1982 No. 386

FOOD AND DRUGS

Poultry Meat (Water Content) Regulations (Northern Ireland) 1982

Made . . . . . *24th November 1982*

Coming into operation . . . *1st January 1983*

The Department of Health and Social Services, being a designated Department(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the Economic Community, in exercise of the powers conferred on it by the said section 2(2) and sections 68 and 68A(**c**) of the Food and Drugs Act (Northern Ireland) 1958(**d**), and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Poultry Meat (Water Content) Regulations (Northern Ireland) 1982 and shall come into operation on 1st January 1983.

Interpretation

2.—(1) In these regulations

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"analysis" and "counter-analysis" mean analysis and counter-analysis respectively performed pursuant to Article 4 of the Council Regulation;

"authorised officer" means an authorised officer of a district council;

"Community provision" means any provision of the Council Regulation or the Commission Regulation;

"cutting premises" means premises used for the purpose of cutting or boning poultry meat intended for sale for human consumption, which is not subject to any preservation process on those premises other than chilling or freezing, but does not include any premises used for the purpose of catering or sales by retail;

"the Commission Regulation" means Commission Regulation (EEC) No. 2785/80(**e**) introducing detailed rules for implementing the Council Regulation;

(a) Designated by S.I. 1972/1811
(b) 1972 c. 68
(c) Added by S.R. & O. (N.I.) 1972 No. 363
(d) 1958 c. 27 (N.I.)
(e) O.J. No. L288, 31.10.80, p. 13; amended by Commission Regulation No. 3134/81 (O.J. No. L312, 31.10.81, p. 59)

"the Council Regulation" means Council Regulation (EEC) No. 2967/76(**a**), laying down common standards for the water content of frozen and deep-frozen chickens, hens and cocks;

"Department" means the Department of Health and Social Services;

"poultry carcases" means frozen or deep-frozen whole eviscerated carcases of chickens, hens or cocks, with or without edible offal;

"sell" includes offer or expose for sale or have in possession for sale.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Enforcement authorities

3. Each district council is hereby designated as the responsible authority in its district for the purposes of Article 6 of the Council Regulation and as such shall secure the enforcement and execution of the Community provisions and the provisions of these regulations in its district.

Powers of authorised officers

4.—(1) For the purpose of enforcing or executing any Community provision or any provision of these regulations, an authorised officer shall, on producing, if so required, some duly authenticated document showing his authority, have a right—

(*a*) to enter at all reasonable hours any premises (other than premises used only as a dwelling) where any activity regulated by a Community provision is being, or is reasonably suspected of being, carried on;

(*b*) to conduct on such premises such tests and checks as may reasonably be necessary;

(*c*) to require any person not to remove or cause to be removed from such premises such number of poultry carcases as may be reasonable in the circumstances, pending the result of any test, check, analysis or counter-analysis;

(*d*) to detain or cause to be detained at any place suitable for the purpose such number of poultry carcases as may be reasonable in the circumstances, pending the result of any test, check, analysis or counter-analysis;

(*e*) notwithstanding anything in section 34(1) of the Act, to carry out initial checks on the water content of any poultry carcase in accordance with the rapid detection method described in Annex II to the Council Regulation, as provided in Article 4(1) of that Regulation;

(*f*) to require the production of the register which slaughterhouses are required to keep by virtue of Article 2(1) of the Council Regulation.

(2) The provisions of paragraph (1) shall apply in relation to any vehicle, land or place other than premises (other than any vehicle, land or place used only as a dwelling) as they apply in relation to premises.

(3) An authorised officer entering any premises, vehicle, land or other place by virtue of this regulation may take with him such other persons and such equipment as are reasonably necessary.

(**a**) O.J. No. L339, 8.12.76, p. 1; relevant amending instruments are Council Regulations (EEC) Nos. 1691/77 (O.J. No. L188, 28.7.77, p. 10), 641/79 (O.J. No. L82, 31.3.79, p. 4) and 2835/80 (O.J. No. L292, 1.11.80, p. 75) and Commission Regulation (EEC) No. 2632/80 (O.J. No. L270, 15.10.80, p. 14) Council Regulation (EEC) No. 2835/80, as published in the Official Journal, is to be read with the corrigendum published at O.J. No. L299, 8.11.80, p. 28

(**b**) 1954 c. 33 (N.I.)

Identification of slaughterhouse from which poultry carcase originates

5.—(1) There shall be made on, or visibly beneath, the wrapper of every poultry carcase, or on a ticket or notice attached to it, a marking sufficient to identify to an authorised officer the slaughterhouse from which the carcase originates.

(2) Poultry carcases sent in large sealed packages—

(*a*) from a slaughterhouse to cutting premises for cutting or boning therein, or

(*b*) from a slaughterhouse or cutting premises to a manufacturer for the purposes of his manufacturing business, or

(*c*) from a slaughterhouse or cutting premises to a caterer for the purposes of his catering business,

shall be exempt from the requirement to be individually marked in accordance with paragraph (1), if there is made on the external surface of each large package a marking sufficient to identify to an authorised officer the slaughterhouse from which the poultry carcases in that package originate.

(3) A person shall not sell any poultry carcase which does not comply with this regulation.

Notice of intended prosecution

6. Where a district council intends to bring proceedings against any person for an offence under these regulations in respect of a contravention of Article 1(1) of the Council Regulation, the council shall, not less than 14 days before the institution of proceedings, cause to be served on the person to be charged a notice of intended prosecution.

Analysis

7.—(1) An authorised officer who procures a sample of poultry carcases shall, unless either—

(*a*) the poultry carcases originate from a slaughterhouse outside the United Kingdom, or

(*b*) he decides not to have an analysis made,

within 7 days of procuring the sample serve on the occupier of the slaughterhouse from which the poultry carcases originate a notice stating that the sample has been procured by the officer and specifying where the sample was taken or, as the case may be, from whom it was purchased.

(2) If the authorised officer has an analysis made, he shall, within 7 days of receipt by him of the certificate of the public analyst specifying the result of the analysis, serve a copy of the certificate on the occupier of the slaughterhouse from which the poultry carcases originate, unless the slaughterhouse is outside the United Kingdom, and on the person from whom the sample was taken or purchased, if it was not taken or purchased from that slaughterhouse.

(3) If a district council intends to bring proceedings for an offence under these regulations in respect of a contravention of Article 1(1) of the Council Regulation against any person who has not already been served with a copy of the certificate of the public analyst specifying the result of the analysis under paragraph (2), the council shall, not less than 14 days before the institution of proceedings, cause to be served on the person to be charged a copy of that certificate.

(4) Section 35 of the Act (which contains provisions as to samples taken for analysis) shall not apply to a sample of poultry carcases procured for the purpose of enforcing the Community provisions or the provisions of these regulations.