation;

(b) identification of the points in those operations where food hazards may occur;

(c) deciding which of the points identified are critical to ensuring food safety ("critical points");

(d) identification and implementation of effective control and monitoring procedures (including critical limits and appropriate corrective actions to be taken), at those critical points;

(e) verification to confirm that the HACCP procedures are working effectively;

(f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business' operations change; and

(g) documentation of all procedures appropriate to the effective application of the principles listed in (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraph 5(1)(b);

"licence" means a licence issued under this Schedule;

"meat" means fresh meat within the meaning of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995(**4**) or regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**5**) and wild game meat

(**3**) S.I. 1991/2825; to which there are amendments not relevant to these Regulations.
(**4**) S.I. 1995/539.
(**5**) S.I. 1995/540.