STATUTORY INSTRUMENTS

1979 No. 1426

FOOD AND DRUGS

FOOD HYGIENE

The Imported Food (Amendment) Regulations 1979

Made - - - -	*7th November* 1979
Laid before Parliament	*19th November* 1979
Coming into Operation	*1st January* 1980

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, being designated (**a**) Ministers for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred upon them by the said section 2(2) and in exercise of the powers conferred upon them by sections 13 and 123 of the Food and Drugs Act 1955(**c**), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the said Act of 1955, hereby make the following regulations: —

Citation and commencement

1. These regulations may be cited as the Imported Food (Amendment) Regulations 1979, and shall come into operation on 1st January 1980.

Interpretation

2. In these regulations the expression "the principal regulations" means the Imported Food Regulations 1968(**d**) and, unless the context otherwise requires, any reference herein to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule bearing that number in the principal regulations.

Amendment of the principal regulations

3.—(1) Regulation 2(1) shall be amended—

(*a*) by inserting after the definition of "the Act" the following definition: —

(**a**) S.I. 1972/1811.

(**b**) 1972 c. 68.

(**c**) 1955 c. 16 (4 & 5 Eliz. 2); sections 13 and 123 are to be read with the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(**d**) S.I. 1968/97, amended by S.I. 1973/1351.

" 'appropriate Minister' means as respects importation into England the Minister of Agriculture, Fisheries and Food, and as respects importation into Wales the Secretary of State for Wales;";

(*b*) by substituting for the definition of "Minister" the following definition:—

" 'Ministers' means the Minister of Agriculture, Fisheries and Food and Secretary of State for Wales acting jointly;";

(*c*) by substituting for the definition of "official certificate" the following definition:—

" 'official certificate' means a certificate, label, mark, seal, stamp or other voucher which—

(*a*) the competent authority has affixed or caused to be affixed in the country of origin, or, in relation to meat and poultry meat originating in one country of the European Economic Community but cut up in another country of that Community the competent authority in the latter has affixed or caused to be affixed, to any meat, poultry meat or meat product or to a package containing or intended to contain any meat, poultry meat or meat product, or which, in the case of lard or any rendered animal fat transported unpackaged in the tank of a ship, aircraft, hover vehicle or road vehicle, the competent authority at the place of shipment has caused to be sent in that ship, aircraft, hover vehicle or road vehicle; and

(*b*) is for the time being recognised by the Ministers in accordance with regulation 3 or 12 (4) as showing—

(i) that the meat or poultry meat to which it relates, or the meat from which the meat product to which it relates was prepared, was derived from mammals or poultry inspected before and after death, or in the case of mammals killed when wild, was derived from mammals inspected after death only, in the country of origin of the meat or poultry meat and passed in accordance with criteria satisfactory to the Ministers; and

(ii) that the dressing, packing and other preparation of the meat, poultry meat or meat product was carried out with all necessary precautions for the prevention of danger to to health;".

(2) The following regulation shall be substituted for regulation 12:—

"**12.**—(1) This part of these regulations shall not apply to any article of food specified in Schedule 3.

(2) In this regulation:

"import" includes remove from the Isle of Man;

"re-export" includes consigned from the Isle of Man to England and Wales;

"specified fresh meat" means fresh, chilled or frozen meat derived from domestic animals of the bovine, porcine, ovine, caprine or equine species.

(3) No person shall import into England and Wales for sale for human consumption:

(*a*) any specified fresh meat or any poultry meat;

(*b*) (i) any meat other than specified fresh meat, or

(ii) any meat product

from any place elsewhere than the Republic of Ireland, the Channel Islands, or the Isle of Man;

(*c*) any meat, other than specified fresh meat, from the Republic of Ireland, the Channel Islands or the Isle of Man which is meat of a description set out in Schedule 2; or

(*d*) any meat product imported into the Republic of Ireland, the Channel Islands or the Isle of Man and re-exported therefrom whether or not the meat product has been subjected while in those countries to any process or treatment;

unless in each case it is accompanied by a valid official certificate, and, in the case of any specified fresh meat from any country of the European Community, the Channel Islands or the Isle of Man or any poultry meat, it is also accompanied by a health certificate.

(4) In relation to any meat or poultry meat of a description set out in Schedule 2, an official certificate shall not be valid unless it is a certificate in the recognition of which by the Ministers it is expressly indicated that that recognition extends to that description of meat or poultry meat.

(5) An official certificate required by this regulation shall be:

(*a*) so placed as to be legible and clearly visible, and

(*b*) affixed to any sides or quarters of meat, to packages of meat or meat products, as well as to any container in which any of the foregoing are packed, or

(*c*) applied to poultry carcases which are not individually wrapped or to wrappers or visibly beneath wrappers of poultry carcases which are individually wrapped and to wrappers or visibly beneath wrappers of parts of poultry carcases or poultry offal packed in small quantities as well as to any package in which any of the foregoing are packed:

Provided that where a number of poultry carcases are packed together in large packages which are sealed by an official certificate and in addition bear a label in the form specified in Schedule 7 indicating that they are destined for cutting premises licensed under the Poultry Meat (Hygiene) Regulations 1976(**a**) or the Poultry Meat (Hygiene) (Scotland) Regulations 1976(**b**) for cutting in those premises, such poultry carcases are exempt from the requirements to bear an official certificate individually.

(6) An official certificate in respect of lard or rendered animal fat transported unpackaged in a tank of a ship, aircraft, hover vehicle or road vehicle shall—

(a) S.I. 1976/1209, amended by S.I. 1979/693.
(b) S.I. 1976/1221 (S. 103), amended by S.I. 1979/768 (S. 71).

(*a*) in the case of lard or fat transported in a ship, aircraft or hover vehicle, indicate the position in that ship, aircraft or hover vehicle of the tank;

(*b*) state the quantity of lard or fat contained in the tank; and

(*c*) state that the pipes and the pumps used for the loading of the lard or fat and the tank were inspected and found to be clean before the lard or fat was loaded.

(7) (*a*) In any case where the importation into England and Wales of any meat, poultry meat or meat product described in paragraph (3) of this regulation is not permitted by an authorised officer, having regard to the foregoing provisions of this regulation, by reason of the absence of an official certificate, or a health certificate (or both such certificates), or some deficiency or inaccuracy in the form of an accompanying official certificate or health certificate, as the case may be, and that officer has reasonable cause to believe that such absence, deficiency or inaccuracy is due to a bona fide mistake or to the official certificate or health certificate or both such certificates being lost or damaged in transit, he may forthwith notify the appropriate Minister to that effect, and in that case shall furnish him with all relevant information in his possession.

(*b*) On receipt of such notification and information the appropriate Minister shall make such enquiries as he considers appropriate, and shall communicate the results of his enquiries to the authorised officer.

(*c*) If, after taking into consideration the results of the appropriate Minister's enquiries, and after consultation with the appropriate Minister, the authorised officer is satisfied that—

(i) the meat, poultry meat or meat product originally came from a country the official certificate of whose competent authority is for the time being recognised by the Ministers pursuant to regulation 3,

(ii) the meat, poultry meat or meat from which the meat product was prepared, was derived from mammals or poultry, as the case may be, inspected before and after death or in the case of mammals killed while wild was derived from mammals inspected after death only, by the competent authority in the country of origin of the meat or poultry meat and passed in accordance with criteria satisfactory to the Ministers, and

(iii) the dressing, packing and other preparation of the meat, poultry meat or meat product were carried out with all necessary precautions for the prevention of danger to health,

and notifies the appropriate Minister in writing to that effect, the foregoing provisions of this regulation shall have effect in relation to the meat, poultry meat or meat product as if it had been accompanied by an official certificate or a health certificate, or both such certificates, in compliance with the relevant requirements of paragraphs (3) to (6) of this regulation.".

(3) Regulation 13 shall be amended by substituting for paragraphs (1), (2) and (3) thereof the following paragraphs:—

"(1) If upon examination of any food an authorised officer is of the opinion that it comprises any meat, poultry meat or meat product imported or removed into England and Wales in contravention of the provisions of regulation 12 or that it comprises any meat, poultry meat or meat product to which regulation 12(7)(*a*) applies, he shall notify in writing the importer, or the master of the ship, aircraft or hover vehicle, or the driver of the road vehicle in which the food is so imported or removed that the food must not be removed for any purposes other than its exportation.

(2) Unless the authorised officer proposes to notify the appropriate Minister under regulation 12(7)(*a*) of the absence, deficiency or inaccuracy of any official certificate or health certificate the authorised officer shall, when giving a notice under paragraph (1) of this regulation, notify the importer in writing that unless within a time specified in the notice, being not less than 24 hours after the notice is received, the importer gives a written undertaking to the enforcing authority to export the food to which the notice relates at his own expense within fourteen days from the date of the undertaking, or to prove in proceedings before a justice of the peace that the importation or removal of the food into England and Wales is not contrary to the provisions of regulation 12, the food may be destroyed or disposed of so that it cannot be used for human consumption.

(3) In the case of food as to which the authorised officer proposes to notify the appropriate Minister under regulation 12(7)(*a*) of the absence, deficiency or inaccuracy of an official certificate or of a health certificate or of both such certificates, the notice referred to in paragraph (2) of this regulation shall be given if, after the enquiries and consultation referred to in regulation 12(7)(*c*), the authorised officer does not notify the appropriate Minister that he is satisfied as to the matters set out in regulation 12(7)(*c*)(i) to (iii).".

(4) Schedules 1 and 2 to these regulations shall be substituted for Schedules 2 and 6 respectively, and Schedule 3 to these regulations shall be added as Schedule 7.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st November 1979.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Patrick Jenkin,
Secretary of State for Social Services.

5th November 1979.

Nicholas Edwards,
Secretary of State for Wales.

7th November 1979.

SCHEDULE 1 *Regulation 3(4)*

Containing new Schedule 2 to be substituted in the principal regulations

SCHEDULE 2 *Regulation 12(3)(c) and (4)*

Meat or poultry meat which is prohibited subject to the provisions of regulation 12(4)

1. Meat comprising, or forming part of, the thorax or abdomen from which there has been detached any part of the pleura or (except in the case of pig meat) the peritoneum, other than a part whose removal is essential to the deboning process in the preparation of boneless meat.

2. (*a*) Any whole carcase (other than the whole carcase of a sheep) and any side or any quarter of meat from which a lymphatic gland has been removed;

   (*b*) any whole carcase of a sheep from which more than two lymphatic glands have been removed;

   (*c*) any portion of a carcase from which any lymphatic gland has been removed or which contains no associated lymphatic gland;

   (*d*) any offal (other than the tongue of a sheep or pig) from which any lymphatic gland has been removed;

   (*e*) any meat from which bones have been removed and which contains no associated lymphatic gland or from which there has been removed any lymphatic gland other than the presternal, suprasternal, xiphoid, subdorsal, intercostal, renal and sub-lumbar lymphatic glands.

3. Without prejudice to the generality of paragraph 2 of this Schedule, meat comprising—

   (*a*) the liver of any mammal from which the lymphatic gland has been removed;

   (*b*) the head of a pig from which a submaxillary lymphatic gland has been removed;

   (*c*) a carcase, side or forequarter of pork from which a submaxillary lymphatic gland has been removed;

   (*d*) the tongue from any bovine animal from which a submaxillary lymphatic gland has been removed;

   (*e*) the lungs of any mammal from which the bronchial lymphatic glands have been removed;

   (*f*) any part of a carcase which has been chopped or minced, with or without the addition of any spices, cereal products, salt, flavouring, vegetables or other ingredient;

   (*g*) scraps and trimmings.

4. Boneless veal appearing to an authorised officer to be from calves less than three months old.

5. Any poultry meat which has been chopped or minced, with or without the addition of any spices, cereal products, salt, flavouring, vegetables or other ingredient.

Regulation 3(4) SCHEDULE 2

Containing new Schedule 6 to be substituted in the principal regulations

Regulation 2(1) and 11(3) SCHEDULE 6

HEALTH CERTIFICATE
(For all imported fresh poultry meat (1))

Exporting country ..... No. (2) .....
Ministry .....
Competent service .....
Ref. (2) .....

I. *Identification of meat*

Meat of .....
(animal species)
Nature of cuts .....
Nature of packaging .....
Number of packages .....
Net weight .....

II. *Origin of meat*

Address(es) and veterinary approval number(s) of the slaughter-house(s) (4) .....
.....
Address(es) and veterinary approval number(s) of the approved cutting premises (4) .....
.....

III. *Destination of meat*

The meat will be sent
from .....
(place of loading)
to .....
(country and place of destination)
by the following means of transport (3) .....
Name and address of consignor .....
Name and address of consignee .....

IV. *Health attestation*

I, the undersigned, official veterinarian, certify that:

(*a*) —the poultry meat described (4)

—the packaging of the meat described above (4)

bears a mark proving that

—the meat comes from animals slaughtered in approved slaughter-houses (4);

—the meat was cut in approved cutting premises (4);

(*b*) this meat has been passed as fit for human consumption following a veterinary inspection carried out in accordance with the Council Directive of 15 February 1971 on health problems affecting trade in fresh poultry meat;

(*c*) the transport vehicles or containers and the loading conditions of this consignment meet the hygiene requirements laid down in that Directive.

Done at ..... on .....

(.....)
(Signature of official veterinarian)

(1) Fresh poultry meat: fresh meat from the following species—domestic fowls, turkeys, guinea fowls, ducks and geese which have not been treated to ensure their preservation; however, poultry meat which has been chilled or frozen shall be considered to be fresh.

(2) Optional.

(3) For railway wagons and lorries the registration number, for aircraft the flight number and for ships the name should be given.

(4) Delete as appropriate.

SCHEDULE 3 *Regulation 3(4)*

Containing new Schedule 7 to be added to the principal regulations

SCHEDULE 7 *Regulation 12(5)*

LABEL TO BE AFFIXED TO LARGE PACKAGES OF POULTRY CARCASES DESTINED FOR LICENSED CUTTING PREMISES

Intended use—cutting

Address of destination:

.....

.....

.....

.....

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations come into operation on 1st January 1980 and further amend the Imported Food Regulations 1968.

The principal changes are contained in regulation 3 of these regulations and are as follows—

(*a*) the definition of "official certificate" has been amended to permit meat produced in one Member State of the EEC and cut up in another Member State to bear the official certificate of the country in which it was cut up;

(*b*) a consolidation of and an amendment to regulation 12 of the Imported Food Regulations 1968, as amended, so that the certification provisions applicable to lard or rendered animal fat transported unpackaged in tanks of ships, aircraft or hover vehicles are extended to apply to road tankers and to include a requirement for adequate cleaning and inspection of pipes and pumps used to load such lard or fat;

(*c*) Schedule 2 of the principal regulations is extended to include poultry meat which has been chopped or minced;

(*d*) Schedule 6 of the principal regulations is amended to provide for addresses of approved cutting premises to be shown on health certificates accompanying poultry meat;

(*e*) the requirement for individual poultry carcases to bear an official certificate has been relaxed in respect of large packages of poultry carcases destined for licensed cutting premises.

The amendment referred to in sub-paragraph (*a*) above is made in order to give effect to the provisions of Council Directive No. 64/433/EEC (OJ No. 121, 29.7.1964, p. 2012/64; OJ/SE 1963–64, p. 185) on health problems affecting intra-Community trade in fresh meat, as amended by Council Directives No. 66/601/EEC (OJ No. 192, 27.10.1966, p. 3302/66; OJ/SE 1965–66, p. 244), No. 69/349/EEC (OJ No. L256, 11.10.1969, p. 5; OJ/SE 1969 (11), p. 431), No. 70/486/EEC (OJ No. L239, 30.10.1970, p. 42; OJ/SE 1970 (III), p. 744), No. 74/387/EEC (OJ No. L202, 24.7.1974, p. 36) and No. 75/379/EEC (OJ No. L172, 3.7.1975, p. 17).

The amendment referred to in sub-paragraph (*d*) is made in accordance with Council Directive No. 75/431/EEC (OJ No. L192, 24.7.1975, p. 6) amending Directive No. 71/118/EEC on health problems affecting trade in fresh poultry meat.

The amendment referred to in sub-paragraph (*e*) is made in accordance with Council Directive No. 77/27/EEC (OJ No. L6, 8.1.1977, p. 19) on health marking of large packagings of fresh poultry meat.

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