STATUTORY INSTRUMENTS

1968 No. 1181 (S.129)

FOOD AND DRUGS

FOOD HYGIENE

The Imported Food (Scotland) Regulations 1968

Made - - - -	*22nd July* 1968
Laid before Parliament	*31st July* 1968
Coming into Operation	1*st August* 1968

In exercise of the powers conferred on me by sections 13 and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, after consultation with such organisations as appear to me to be representative of interests substantially affected by the regulations and after reference to the Scottish Food Hygiene Council under section 25 of that Act, I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Imported Food (Scotland) Regulations 1968 and shall come into operation on 1st August 1968.

Interpretation

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

"the Act" means the Food and Drugs (Scotland) Act 1956;

"area" means, in relation to a local authority, the area of that authority, including the waters of any customs port abutting on any part of their area but does not include any part of their area which lies within the area of a port local authority; and, in relation to a port local authority, means the area of that authority;

"competent authority" means an authority having power under the laws in force in any country to examine food and to certify as to its fitness for human consumption;

"country of origin" means—

(*a*) in relation to meat other than whale meat, the country where the mammal from which the meat is taken was slaughtered;

(*b*) in relation to any meat product other than a whale meat product, the country where the meat product was prepared;

(a) 1956 c. 30.

(*c*) in relation to any whale meat or whale meat product, the country whose competent authority has, in respect of the whale meat or product, responsibility for the matters for which an official certificate is recognised, and for this purpose the country shall be deemed to include a ship on which the whale meat or whale meat product was dressed, packed or otherwise prepared;

"enforcing authority" means the authority responsible for the enforcement and execution of these regulations under regulation 5;

"export" means remove to a place not in the United Kingdom;

"food" includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) water, live animals or birds;

(*b*) articles and substances used only as drugs;

(*c*) liquid cows' milk or any such milk which is separated or skimmed;

"fully cooked", in relation to any food, means so cooked as to render it unnecessary for the food to be subjected to any further processing or heat treatment before being used for human consumption;

"hover vehicle" means a vehicle designed to be supported on a cushion of air;

"importer", in relation to imported food, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the food or in any way entitled to the custody or control of it;

"local authority" has the meaning assigned to it by section 26 of the Act;

"master", in relation to a ship, aircraft or hover vehicle, includes the officer or any other person for the time being in charge or command of the ship, aircraft or hover vehicle;

"meat" means the flesh or other edible part of a mammal other than a rabbit or hare, and includes meat which has been cured or smoked;

"meat product" means any of the articles specified in schedule 1 and "whale meat product" means any such article which consists of, or contains, whale meat;

"officer of Customs and Excise" includes any person acting under the authority of the Commissioners of Customs and Excise;

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

(*a*) the competent authority has affixed, or caused to be affixed, in the country of origin to any meat or meat product or to a package containing or intended to contain any 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 or hover vehicle, the competent authority at the place of shipment has caused to be sent in that ship, aircraft or hover vehicle; and

(*b*) is for the time being recognised by the Secretary of State in accordance with regulation 3 or 12(1)(*c*) as showing—

(i) that the meat to which it relates, or the meat from which the meat product to which it relates was prepared, was derived from mammals 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 and passed in accordance with criteria satisfactory to the Secretary of State; and

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

"pig" includes a boar, sow and hog;

"port local authority" has the meaning assigned to it by section 172 of the Public Health (Scotland) Act 1897(**a**) and includes a joint port local authority;

and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, references in these regulations to the provisions of any enactment or regulations shall be construed as references to those provisions as amended by any subsequent enactment or regulations.

(4) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation or schedule of a specified Act or regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

(5) Any reference in these regulations to a justice of the peace shall include a reference to the sheriff and to a magistrate.

Recognition of an official certificate

3.—(1) Recognition of an official certificate shall be effected by means of a notice published in the Edinburgh Gazette, and the recognition may be made subject to conditions which shall be specified in the notice; and any such recognition or condition may be varied or revoked by a subsequent notice so published.

(2) Any recognition of an official certificate which was in force for the purposes of the Public Health (Imported Food) (Scotland) Regulations 1937 to 1948(**c**) immediately before the commencement of these regulations shall continue in force and have effect as if it had been effected under these regulations and may be varied or revoked accordingly.

Presumption as to food commonly used for human consumption

4. For the purposes of these regulations, any food commonly used for human consumption shall, if imported for sale or for use in the preparation of food for sale, be presumed, until the contrary is proved, to have been imported for sale or, as the case may be, for use in the preparation of food for sale, for human consumption.

(**a**) 1897 c. 38. (**b**) 1889 c. 63.
(**c**) S.R. & O. 1937/509; S.I. 1948/1434 (Rev.VIII, p. 127: 1937, p. 1951; 1948 I, p. 1221).

Enforcement

5.—(1) Subject to the provisions of this regulation and to such provisions of these regulations as prescribe functions to be exercised by officers of Customs and Excise, the authority responsible for the enforcement of these regulations shall be—

(*a*) in relation to imported food which is in or unloaded in the area of a port local authority and—

(i) which is liable to immediate customs examination, the port local authority; or

(ii) where the customs examination is deferred until the food reaches a place of destination in Scotland, the local authority in whose area the place of destination lies;

(*b*) in relation to imported food which is unloaded—

(i) elsewhere than in the area of a port local authority, or

(ii) in England and Wales or Northern Ireland,

the local authority in whose area or district the food is deposited for customs examination.

(2) Where immediately prior to the commencement of these regulations the Public Health (Imported Food) (Scotland) Regulations 1937 to 1948 were enforced and executed by a local authority in any part of the area of a port local authority, these regulations shall to the same extent be enforced and executed by that authority or by any other authority to whom the functions of the first-named authority have been transferred.

(3) Where imported food is unloaded in the area of a port local authority or of a local authority and—

(*a*) customs examination of the food has been completed; and

(*b*) an authorised officer of such authority nevertheless considers it expedient (having regard to the nature of the container in which the food is imported) that—

(i) any examination of the food for purposes of these regulations should be deferred until the food reaches a specified place of destination elsewhere in Scotland or

(ii) any examination of the food should take place under England and Wales or Northern Ireland regulations when the food reaches a specified place of destination in England and Wales or Northern Ireland; and

(*c*) the importer gives to the port local authority or local authority of the port or airport of entry an undertaking in writing that the container has been sealed and will not be opened until it reaches the place of destination specified in the undertaking,

the authorised officer shall, by the most expeditious means available, notify the receiving authority that the food (so described as to enable it to be identified) has not, by reason of the matters referred to in sub-paragraph (*b*) of this paragraph, been examined under these regulations at the port or airport of entry and send them a copy of the undertaking referred to in sub-paragraph (*c*) of this paragraph and where the receiving authority are a local authority within the meaning of these regulations that authority shall thereupon become responsible for the execution and enforcement of these regulations in relation to that food.

(4) Where under any provision corresponding to the last foregoing paragraph contained in England and Wales or Northern Ireland regulations a local authority receive notification that imported food which has not been examined under those regulations has been or is being sent to a place of destination in their area, they shall thereupon become responsible for the execution and enforcement of these regulations in relation to that food.

(5) Where imported food is unloaded in the area of a local authority or port local authority and customs examination is deferred until the food reaches a place of destination elsewhere in the United Kingdom, the local authority or port local authority shall so inform the receiving authority.

(6) In this regulation—

"England and Wales or Northern Ireland regulations" means regulations with respect to imported food in force in England and Wales or Northern Ireland, as the case may be;

"receiving authority" means an authority within the United Kingdom in whose area or district is situated the place of destination of any imported food, being an authority with enforcement functions under these regulations or the England and Wales or Northern Ireland regulations, namely—

(*a*) where that place is in Scotland, a local authority within the meaning of these regulations;

(*b*) where that place is in England and Wales a local authority within the meaning of the Imported Food Regulations 1968(**a**);

(*c*) where that place is in Northern Ireland, a health authority within the meaning of the Imported Food (Northern Ireland) Regulations 1968(**b**).

PART II

All Imported Food

Prohibition on importation of unfit food

6.—(1) No person shall import into Scotland any food intended for sale for human consumption—

(*a*) which has been rendered injurious to health by means of any operation described in section 1(1) of the Act; or

(*b*) which has been examined by a competent authority and found at the time of examination not to be fit for human consumption; or

(*c*) which is otherwise unfit for human consumption;

(*d*) in the preparation of which any such food as aforesaid has been used.

(2) In any proceedings for an offence against paragraph (1)(*c*) of this regulation, it shall be a defence for the accused to prove that at the time when he imported the food he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

Examination of imported food

7.—(1) An authorised officer may at all reasonable times examine any food intended for sale for human consumption which is imported into Scotland, and where on examination it appears to the authorised officer that any such food is being or has been imported in contravention of regulation 6, he may by notice

(**a**) S.I. 1968/97 (1968 I, p. 272). (**b**) S.I. 1968/98 (1968 I, p. 285).

in writing to the importer and to any other person in possession of the food require that, until the food has been dealt with by a justice of the peace, it shall not, without the consent of the authorised officer, be moved from the place of examination or from any other place specified in the notice.

(2) If on such examination being made it appears to an authorised officer that the food is being or has been imported in contravention of regulation 6, he may deal with it as food falling within section 9(1) of the Act (which relates to the examination and seizure of suspected food); and subsections (2) to (5) of that section shall apply in relation to such food and to regulation 6 as they apply in relation to food seized under that section and to section 8 of the Act (which relates to offences).

Analysis of samples

8. In any case where under section 28 of the Act (which confers powers of sampling) a sample has been procured for the purposes of these regulations by an authorised officer of a port local authority and submitted for analysis to a public analyst, section 29 of the Act (which relates to the analysis of samples) shall apply as though the sample had been procured within the area of the local authority which appointed the public analyst to whom it is submitted.

Special examination

9.—(1) Where an authorised officer is of the opinion that special procedure is necessary for the examination of food, or where at the request of the importer he has recourse to such special procedure, the importer shall provide all such facilities as the authorised officer may reasonably require for the examination of such food.

(2) An authorised officer may by notice in writing to the importer or to any other person in possession of the imported food prohibit or restrict the removal or delivery of the food during any period, not exceeding six days (exclusive of Saturdays, Sundays and public holidays), which may reasonably be required for the examination of the food; and the notice shall specify the period and the procedure required for that examination.

(3) When a notice under paragraph (2) of this regulation has been given to an importer or to any other person in possession of the imported food he may appeal against the notice to a justice of the peace who may direct that the notice be withdrawn or that such shorter period be fixed as appears reasonable in the circumstances.

Consent of officer of Customs and Excise

10. Where the duties of an officer of Customs and Excise with regard to the examination of a cargo or consignment comprising food have not been wholly discharged, no examination of the food shall be made or sample procured for the purposes of these regulations without his consent; but every officer of Customs and Excise shall afford such facilities as the circumstances require for such examination of the food to be made or sample be taken.

Powers of officer of Customs and Excise

11.—(1) An authorised officer may request an officer of Customs and Excise (either orally or in writing) to prohibit the removal of imported food which has not been cleared from customs charge until it has been examined by an author-

ised officer, and such a request may be made in relation to a particular consignment of food or in relation to food of any class or description specified in the request. A request made orally under this paragraph shall be confirmed in writing.

(2) Where a request has been made under the last preceding paragraph, the officer of Customs and Excise shall by notice in writing given to the importer or master of the ship, aircraft or hover vehicle in which the food is imported require that, until the food has been examined by an authorised officer, it shall not be removed from the place specified in the notice, and he shall at the same time inform the enforcing authority of the effect of the notice.

(3) An authorised officer shall, without undue delay, examine any food in respect of which a notice has been given by an officer of Customs and Excise under this regulation and shall send to that officer a copy of any notice or certificate issued by him in accordance with these regulations, or a statement in writing of any action taken by him under any other provision of these regulations in respect of that food.

(4) Where an officer of Customs and Excise has given notice under paragraph (2) of this regulation forbidding removal of any food, such food shall not, prior to its inspection by an authorised officer, be removed by any person contrary to the terms of the notice except with the written permission of either such officer.

PART III

Meat and Meat Products

Regulation of imported meat

12.—(1) Except as provided in paragraph (5) of this regulation, no person shall import into Scotland for sale for human consumption—

(*a*) any meat, other than meat of a description set out in schedule 2 or any meat product, from any place elsewhere than the Republic of Ireland or the Channel Islands unless that meat or meat product is accompanied by an official certificate; or

(*b*) any meat, other than meat of a description set out in schedule 2 or any meat product, imported into the Republic of Ireland or the Channel Islands and re-exported, whether or not it has been subjected to any process or treatment while in either country, unless that meat or meat product is accompanied by an official certificate; or

(*c*) any meat of a description set out in schedule 2 unless it is accompanied by an official certificate in the recognition of which by the Secretary of State it is expressly indicated that that recognition extends to that description of meat.

(2) 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 or packages of meat or meat products packed inside a container as well as to the container in which they are packed.

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

(*a*) indicate the position in the 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 tank was inspected and found to be clean before the lard or fat was loaded.

(4)(*a*) In any case where the importation of any meat or meat products described in paragraph (1) 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 some deficiency or inaccuracy in the form of an accompanying official certificate, 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 being lost or damaged in transit after being affixed in the country of origin, he may forthwith notify the Secretary of State 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 Secretary of State shall make such inquiries as he considers appropriate, and shall communicate the results of his inquiries to the authorised officer.

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

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

(ii) the meat, or meat from which the meat product was prepared, was derived from mammals inspected before and after death or in the case of mammals killed when wild was derived from mammals inspected after death only, by the competent authority in the country of origin of the meat and passed in accordance with criteria satisfactory to the Secretary of State; and

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

and notifies the Secretary of State in writing to that effect, the foregoing provisions of this regulation shall have effect in relation to the meat or meat product as if it had been accompanied by an official certificate in compliance with the relevant requirements of paragraphs (1) to (3) of this regulation.

(5) This part of these regulations shall not apply to any article of food specified in schedule 3.

Disposal of meat imported contrary to the regulations

13.—(1) If upon examination of any food an authorised officer is of the opinion that it comprises any meat or meat product imported in contravention of the provisions of regulation 12 or that it comprises any meat or meat product to which regulation 12(4)(*a*) applies, he shall notify in writing the importer or master of the ship, aircraft or hover vehicle in which the food is imported that the food must not be removed for any purpose other than its exportation.

(2) Unless the authorised officer proposes to notify the Secretary of State under regulation 12(4)(*a*) of the absence, deficiency or inaccuracy of any official certificate relating to the food, he 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 then 24 hours after the notice is received,

he gives a written undertaking to the enforcing authority to export the food 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 its importation is not contrary to the provisions of regulation 12, it 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 Secretary of State under regulation 12(4)(*a*) of the absence, deficiency or inaccuracy of an official certificate, the notice referred to in paragraph (2) of this regulation shall be given if, after the inquiries and consultation referred to in regulation 12(4)(*c*), the authorised officer does not notify the Secretary of State that he is satisfied as to the matters set out in regulation 12(4)(*c*)(i) to (iii).

(4) If within the time specified in any notice given under paragraph (2) or (3) of this regulation the enforcing authority have not received such written undertaking as is described in the notice, or if within that time they have received an undertaking that the importer will at his own expense export the food and the importer fails to export it within fourteen days after the receipt of the undertaking, the enforcing authority may cause it to be destroyed or disposed of under the supervision of an authorised officer by such means and in such manner as to prevent it from being used for human consumption.

(5) Where in pursuance of this regulation the importer has given an undertaking to prove that the importation of any food is not contrary to the provisions of regulation 12, the enforcing authority shall within 24 hours after the receipt of the undertaking take steps to obtain the decision of a justice of the peace with respect thereto.

(6) If upon examination of any food in respect of which an officer of Customs and Excise has given a notice under regulation 11 an authorised officer is of the opinion that its importation is not contrary to the provisions of regulation 12, he shall give a certificate authorising its removal unless he takes action in respect of it under any other provisions of these regulations.

(7) Where in pursuance of paragraph (1) of this regulation an authorised officer has given a notice forbidding the removal of any food, it shall not be removed by any person contrary to the terms of the notice except with the written permission of the authorised officer.

Powers of a justice of the peace

14.—(1) Where, in pursuance of regulation 13, an application is made to a justice of the peace in respect of any food and he is satisfied that the importer has failed to prove that the importation of the food was not contrary to the provisions of regulation 12, he shall condemn the food and order it to be destroyed or disposed of under the supervision of an authorised officer by such means and in such manner as to prevent it from being used for human consumption.

(2) Where on such application the justice of the peace is satisfied that the importation of the food is not contrary to the provisions of regulation 12 he shall order the rescission of the notice prohibiting its removal.

Prohibition on the importation of meat required to be exported

15. No person shall land in Scotland any meat or meat product in respect of which a notice has been given under regulation 13(1) or any other regulation to the like effect then in force in any part of the United Kingdom, the Channel Islands or the Isle of Man.

PART IV

GENERAL

Record to be kept of food destroyed

16. Where in pursuance of these regulations any food is destroyed or otherwise disposed of under the supervision of an authorised officer, the enforcing authority, before the destruction or other disposal of the food, shall cause a description of, and such other details as will suffice to identify, the food to be recorded and shall keep the record in their custody for a period of not less than 12 months from the date of destruction or other disposal of the food.

Penalties

17.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(*a*) on summary conviction to—

(i) a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(*b*) on conviction on indictment to—

(i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Court may include a justice who has examined the food

18. The justice of the peace before whom any food is brought under regulation 7 or 13 may, but need not, be a member of the court before which a person is charged with an offence under regulation 6 or 12, as the case may be, in relation to the food.

Disputes as to compensation

19. Any dispute as to compensation arising under these regulations shall be determined, and any compensation awarded thereunder shall be recoverable, in like manner as if the dispute had arisen or the award had been made under the Act, and section 48 of the Act (which relates to disputed compensation) shall apply accordingly.

Application of various sections of the Act

20.—(1) Sections 41 (2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under

the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(*a*) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

(*b*) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

21.—(1) The regulations specified in schedule 4 are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
22nd July 1968.

SCHEDULE 1

Regulation 2(1)

Meat Products

1. Meat packed in hermetically sealed glass or metal containers.
2. Salami or other uncooked sausages of a similar kind or such cured meats as are commonly consumed without heat treatment or further processing.
3. Fully cooked meat, dried meat, fully cooked meat pies and puddings and fully cooked sausages.
4. Meat pastes, meat powders, meat essences, meat extracts and dried blood products.
5. Intestines and other parts prepared in the form of sausage casings.
6. Rendered animal fats, except in margarine.

SCHEDULE 2

Regulation 12(1)

Meat which is prohibited subject to the provisions of regulation 12(1) (*c*)

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.

Regulation 12(5) SCHEDULE 3

Articles of food exempt from Part III of the regulations

Whale oil.

Whale liver oil.

Vitamin concentrates containing meat.

Pharmaceutical products containing meat.

Gelatine.

Rennet.

Puddings and any other prepared food of which meat is not a principal ingredient but which contain small quantities of meat.

Regulation 21(1) SCHEDULE 4

Column 1 Regulations revoked	Column 2 References
The Public Health (Imported Food) Regulations (Scotland) 1937.	S.R. & O. 1937/509 (Rev. VIII, p. 127: 1937, p. 1951).
The Public Health (Imported Food) Amendment (Scotland) Regulations 1948.	S.I. 1948/1434 (Rev. VIII, p. 127: 1948 I, p. 1221).
The Food and Drugs (Whalemeat) (Scotland) Regulations 1949.	S.I. 1949/870 (1949 I, p. 1760).
The Food and Drugs (Whalemeat) (Amendment) (Scotland) Regulations 1950.	S.I. 1950/198 (1950 I, p. 758).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain measures for the protection of public health in relation to imported food. They replace the Public Health (Imported Food) (Scotland) Regulations 1937 to 1948.

Part I of the Regulations contains definitions and specifies the authorities by whom the Regulations are to be enforced. This will usually be the local authority of the port through which the food is imported; but may in certain circumstances be an inland local authority.

Part II deals with imported food generally. Regulation 6 makes it an offence to import food which is unfit for human consumption. Food imported in contravention of this requirement can be taken before a justice of the peace, who may order its condemnation. Regulations 7 to 9 deal with the examination of imported food by authorised officers of local authorities and port local authorities and with the submission of samples to the public analyst. Customs officers are empowered in certain circumstances to detain food for examination (Regulations 10 and 11).

Part III deals with imported meat and meat products. With certain exceptions, these cannot be imported without an official certificate from the country of origin which is recognised by the Secretary of State, as guaranteeing that the meat or meat product has been prepared in accordance with satisfactory standards of hygiene. Meat and meat products which do not satisfy these requirements can be re-exported; but if this is not done, the local authority or port local authority may require the destruction of the meat or meat product or disposal in such a manner that it will not be used for human consumption. The importer has a right of appeal to a justice of the peace.

Part IV deals with various supplementary matters and includes provisions—

(*a*) requiring records to be kept for twelve months of food which is destroyed (Regulation 16);

(*b*) prescribing penalties for offences against the Regulations (Regulation 17);

(*c*) applying sections of the Food and Drugs (Scotland) Act 1956 dealing with prosecutions, evidence of analysis and third party or warranty defences.