STATUTORY INSTRUMENTS

2015 No. 518

FOOD, ENGLAND

The Country of Origin of Certain Meats (England) Regulations 2015

Made - - - -	*4th March 2015*
Laid before Parliament	*9th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1), (2) and (3), 31(1) and 48(1) of the Food Safety Act 1990(**1**) and now vested in the Secretary of State(**2**), and by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**3**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy(**4**) and in relation to food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink(**5**).

The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**6**) and it appears to the Secretary of State that it is expedient for any reference to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry(**7**) to be construed as a reference to that Regulation as amended from time to time.

(**1**) 1990 c. 16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6, the Food Standards Act 1999 (c. 28) ("the 1999 Act"), Schedule 5, paragraph 10(1) and (3) and Schedule 6, and S.I. 2002/794. Section 16(1) was amended by the 1999 Act, Schedule 5, paragraph 8. Section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12(a), and S.I. 2011/1043. Section 26(3) was partially repealed by the 1999 Act, Schedule 6. Sections 31(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8.

(**2**) Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to the Food Standards Act 1999, Schedule 5, paragraph 8.

(**3**) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, Schedule, Part 1 and S.I. 2007/1388.

(**4**) S.I. 1972/1811, to which there are amendments not relevant to these Regulations.

(**5**) S.I. 2005/2766, to which there are amendments not relevant to these Regulations.

(**6**) Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006, section 27(1)(a) and the European Union (Amendment) Act 2008, Schedule, Part 1.

(**7**) OJ No L 335, 14.12.13, p 19.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990, the Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(**8**).

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**9**), during the preparation and evaluation of the following Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Country of Origin of Certain Meats (England) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Food Safety Act 1990;

"authorised officer" means a person authorised by an enforcement authority (within the meaning of the Act) for the purposes of these Regulations;

"batch" has the meaning given in Article 2(2)(b);

"batch code" means any existing mark on a label or packaging, such as a date mark or lot number, which a food business operator can demonstrate, when cross referenced with other information, allows them to identify the origins of the meat;

"Commission Regulation" means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

"food authority" means—

(a) a county council;

(b) a metropolitan district council;

(c) a non-metropolitan district council for an area for which there is no county council;

(d) a London borough council;

(e) the Common Council of the City of London (in their capacity as a local authority); and

(f) the Council of the Isles of Scilly;

"food business operator" has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

"mass caterer" has the meaning given in Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(**10**);

"trimmings" has the meaning given in Article 2(2)(a).

(**8**) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.
(**9**) OJ No L 31, 1.2.02, p 1, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.09, p 14).
(**10**) OJ No L 304, 22.11.11, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.14, p 7).

(2) Except as otherwise provided, any reference in these Regulations to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference in these Regulations to the Commission Regulation is a reference to that Regulation as amended from time to time.

Competent authority

3. Each food authority in its area or district is the competent authority for the purposes of—

(a) the third sub-paragraph of Article 5(1) (labelling of meat where specified rearing period not attained in any member State or third country); and

(b) Article 5(2) (labelling of meat where "origin" indicated on the label).

Enforcement authorities

4.—(1) These Regulations are enforced by each food authority within its area and by each port health authority within its district.

(2) In this regulation "port health authority" means—

(a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Diseases) Act 1984(**11**)), the Common Council of the City of London;

(b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act.

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Application of provisions of the Act

6.—(1) Section 10(1) and (2) of the Act (improvement notices) applies with the modification (in the case of section 10(1)) specified in Part 1 of the Schedule for the purposes of—

(a) enabling an improvement notice to be served on a person requiring the person to comply with—

(i) any of Articles 3 to 6 and 8 of the Commission Regulation; or

(ii) regulation 5; and

(b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) Section 32 of the Act (powers of entry)(**12**) applies, with the modifications specified in Part 2 of the Schedule, for the purposes of enabling an authorised officer—

(a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of Articles 3 to 6 and 8 of the Commission Regulation;

(b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and

(**11**) 1984 c. 22.
(**12**) Section 32(5) and (6) were amended by the Criminal Justice and Police Act 2001 (c. 16), Schedule 2, paragraph 18.

(c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(3) Section 37(1) and (6) of the Act (appeals) applies with the modifications specified in Part 3 of the Schedule for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) Section 39 of the Act (appeals against improvement notices) applies with the modifications specified in Part 4 of the Schedule for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).

(5) The provisions of the Act specified in the first column of the table in Part 5 of the Schedule apply with the modifications specified in the second column of that table for the purposes of these Regulations.

Review

7.—(1) The Secretary of State must from time to time—

(a) carry out a review of these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Commission Regulation (which is implemented by means of these Regulations) is implemented in other member States.

(3) The report must, in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

4th March 2015