STATUTORY RULES OF NORTHERN IRELAND

1997 No. 495

FOOD

Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997

Made - - - - 13th November 1997

Coming into operation 8th December 1997

Whereas it appears to the Department of Agriculture that it is necessary or expedient—

(a) for the purposes of ensuring that food complies with food safety requirements or in the interests of public health; or

(b) for the purposes of protecting or promoting the interests of consumers,

to make the following Regulations;

Now therefore, that Department, being the Department concerned, in exercise of the powers conferred by Articles 15(1), (2) and (3), 16(1), 25, 26(3), 47(2) and 48(2) of, and paragraphs 1, 5 and 6 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**1**) and of every power enabling it in that behalf, and after consultation, in accordance with Article 47(3) of the said Order, with such organisations that appear to it to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:

Part I

Preliminary

Citation and commencement

1. These Regulations may be cited as the Minced Meat and Meat Preparations (Hygiene) Regulations (Northern Ireland) 1997 and shall come into operation on 8th December 1997.

Interpretation

2. In these Regulations—

"approval authority" means the Department or any district council or the Department and any district council acting jointly;

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)

"cold store" means any premises which store minced meat or meat preparations under refrigerated conditions;

"cold treatment" means treatment by refrigeration;

"the Department" means the Department of Agriculture;

"EEA Agreement" means the Agreement on the European Economic Area(**2**) signed at Oporto on 2nd May 1992, as adjusted by the Protocol(**3**) signed at Brussels on 17th March 1993;

"EEA State" means a State, other than the United Kingdom, which is a Contracting Party to the EEA Agreement;

"enforcement authority" shall be construed in accordance with regulation 12;

"farmed game" means wild land mammals which are reared and slaughtered in captivity, excluding—

(a) mammals of the family *Leporidae*; and

(b) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;

"farmed game bird meat" means the meat of birds, including ratites, but excluding poultry, which are not generally considered domestic but which are bred, reared and slaughtered in captivity;

"farmed game meat" means meat obtained from farmed game;

"final consumer" means a person who buys minced meat or meat preparations—

(a) otherwise than for the purpose of resale;

(b) for direct transport to, and consumption on, premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him; or

(c) for direct transport to premises either in his ownership or under his personal supervision or in the ownership or under the personal supervision of a person employed by him for sale as ready cooked take-away food for consumption off the premises;

"Fresh Meat Regulations" means the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland)1997(**4**);

"GB Hygiene Regulations" means the Fresh Meat (Hygiene and Inspection) Regulations 1995(**5**), the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**6**) or the Wild Game Meat (Hygiene and Inspection) Regulations 1995(**7**);

"health mark" means a mark of a kind described in Schedule 7 and applied in accordance with regulation 7(1)(*e*) or 8(1)(*h*), as the case may be, and that Schedule;

"Hygiene Regulations" means the Fresh Meat Regulations, the Poultry Meat Regulations or the Wild Game Meat Regulations;

"independent premises" means any premises which are used for the production of minced meat or meat preparations and which are not licensed premises or premises approved under regulation 4 of the Meat Products Regulations;

"industrial premises" means any premises which have been approved under regulation 4 and—

(a) which produce minced meat; or

(**2**) O.J. No. L.1, 3.1.94, p. 1
(**3**) O.J. No. L.1, 3.1.94, p. 571
(**4**) S.R. 1997 No. 493
(**5**) S.I. 1995/539 as amended by S.I. 1995 No. 3189, S.I. 1996 No. 1148 and S.I. 1997 No. 2074
(**6**) S.I. 1995/540
(**7**) S.I. 1995/2148

(b) whose total production of meat preparations exceeds 7.5 tonnes per week; or

(c) whose total production of meat preparations and meat products (where they are produced in the same premises) exceeds 7.5 tonnes per week;

"licensed" means licensed under regulation 4 of the Fresh Meat Regulations, regulation 4 of the Poultry Meat Regulations or regulation 3 of the Wild Game Regulations;

"meat" means parts of animals (other than solipeds) or birds which are suitable for human consumption and have been—

(a) produced in licensed establishments or in establishments licensed under the corresponding provisions in the GB Hygiene Regulations, and given a health mark in accordance with, any of the Hygiene Regulations or of the GB Hygiene Regulations; or

(b) imported and examined in accordance with the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1993(**8**);

"meat preparation" means meat to which foodstuffs, seasonings or additives have been added or which has undergone a treatment insufficient to modify its internal cellular structure and so alter its characteristics;

"meat product" has the same meaning as in the Meat Products Regulations;

"Meat Products Regulations" means the Meat Products (Hygiene) Regulations (Northern Ireland) 1997(**9**);

"mechanically recovered meat" means meat which—

(a) comes from residual meat on bones apart from—

(i) the bones of the head; and

(ii) the extremities of the limbs below the carpal and tarsal joints and, in the case of swine, the coccygeal vertebrae;

(b) has been obtained by mechanical means; and

(c) has been passed through a fine mesh such that its cellular structure has been broken down and it flows in puree form;

"minced meat" means meat which has been minced into fragments or passed through a spiral screw mincer and includes such meat to which not more than 1% salt has been added;

"non-industrial premises" means any premises approved under regulation 4 which are not industrial premises;

"occupier" in relation to any premises means a person carrying on the business of producing or storing minced meat or meat preparations on those premises;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"packaging", in relation to minced meat and meat preparations, means the placing of one or more of those products, wrapped or unwrapped, in a container, as well as the container itself;

"Poultry Meat Regulations" means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**10**);

"premises" means any industrial or non-industrial premises;

"pre-prepared minced meat" means minced meat destined for use in a meat preparation but which has been stored, other than incidentally to a continuous manufacturing process, before such use;

(**8**) S.R. 1993 No. 304
(**9**) S.R. 1997 No. 494
(**10**) S.R. 1995 No. 396

"production" means manufacturing, preparing, processing, packaging, wrapping or rewrapping;

"registered premises" means premises which are not approved under regulation 4 but which are licensed, approved under regulation 4 of the Meat Products Regulations, or registered under regulation 4 of the Food Premises (Registration) Regulations (Northern Ireland) 1992(**11**);

"seasonings" means salt, mustard, spices and aromatic spice extracts, or aromatic herbs and aromatic extracts thereof;

"third country" means any country, other than the United Kingdom, the Isle of Man or any of the Channel Islands, which is not an EEA State;

"Wild Game Meat Regulations" means the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**12**); and

"wrapping", in relation to minced meat or meat preparations, means the placing of such products in material which comes into direct contact with them, as well as the material itself.

Exemptions

3. These Regulations shall not apply to—

(a) premises producing or storing minced meat and meat preparations exclusively for direct sale in Northern Ireland to the final consumer from those premises or from a sales point adjacent to those premises;

(b) the production of mechanically recovered meat; or

(c) the production or sale of minced meat intended to be used as a raw material for the production of sausage meat destined for inclusion in a meat product.

Part II

Approval of premises

Approval of premises

4.—(1) A person shall not use any premises for the production of minced meat or meat preparations intended for consignment, or sale for consignment, to an EEA State, or to a third country, for human consumption unless those premises are approved under this regulation and comply with the appropriate requirements of the Schedules.

(2) Subject to paragraph (4), the approval authority to which an application has been made under paragraph (3), shall approve the premises to which the application relates—

(a) where the premises are not independent premises but are licensed premises or premises approved under regulation 4 of the Meat Products Regulations—

(i) for the production of minced meat if it is satisfied that the requirements of Schedule 1 are met; and

(ii) for the production of meat preparations if it is satisfied that the requirements of Schedule 2 are met; or

(**11**) S.R. 1992 No. 167; the relevant amending Regulations are S.R. 1994 No. 346, S.R. 1995 No. 396, S.R. 1997 No. 493, S.R. 1997 No. 494 and S.R. 1997 No. 496

(**12**) S.R. 1997 No. 496

(b) where the premises are independent premises, for the production of minced meat or meat preparations, as the case may be, if it is satisfied that the appropriate requirements of Schedule 3 are met,

and shall refuse so to approve those premises if it is not so satisfied.

(3) The occupier of, or a person proposing to occupy, any premises for the production of the minced meat or meat preparations mentioned in paragraph (1) may apply in writing to an approval authority for the approval of those premises under this regulation.

(4) In the case of non-industrial premises the following derogations from the requirements specified in Schedules 1, 2 and 3 shall apply that is to say—

(a) taps near work stations may be hand-operable;

(b) an adequate number of lockers will suffice in place of changing rooms; and

(c) the manufacture and wrapping of meat preparations may take place in the same room, provided that—

(i) those operations constitute a single production cycle complying with the requirements of these Regulations and guaranteeing the safety of the raw materials and finished products; and

(ii) the design and dimensions of the room so allow.

(5) An approval authority shall allocate to each premises approved by it under this regulation an approval number.

(6) The approval authority to which an application has been made under paragraph (3) shall notify the applicant of its decision in relation to the application and of the reasons for any refusal to grant an approval under this regulation.

Revocation of approvals

5.—(1) Subject to paragraph (3) and to regulation 6(3), an approval authority may, by notice in writing given to the occupier of any premises approved under regulation 4, revoke that approval if it is satisfied that—

(a) the premises no longer comply with the relevant requirements of these Regulations;

(b) adequate health inspection of the premises is being hampered;

(c) the business carried on at the premises in respect of which the approval was granted is no longer being carried on there; or

(d) the premises have become exempt under regulation 3.

(2) The approval authority shall state in any notice of revocation given under paragraph (1)—

(a) the date on which the revocation is to take effect; and

(b) the reason for the revocation.

(3) An approval shall not be revoked under paragraph (1)(*a*) or (*b*) in respect of any premises unless—

(a) there is in force in relation to the premises—

(i) a prohibition order under Article 10 of the Order; or

(ii) an emergency prohibition order under Article 11 thereof; and

(b) under either such an order minced meat or meat preparations may no longer be produced at the premises.

(4) Where the approval authority gives a notice of revocation under paragraph (1)(*c*), then for the purposes of that paragraph, "occupier", in relation to any premises which, at the time the notice