SCOTTISH STATUTORY INSTRUMENTS

1999 No. 186

FOOD

The Beef Bones (Scotland) Regulations 1999

Made - - - -	*16th December 1999*
Laid before the Scottish Parliament - - - -	*16th December 1999*
Coming into force - -	*17th December 1999*

The Scottish Ministers, in exercise of the powers conferred on them by sections 6(4), 16(1)(a), (b), (c), (d) and (f) and (3), 26 and 48(1) of, and paragraphs 2(1), 3(1), 5(1) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990(**1**) and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Beef Bones (Scotland) Regulations 1999 and shall come into force on 17th December 1999.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires–

"the Act" means the Food Safety Act 1990;

"additive" means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritional value, used in the preparation, packaging, transport or storage of a food which results, or may reasonably be expected to result, in it or its by-products becoming directly a component of the food;

"bone-in beef" means a carcase or any fresh meat which contains or to which there is attached any bone;

"bone" means any bone (including bone marrow and any part of a bone) of a bovine animal, including the bones of the tail and feet, but excluding cartilage;

(**1**) 1990 c. 16; the functions of the Ministers, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act (c.46).

"bovine animal" means any bovine animal aged over six months at slaughter which is a food source, including buffalo of the species*Bubalis bubalis* and*Bison bison*;

"carcase" means the whole body of a slaughtered bovine animal;

"fresh meat" means any part of a bovine animal suitable for human consumption, including chilled or frozen meat, which has not undergone any preserving process and includes any meat vacuum wrapped or wrapped in a controlled atmosphere;

"ingredient" means any substance, including any additive, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

"occupier" means the person carrying on a food business; and

"ultimate consumer" means any person who buys otherwise than for the purposes of a food business.

(2) For the purposes of these Regulations, the age at slaughter of a bovine animal shall be presumed to be over six months unless it can be shown, by reference to such records as are available in relation to the age at slaughter of the animal, that it was aged six months or less at slaughter.

(3) For the purposes of these Regulations, the delivery in the course of a business of bones or food to, or to the order of, their owner for human consumption shall be deemed to be a sale.

Bone-in beef

3.—(1) Subject to paragraphs (2) and (3) below, no person shall use any bone-in beef in the preparation, in the course of a business, of any food or ingredient for human consumption.

(2) Paragraph (1) above shall not apply to the use of bone-in beef in the production of food for sale direct to theultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

(3) Nothing in paragraph (1) shall prohibit the processing or treatment of bone-in beef for sale as such.

Bones

4.—(1) Subject to paragraph (3) below, no person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation, in the course of a business, of any food or ingredient for human consumption.

(2) Subject to paragraph (4) below, no person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation, in the course of a business, of any food or ingredient for human consumption.

(3) Paragraph (1) above shall not apply to the sale of bones for use in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale to the ultimate consumer involves delivery of take-away food.

(4) Paragraph (2) above shall not apply to the use of bones in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

Food and food ingredients

5.—(1) Subject to paragraph (5) below, no person shall, in the course of a business, sell for human consumption any food an ingredient of which consists of bones removed from bone-in beef deboned in Great Britain.

(2) Subject to paragraph (6) below, no person shall, in the course of a business, sell for human consumption any food an ingredient of which is derived from bones removed from bone-in beef deboned in Great Britain.

(3) No person shall sell any substance derived from bones removed from bone-in beef deboned in Great Britain for use in the preparation, in the course of a business, of any food or ingredient for human consumption.

(4) Subject to paragraph (7) below, no person shall use any substance derived from bones removed from bone-in beef deboned in Great Britain in the preparation, in the course of a business, of any food or ingredient for human consumption.

(5) Paragraph (1) above shall not apply to the sale of any food, an ingredient of which consists of bones, direct to the ultimate consumer at the premises where it was produced, including the case where the sale involves delivery of take-away food, if the bones were added to the food at those premises.

(6) Paragraph (2) above shall not apply to the sale of food direct to the ultimate consumer at the premises where it was produced, including the case where the sale involves delivery of take-away food, if the ingredient was derived from the bones concerned at those premises.

(7) Paragraph (4) above shall not apply to the use of a substance in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food, if that substance was derived from the bones concerned at those premises.

(8) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone-in beef regardless of whether it was derived from the bones before, during or after their removal from the bone-in beef.

Storage of bones and substances

6.—(1) Subject to paragraph (2) below, the operator of any food premises shall ensure that–

(a) all bones at the premises which have been removed from bone-in beef deboned in Great Britain; and

(b) all substances at the premises which have been derived from bones removed from bone-in beef deboned in Great Britain,

are stored separately from and do not come into contact with any other food at those premises.

(2) Paragraph (1) above shall not apply to the storage of bones and substances at any premises at which (pursuant to these Regulations) the bones and substances are used in the production of food for sale direct to the ultimate consumer at those premises.

Records

7.—(1) Subject to paragraph (4) below the occupier of any food premises at which bones are removed from bone-in beef shall make a record of the place to which, and of any person to whom, those bones are consigned.

(2) Subject to paragraph (4) below, a person to whom bones are consigned as described in paragraph (1) above shall make a record of the place to which, and of any person to whom, he in turn consigns those bones.

(3) A record required to be made under this regulation shall be kept by the person making it for at least 2 years from the date of its being made.

(4) This regulation shall not apply in respect of any bones which are–

(a) disposed of by way of sale to the ultimate consumer, or