STATUTORY INSTRUMENTS

1983 No. 704 (S. 61)

FOOD

FOOD HYGIENE

The Meat and Poultry Meat (Staining and Sterilisation) (Scotland) Regulations 1983

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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, having in accordance with section 56(6) of that Act consulted with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Meat and Poultry Meat (Staining and Sterilisation) (Scotland) Regulations 1983 and shall come into operation on 1st August 1983.

Interpretation

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

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

"animal", except in relation to the definition of "imported meat", means

(**a**) 1956 c. 30.

any domestic animal of the following species: bovine animals, swine, sheep, goats and solipeds;

"carcase meat" means the flesh of an animal, including skirt and heads of cattle or swine, and excludes offal;

"dead stock collection centre" means any building or place used for flaying or cutting up dead animals whose flesh is not intended for human consumption;

"imported meat" and "imported poultry meat" have the meanings assigned to them by regulation 36;

"local authority" means the council of an islands area or district and in relation to any premises or place means the local authority within whose area the premises or place are or is situated;

"meat" means carcase meat and offal;

"offal" means any edible part of an animal other than carcase meat but excludes blood, hides and skins, hooves and horns and bones;

"poultry" means domestic fowls, turkeys, guinea fowls, ducks and geese;

"poultry meat" means the flesh or other edible parts of poultry;

"processor" means any person who in the course of his processing business sterilises meat but does not include a waste food processor licensed under the provisions of the Diseases of Animals (Waste Food) Order 1973(a);

"specified offal" means hearts, kidneys, livers and lungs derived from animals;

"stained" means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E 151, Colour Index 197 No. 28440), the solution to be of such a strength that the colouring on the stained meat is clearly visible; and for the purpose of this definition "treated" means that all pieces of meat not smaller than primal cuts have been opened by multiple and deep incisions, and the whole surface of the meat has been covered with a solution as aforesaid either by immersing the meat in, or spraying or otherwise applying, the solution;

"sterilised" means—

(a) treated by boiling or by steaming under pressure until every piece of meat is cooked throughout; or

(b) dry-rendered, digested or solvent processed into technical tallow, greases, glues, feeding meals or fertilisers; or

(c) subjected to a process other than those previously described in this definition which results in all parts of the meat no longer having the appearance of raw meat and which inactivates all vegetative forms of human pathogenic organisms in the meat;

"unfit" means unfit for human consumption;

"unspecified offal" means all offal other than specified offal and includes separate pieces of fat.

(2) Except in so far as the context otherwise requires, any reference in these

(a) S.I. 1973/1936.

regulations to a numbered regulation or Part shall be construed as a reference to the regulation or Part bearing that number in these regulations.

Presumptions as to unfitness for human consumption

3. For the purposes of these regulations meat, poultry meat and whole dead poultry from a knacker's yard in the United Kingdom or from a dead stock collection centre shall be presumed, until the contrary is proved, to be unfit for human consumption.

Saving

4. Nothing in these regulations shall—

(a) affect the operation of any order made, or having effect, under the Animal Health Act 1981(**a**)

(b) require the staining or sterilisation, or affect the disposal or other treatment, of a whole dead animal.

PART II

STAINING AND STERILISATION OF MEAT

Staining of unfit carcase meat and specified offal at a slaughterhouse

5.—(1) Subject to paragraph (3) below and to the exemptions contained in regulation 11, any carcase meat at a slaughterhouse—

(a) which is not passed fit for human consumption after inspection in accordance with Part III of the Food (Meat Inspection) (Scotland) Regulations 1961(**b**) or, as appropriate, regulation 8 of the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1981(**c**); or

(b) which has been passed fit for human consumption after inspection in accordance with the said regulations but has subsequently been handled in the slaughterhouse in such a manner that the inspector considers that it might be prejudicial to public health;

shall be stained by or on behalf of the inspector as soon as practicable after it is brought into the accommodation referred to in regulation 5(i) of the Slaughterhouse Hygiene (Scotland) Regulations 1978(**d**).

(2) Staining as required under paragraph (1) above shall be carried out before any freezing of the carcase meat except in the case of any meat from a carcase infested with *cysticercus bovis* which is frozen in accordance with the provisions of regulation 16 and paragraph (4) of the Second Schedule of the Food (Meat Inspection) (Scotland) Regulations 1961 or as appropriate, paragraph 4 of the Annex to Schedule 8 of the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1981.

(a) 1981 c. 22.
(b) S.I. 1961/243; relevant amending instrument is S.I. 1983/702.
(c) S.I. 1034; relevant amending instrument is S.I. 1983/703.
(d) S.I. 1978/1273.

(3) The requirement as to staining imposed by paragraph (1) above shall not apply in the case of any carcase meat which is to be sterilised in the same slaughterhouse in accordance with the requirements of regulation 6 provided that the inspector is satisfied that adequate security is maintained over the carcase meat until it is sterilised.

(4) The provisions of sub-paragraph (1)*(a)* and paragraph (3) of this regulation shall apply to specified offal which is not passed fit for human consumption on account of any disease or condition referred to in paragraph (1) of the Second Schedule of the Food (Meat Inspection) (Scotland) Regulations 1961 or, as appropriate paragraph (1) of the Annex to Schedule 8 of the Fresh Meat Export (Hygiene and Inpection) (Scotland) Regulations 1981 as they apply to carcase meat.

Sterilisation of unfit meat at a slaughterhouse

6.—(1) Subject to the exemptions contained in regulation 12, any meat at a slaughterhouse—

(a) which is not passed fit for human consumption after inspection in accordance with Part III of the Food (Meat Inspection) (Scotland) Regulations 1961 or, as appropriate, regulation 8 of the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1981; or

(b) which has been passed fit for human consumption after inspection in accordance with the said Regulations but has subsequently been handled in the slaughterhouse in such a manner that the inspector considers that it might be prejudicial to public health;

shall be sterilised by the occupier of the slaughterhouse under authority of the local authority before its removal from the premises.

(2) If the meat referred to in paragraph (1) above is placed in the same container as other meat then the requirements of (1) above shall apply to all the meat in the container.

Staining of carcase meat and specified offal at a knacker's yard

7.—(1) Subject to paragraph (3) below and to the exemptions contained in regulation 11 any carcase meat or specified offal at a knacker's yard shall be stained by the occupier of the yard. Such staining shall be carried out as soon as practicable and in any event at the end of each normal break in work. The occupier shall maintain adequate security over the unsterilised carcase meat or specified offal at all times.

(2) Staining as required under paragraph (1) above shall be carried out before any freezing of the carcase meat or specified offal.

(3) The requirements as to staining imposed by paragraph (1) above shall not apply in the case of any carcase meat or specified offal which is to be sterilised in the same knacker's yard in accordance with the requirements of regulation 8 provided that the occupier of the knacker's yard ensures that adequate security is maintained over the carcase meat or specified offal until it is sterilised.

Sterilisation of meat at a knacker's yard

8. Subject to the exemptions contained in regulation 12, any meat at a knacker's yard shall be sterilised by the occupier of the yard as soon as practicable and in any event at the end of each normal break in work.

Staining of carcase meat and specified offal at a dead stock collection centre

9.—(1) Subject to paragraph (3) below and to the exemptions contained in regulation 11 any unfit carcase meat or specified offal at a dead stock collection centre shall be stained by the occupier of the dead stock collection centre. Such staining shall be carried out as soon as practicable and in any event at the end of each normal break in work. The occupier shall maintain adequate security over the unsterilised carcase meat or specified offal at all times.

(2) Staining as required under paragraph (1) above shall be carried out before any freezing of the carcase meat or specified offal.

(3) The requirement as to staining imposed by paragraph (1) above shall not apply in the case of any carcase meat or specified offal which is to be sterilised in the same dead stock collection centre in accordance with the requirements of regulation 10 provided that the occupier of the dead stock collection centre ensures that adequate security is maintained over the carcase meat or specified offal until it is sterilised.

Sterilisation of meat at a dead stock collection centre

10. Subject to the exemptions contained in regulation 12, any unfit meat at a dead stock collection centre shall be sterilised by the occupier of the dead stock collection centre as soon as practicable and in any event at the end of each normal break in work.

Exemptions from requirements to stain carcase meat and specified offal

11. The requirements to stain carcase meat and specified offal contained in regulations 5, 7 and 9 shall not apply in the case of any carcase meat or specified offal intended to be removed to one of the following destinations—

(a) a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes;

(b) the premises of a manufacturing chemist for the manufacture by him of pharmaceutical products;

(c) the premises of a person for preparation before further removal to the premises of a manufacturing chemist for the purpose specified in sub-paragraph *(b)* above.

Exemptions from requirements to sterilise meat

12. The requirements to sterilise meat contained in regulations 6, 8 and 10 shall not apply in the case of any meat intended to be removed to one of the following destinations—

(a) a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes;

(b) the premises of a manufacturing chemist for the manufacture by him of pharmaceutical products;

(c) the premises of a person for preparation before further removal to the premises of a processor or a manufacturing chemist for the purposes set out in this regulation;

(d) a zoological garden, menagerie, safari park, mink farm or maggot farm;

(e) the premises of a processor for sterilisation by him;

(f) the premises of a waste food processor licensed under the provisions of the Diseases of Animals (Waste Food) Order 1973(**a**) to receive unprocessed waste food and in addition authorised in writing by the Secretary of State under the said 1973 Regulations to receive unsterilised meat to which the present regulations apply;

(g) the premises of a person for storage before further removal to another destination referred to in sub-paragraphs *(d)* and *(e)* above;

Where the local authority is satisfied that it is not practical for any meat to be removed to any of the destinations referred to in this regulation it shall be removed to a place for destruction or burial or other form of permanent disposal provided that removal to such destination is authorised generally or for any particular consignment by the local authority and that the disposal is carried out to the satisfaction of the local authority.

Prohibition of removal of unfit meat from a place other than a slaughterhouse, knacker's yard or dead stock collection centre

13. No person shall remove, or cause or permit to be removed, from any place of which he is the occupier, not being a slaughterhouse, knacker's yard or dead stock collection centre, any meat cut from any animal which has died or unfit meat cut from any animal which has been slaughtered at that place or has been brought there after having died or having been slaughtered elsewhere unless—

(a) that meat has been sterilised; or

(b) that meat, being carcase meat or specified offal, has been stained and is intended to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(c) that meat, being unspecified offal, is intended to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(d) that meat is intended to be delivered to a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes.

Prohibition on unsterilised unfit meat being brought from England and Wales or Northern Ireland

14.—(1) No person shall bring into Scotland from England and Wales any unfit unsterilised meat which fails to comply with the provisions of the Meat

(**a**) S.I. 1973/1936.

(Sterilisation and Staining) Regulations 1982(a). Except that for the destinations referred to in regulation 17(1) of those regulations there shall be substituted the destinations referred to in regulation 12 of these regulations.

(2) No person shall bring into Scotland from Northern Ireland any meat from an animal slaughtered in, or from a carcase brought into, a knacker's yard situated in Northern Ireland or any other meat from an animal slaughtered in Northern Ireland if that meat is unfit, unless—

(a) that meat has been sterilised; or

(b) that meat, being carcase meat has been stained and is intended to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(c) that meat being specified offal (other than specified offal which is unfit solely on account of being affected by a parasitic condition not transmissible to man) has been stained and is to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(d) that meat being unspecified offal, (or specified offal which is unfit solely on account of being affected by a parasitic condition not transmissible to man) is intended to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(e) that meat is intended to be delivered to a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes.

PART III

RECORDS AND MOVEMENT DOCUMENTATION IN RESPECT OF UNSTERILISED UNFIT MEAT

Slaughterhouses

15.—(1) A legible, indelible record of any consignment of unsterilised meat—

(a) which has not been passed fit for human consumption after inspection in accordance with Part III of the Food (Meat Inspection) (Scotland) Regulations 1961(b) or, as appropriate, regulation 8 of the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1981(c); or

(b) which has been passed fit for human consumption after inspection in accordance with the said Regulations but has subsequently been handled in the slaughterhouse in such a manner that the inspector considers that it might be prejudicial to public health;

and which leaves a slaughterhouse, shall be maintained by the local authority.

(2) The record referred to in paragraph (1) above shall contain the information specified in regulation 19, shall be completed by or on behalf of the

(a) S.I. 1982/1018.
(b) S.I. 1961/243; relevant amending instrument S.I. 1983/702.
(c) S.I. 1981/1034; relevant amending instrument S.I. 1983/703.

inspector immediately prior to dispatch of the consignment and shall be retained by him for a period of at least three years from that date.

Knacker's yards

16.—(1) The occupier of a knacker's yard shall maintain a legible, indelible record of any consignment of unsterilised meat which leaves the knacker's yard.

(2) The record referred to in paragraph (1) above shall contain the information specified in regulation 19, shall be completed by the occupier immediately prior to dispatch of the consignment and shall be retained by him for a period of at least three years from that date.

Dead stock collection centres

17.—(1) The occupier of a dead stock collection centre shall maintain a legible, indelible record of any consignment of unsterilised unfit meat which leaves the dead stock collection centre.

(2) The record referred to in paragraph (1) above shall contain the information specified in regulation 19, shall be completed by the occupier immediately prior to dispatch of the consignment and shall be retained by him for a period of at least three years from that date.

Other premises

18.—(1) The occupier of any place referred to in regulation 13 shall maintain a legible, indelible record of any consignment of unsterilised unfit meat which leaves the premises in accordance with the provisions of that regulation.

(2) The occupier of any premises referred to in regulation 12 shall maintain a legible, indelible record of any consignment of unsterilised unfit meat which having been removed to those premises subsequently leaves the premises for another destination referred to in regulation 12.

(3) The record referred to in paragraphs (1) and (2) above shall contain the information specified in regulation 19, shall be completed by the occupier immediately prior to dispatch of the consignment and shall be retained by him for a period of at least three years from that date.

Content of records

19. The record in respect of each consignment of unsterilised unfit meat dispatched from a slaughterhouse, knacker's yard, dead stock collection centre or other premises of place referred to in regulation 18 shall comprise—

(a) a description of the meat;

(b) the quantity of meat;

(c) the time and date of dispatch;

(d) the name and address of the person to whom the meat is sent;

(e) the type and registration of the vehicle or bulk container used for transporting the meat;

(f) the name and address of the owner of the vehicle or bulk container; and

(g) the expected time of delivery of the consignment.

Consignment notes

20.—(1) The occupier of a slaughterhouse, knacker's yard, dead stock collection centre, premises referred to in regulation 12 or place referred to in regulation 13 shall provide to the driver of the vehicle in which any consignment of unsterilised unfit meat is removed from the relevant premises a consignment note containing the information specified in regulation 19. The consignment note shall be signed by the driver of the vehicle and left with the recipient of the meat who shall sign the note and retain it for a period of three years.

(2) In the case of any unfit meat disposed of in accordance with the final paragraph of regulation 12 the consignment note shall be signed by the driver of the vehicle and sent to the local authority which authorised the disposal.

Change in destination of unsterilised unfit meat

21.—(1) If the driver referred to in regulation 20 is unable to deliver a consignment of unsterilised unfit meat to the destination named in the consignment note—

(a) he shall return the consignment to the premises or place from which it was removed or remove it to another destination to which it is authorised to be sent under these regulations;

(b) he shall amend the consignment note accordingly and leave it with the recipient of the consignment who shall sign the note and retain it for a period of three years;

(c) he shall report the change of destination to the occupier of the premises or place from which the meat was consigned, and that occupier shall amend his relevant records accordingly.

(2) If the driver referred to in regulation 20 is unable to deliver part of a consignment of meat to the destination named in the consignment note—

(a) he shall return the part consignment to the premises or place from which it was removed or remove such part consignment to another destination to which it is authorised to be sent under these regulations;

(b) he shall amend the consignment note to be left with the originally intended recipient of the entire consignment who shall then provide to the driver a new consignment note containing the information specified in regulation 19 in respect of the part of the consignment not delivered which new note shall be signed by the driver of the vehicle and left with the recipient of that part who shall sign the note and retain it for a period of three years;

(c) he shall report the partial change of destination to the occupier of the premises or place from which the meat was originally consigned and that occupier shall amend his relevant records accordingly.

Consignment to England, Wales or Northern Ireland

22.—(1) Without prejudice to the foregoing provisions of this Part, where the destination to which meat is to be consigned in pursuance of these regulations is in England, Wales or Northern Ireland, the occupier of the premises or place from which the meat is to be consigned shall notify the local authority of the intended consignment, and the consignment shall not be made unless the local authority has granted approval (either generally or in relation to any particular consignment).

(2) A local authority notified under paragraph (1) above shall inform the appropriate local authority in England, Wales or Northern Ireland of the intended consignment and shall provide to such authority details of the intended consignment including the estimated date and time of delivery.

Consignment from England and Wales or Northern Ireland

23.—(1) Where any meat to which regulation 14 applies enters Scotland from England and Wales, the consignment shall be accompanied by a completed movement permit in accordance with that specified in the Meat (Sterilisation and Staining) Regulations 1982(**a**). A copy of the completed movement permit shall be retained by the recipient of the meat for a period of three years.

(2) Where any meat to which regulation 14 applies enters Scotland from Northern Ireland, the consignment shall be accompanied by a consignment note containing the information specified in regulation 19. The consignment note shall be signed by the driver of the vehicle in which the meat is transported and left with the recipient of the meat who shall sign the note and retain it for a period of three years.

Exemptions from requirements to keep records and provide consignment notes

24. The requirements in this Part shall not apply in the case of samples of unsterilised unfit carcase meat weighing less than 3 kg or unsterilised unfit offal which is removed to a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes.

PART IV

TRANSPORT, STORAGE AND PACKAGING OF UNSTERILISED MEAT UNFIT OR NOT INTENDED FOR HUMAN CONSUMPTION

Transport

25.—(1) Any vehicle in which unsterilised meat which is unfit for human consumption is conveyed shall bear, in a prominent position, the following information—

(a) the name and address of the vehicle owner;

(b) a legible and unambiguous notice to the effect that the meat is not for human consumption.

(**a**) S.I. 1982/1018.

(2) That part of any vehicle in which unsterilised meat which is unfit for human consumption is conveyed shall be kept closed and locked or sealed at all times except when necessary for the loading or unloading of the contents for their examination by an authorised officer of a local authority.

(3) That part of any vehicle in which unsterilised meat which is unfit for human consumption is conveyed shall be impervious.

(4) That part of any vehicle in which unsterilised meat which is unfit for human consumption is conveyed shall be thoroughly washed and disinfected before any meat which is fit for human consumption or other food is subsequently placed in the vehicle.

(5) Unsterilised meat which is unfit for human consumption may not be conveyed in the same vehicle at the same time as meat which is fit for human consumption or other food.

(6) In this regulation the expression "vehicle" means, in any case in which unsterilised meat is conveyed in a bulk container, that container.

(7) The requirement in paragraph (1) of this regulation shall not apply in the case of unsterilised meat which is unfit for human consumption and is removed to a hospital, medical or veterinary school or similar institution for instructional, diagnostic or research purposes.

Storage

26.—(1) Subject to paragraph (2) below, unsterilised meat which is unfit for human consumption shall not be stored in the same room as meat which is fit for human consumption or other food.

(2) The requirement in paragraph (1) above shall not apply where the local authority has approved the joint storage which it shall only do if it is satisfied that the arrangements for storage will ensure the adequate separation of the meat which is unfit for human consumption from the meat which is fit for human consumption or other food.

(3) The owner of any unsterilised meat which is unfit for human consumption and which is being held in a store shall provide to the driver of any vehicle in which such meat is to be removed from the store a consignment note containing the information specified in regulation 19. The consignment note shall be signed by the occupier of the store (who shall retain a copy) and by the driver and shall be left by the driver with the recipient of the meat who shall sign the note and retain it for a period of three years.

Packaging

27.—(1) Any container, wrapper or packaging used to hold unsterilised meat which is unfit for human consumption shall bear a conspicuous, legible and unambiguous notice that its contents are not for human consumption.

(2) In the case of wrapped or packaged meat—

(a) the notice required under paragraph (1) above shall also clearly state

the name and address of the packer who wrapped or packaged the meat;

(b) the wrapper or packaging shall be destroyed after use.

PART V

POULTRY

Sterilisation of unfit poultry meat in poultry slaughterhouses

28.—(1) Subject to the exemptions referred to in regulation 31, any poultry meat or whole dead poultry at a poultry slaughterhouse licensed under the Poultry Meat (Hygiene) (Scotland) Regulations 1976(**a**) which is not passed fit for human consumption after inspection in accordance with the said Regulations of 1976 shall be sterilised by the occupier of the poultry slaughterhouse under authority of the local authority before its removal from the premises.

(2) Subject to the exemptions referred to in regulation 31, any unfit poultry meat or whole dead poultry at a poultry slaughterhouse which is not licensed under the said Regulations of 1976 shall be sterilised by the occupier of the poultry slaughterhouse before its removal from the premises.

Sterilisation of poultry meat in knacker's yards

29. Subject to the exemptions referred to in regulation 31, any poultry meat or whole dead poultry at a knacker's yard shall be sterilised by the occupier of the yard before its removal from the premises.

Sterilisation of poultry meat in dead stock collection centres

30. Subject to the exemptions referred to in regulation 31, any unfit poultry meat or whole dead poultry at a dead stock collection centre shall be sterilised by the occupier of the dead stock collection centre before its removal from the premises.

Exemptions from requirements to sterilise unfit poultry meat

31. The requirements to sterilise poultry meat or whole dead poultry contained in regulations 28 to 30 shall not apply in the case of any poultry meat or whole dead poultry removed to a destination referred to in regulation 12.

Prohibition of removal of unfit poultry meat from a place other than a poultry slaughterhouse, knacker's yard or dead stock collection centre

32. No person shall remove, or cause or permit to be removed, from any place of which he is the occupier, not being a poultry slaughterhouse, knacker's yard or dead stock collection centre, any whole poultry which has died, or any poultry meat cut from any poultry which has died or unfit poultry meat cut

(**a**) S.I. 1976/1221; relevant amending instruments are S.I. 1979/768, 1981/1169.

from any poultry which has been slaughtered at that place or has been brought there after having died or been slaughtered unless—

(a) that poultry meat or whole dead poultry has been sterilised; or

(b) that poultry meat or whole dead poultry is intended to be delivered to a destination referred to in regulation 12; or

(c) that poultry meat or whole dead poultry is intended to be delivered to a knacker's yard or dead stock collection centre.

Prohibition on unsterilised unfit poultry meat brought from England and Wales or Northern Ireland

33.—(1) No person shall bring into Scotland from England and Wales any unsterilised unfit poultry meat which fails to comply with the provisions of the Meat (Sterilisation and Staining) Regulations 1982(**a**). Except that for the destinations referred to in regulation 17(1) of those regulations there shall be substituted the destinations referred to in regulation 12 of these regulations.

(2) No person shall bring into Scotland from Northern Ireland any unfit poultry meat unless—

(a) that poultry meat has been sterilised; or

(b) that poultry meat is intended to be delivered to a destination referred to in regulation 12 or to a knacker's yard or dead stock collection centre; or

(c) that poultry meat is intended to be delivered to a hospital, medical or veterinary school, laboratory or similar institution for instructional, diagnostic or research purposes.

Records and movement documentation in respect of unfit poultry meat

34.—(1) The provisions of regulations 15 to 24 (records and movement documentation for unsterilised unfit meat) shall, subject to the modifications contained in paragraph (2) below, apply in relation to poultry meat and whole dead poultry as they apply in relation to meat.

(2) In the application of regulation 15(1) for the words from "unsterilised meat" to the end of the paragraph there shall be substituted the words "unsterilised unfit poultry meat or whole dead poultry which leaves the poultry slaughterhouse", and in the application of regulation 18 for the reference to regulation 13 there shall be substituted a reference to regulation 31.

Transport, storage and packaging of unsterilised poultry meat unfit or not intended for human consumption

35. The provisions of regulations 25 to 27 (transport, storage and packaging) shall apply in relation to poultry meat and whole dead poultry as they apply in relation to meat.

(**a**) S.I. 1982/1018.

PART VI

IMPORTED MEAT OR POULTRY MEAT UNFIT OR NOT INTENDED FOR HUMAN CONSUMPTION

Interpretation of Part VI

36. In this Part—

"imported meat" means meat derived from any animal (excluding poultry or fish) slaughtered outside the United Kingdom, and "carcase meat" and "offal" shall be construed accordingly;

"imported poultry meat" means poultry meat derived from poultry slaughtered outside the United Kingdom.

Prohibition of removal of imported meat unfit or not intended for human consumption from port of entry

37. No person shall cause or permit to be removed from its port of entry (other than on export) any imported meat which is unfit, or not intended, for human consumption unless—

(a) that meat has been sterilised; or

(b) that meat, being carcase meat, has been stained and is intended to be delivered to a destination referred to in regulation 12; or

(c) that meat, being carcase meat, is intended to be delivered to a destination referred to in regulation 11; or

(d) that meat, being offal, is intended to be delivered to a destination referred to in regulation 12.

Prohibition of removal of imported poultry meat unfit or not intended for human consumption from port of entry

38. No person shall cause or permit to be removed from its port of entry (other than on export) any imported poultry meat which is unfit, or not intended, for human consumption unless—

(a) it has been sterilised; or

(b) it is intended to be delivered to a destination referred to in regulation 12.

Maintenance of records

39. The importer of any meat or poultry meat which is unfit, or not intended, for human consumption and which is moved by or on behalf of the importer from the port of entry (other than on export) shall maintain a legible, indelible record of the consignment.

Retention of records

40. The record referred to in regulation 39 shall contain the information specified in regulation 41, shall be completed by the importer prior to dispatch

of the consignment and shall be retained by him for a period of three years from that date.

Content of records

41. The record in respect of each consignment of meat or poultry meat unfit, or not intended, for human consumption dispatched from a port of entry shall comprise—

(a) the country or countries of origin of the consignment;

(b) a description of the contents of the consignment;

(c) the quantity of the consignment;

(d) the time and date of dispatch;

(e) the name and address of the person to whom the consignment is sent;

(f) the type and registration of the vehicle or bulk container used to transport the consignment;

(g) the name and address of the owner of the vehicle or bulk container;

(h) the name and address of the owner of the consignment; and

(i) the expected time of delivery of the consignment.

Consignment notes

42.—(1) The importer of any meat or poultry meat which is unfit, or not intended, for human consumption and which is moved by or on behalf of the importer from the port of entry (other than on export) shall provide to the driver of the vehicle in which the meat or poultry meat is removed (and shall provide a copy to the local authority in whose district the port of entry is) a consignment note containing the information specified in regulation 41. The consignment note shall be signed by the driver of the vehicle and left with the recipient of the consignment who shall sign the note and retain it for a period of three years.

(2) The occupier of any place referred to in regulation 12 shall maintain a legible, indelible record of any consignment of imported meat or poultry meat which is unfit, or not intended, for human consumption which having been removed to those premises under authority of regulations 37 or 38 subsequently leaves the premises for a place referred to in regulation 12.

Consignments of imported meat or poultry meat unfit or not intended for human consumption direct from a port in England and Wales

43. In the case of imported meat or poultry meat unfit, or not intended, for human consumption which is dispatched from a port in England and Wales direct to a destination in Scotland referred to in regulations 11 or 12, the consignment shall be accompanied by a completed movement permit as specified in the Meat (Sterilisation and Staining) Regulations 1982. A copy of the movement permit shall be retained by the recipient of the meat for a period of three years.

Disposal of imported carcase meat unfit, or not intended, for human consumption

44.—(1) If an authorised officer of a local authority finds at a port of entry any imported carcase meat which is unfit, or not intended, for human consumption which has not been sterilised or stained, he shall serve a notice on the importer stating that, unless within 24 hours after the notice is served the importer gives a written undertaking to the local authority in whose district the port of entry is that he will at his own expense within 14 days from the date of the undertaking—

(a) export the carcase meat to which the notice relates, or

(b) sterilise or stain the carcase meat at the port of entry or remove it therefrom without contravention of the provisions of regulation 37,

the carcase meat may be seized and removed in order to have it dealt with by a sheriff in accordance with the following provisions of this regulation.

(2) If within the time specified in any notice served under paragraph (1) above the local authority has not received such written undertaking as is described in the notice, or within that time they have received an undertaking that the importer will export, sterilise, stain or, as the case may be, remove the carcase meat and the importer fails to export, sterilise, stain or, as the case may be, remove the carcase meat within 14 days after the receipt of the undertaking, an authorised officer may seize and remove the carcase meat in order to have it dealt with by a sheriff, and he shall inform the importer accordingly.

(3) Where any carcase meat has been seized under the provisions of this regulation the importer, and any other person who under this Part of these regulations might be liable to prosecution in respect of the carcase meat, shall, if he attends before the sheriff, be entitled to be heard and to call witnesses.

(4) If it appears to a sheriff that any carcase meat seized under the provisions of this regulation is unfit, or not intended, for human consumption and has not been sterilised or stained he shall condemn the carcase meat and order it to be destroyed or disposed of under the supervision of an authorised officer of a local authority by such means and in such manner as to prevent it from being used for human consumption.

(5) If a sheriff refuses to condemn any carcase meat seized under this regulation the local authority shall compensate the owner of the carcase meat for any depreciation in its value resulting from its seizure and removal.

Transport, storage and packaging of unsterilised imported meat or poultry meat unfit, or not intended, for human consumption

45.—(1) The provisions of regulations 25 to 27 (transport, storage and packaging of unsterilised meat unfit, or not intended, for human consumption) shall, subject to the modification contained in paragraph (2) below, apply in relation to imported meat, and imported poultry meat, which is unfit, or not intended, for human consumption as they apply in relation to unsterilised meat which is unfit for human consumption.

(2) In the application of regulation 26(3) for the reference to regulation 19 there shall be substituted a reference to regulation 41, and in the application of regulation 27 the notice referred to therein shall also indicate the name of the country of origin of the imported meat or imported poultry meat.

PART VII

UNAUTHORISED POSSESSION OF UNFIT MEAT, POULTRY MEAT OR IMPORTED MEAT

Prohibition of possession of unfit meat, poultry meat or imported meat

46.—(1) Subject to paragraph (2) below, no person shall have in his possession—

(a) any meat to which the provisions of Part II applied and which has been removed from a slaughterhouse, knacker's yard, dead stock collection centre or other place referred to in regulation 13;

(b) any poultry meat or whole dead poultry to which the provisions of Part V applied and which has been removed from a poultry slaughterhouse, knacker's yard, dead stock collection centre or other place referred to in regulation 32; or

(c) any imported meat or imported poultry meat to which the provisions of Part VI applied and which has been removed from its port of entry;

unless it has been sterilised.

(2) The prohibition on possession imposed by paragraph (1) above shall not apply in the case of any meat, poultry meat, whole dead poultry, imported meat, or imported poultry meat which is in possession of any person—

(a) during transit to, or

(b) at

a destination to which it is authorised to be sent unsterilised under these regulations, provided that, if so required by these regulations, it has been stained.

(3) It shall be a defence for any person charged with a contravention of this regulation to prove that he did not know, and could not with reasonable diligence have ascertained, that the item involved was an item to which the provisions referred to in paragraph (1)(a) to (c) above applied.

PART VIII

ENFORCEMENT

Enforcement by local authorities

47. Each local authority shall enforce and execute the provisions of these regulations within its area.

Right of examination and seizure

48.—(1) An authorised officer of a local authority may at all reasonable times examine any meat, poultry meat or whole dead poultry which he has reason to believe is unfit, or not intended, for human consumption; and if it appears to him that the meat, poultry meat or whole dead poultry—

(a) is required to be but has not been sterilised; or

(b) is required to be but has not been stained; or

(c) is requred to bear but does not bear a notice; or as the case may be

(d) is required to be but is not accompanied by the relevant movement documentation;

in accordance with the provisions of these regulations, he may seize it and remove it in order to have it dealt with by a sheriff.

(2) An officer who seizes any meat, poultry meat or whole dead poultry under paragraph (1) above shall inform the person in whose possession the meat, poultry meat or whole dead poultry was found of his intention to have it dealt with by a sheriff and that person and any other person who under these regulations might be liable to prosecution in respect of the meat, poultry meat or whole dead poultry shall, if he attends before the sheriff, be entitled to be heard and to call witnesses.

(3) If it appears to a sheriff that any meat, poultry meat or whole dead poultry seized under the provisions of this regulation is meat, poultry meat or whole dead poultry to which the requirements of these regulations apply and is required to be but has not been dealt with in accordance with those requirements, he shall condemn it and order it to be destroyed or disposed of under the supervision of an authorised officer of a local authority by such means and in such manner as to prevent it from being used for human consumption.

(4) If the sheriff refuses to condemn any meat seized under this regulation, the local authority shall compensate the owner of the meat for any depreciation in its value resulting from its seizure and removal.

Inspection of records

49. An authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right to require the production of, and to examine, any records or consignment notes which are required to be kept by virtue of these regulations.

Offences and penalties

50. If any person contravenes, or fails to comply with, any provision of these regulations, or knowingly or recklessly makes a false entry in any document required by these regulations, he shall be guilty of an offence and shall be liable—

(a) on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding one year, or to both.

Offences due to fault of other person

51. Where the commission by any person of an offence under these regulations is due to the act or default of some other person, that other person shall be guilty of the offence. A person may be charged with and convicted of an offence by virtue of this regulation whether or not proceedings are taken against the first mentioned person.

Defence of due diligence

52. In any proceedings for an offence under these regulations it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Application of various sections of the Act

53. Section 46 (which relates to conditions under which warranty may be pleaded as a defence) and section 47 (which relates to offences in relation to warranties) of the Act shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under the Act included references to proceedings taken or brought for an offence under these regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
11th May 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to Scotland only and come into operation on 1st August 1983.

Part I provides the definitions which apply in the regulations.

Part II of the regulations require—

(a) all meat which fails meat inspection at a slaughterhouse;

(b) all knacker meat; and

(c) all meat at a dead stock collection centre;

to be sterilised unless it is intended to be removed to one of a limited range of destinations as set out in regulation 12. Before any unsterilised carcase meat or certain categories of unsterilised offal may be removed to such a destination, it must first have been stained. Under this Part there is also a prohibition (regulation 13) on the removal of any meat from an animal which has died or has been slaughtered in a place other than a slaughterhouse, knacker's yard or dead stock collection centre. Regulation 14 sets out the conditions under which any unsterilised unfit meat or knacker meat may enter Scotland from England and Wales or Northern Ireland.

In Part III, regulation 19 sets out the records which must be kept of any unsterilised unfit meat dispatched from a slaughterhouse, knacker's yard, dead stock collection centre or other premises or place referred to in regulation 18. Regulation 20 requires a consignment note containing the same information on that record to accompany each consignment of unsterilised unfit meat and to be signed by the driver of the vehicle transporting the meat and left with the recipient. Both the records and the consignment notes are required to be retained for a period of three years. Provision is also made (regulations 22 and 23) for broadly similar records and movement documentation to apply in the case of consignments of unsterilised unfit meat going from Scotland to England, Wales or Northern Ireland and vice versa.

Under Part IV, regulations 25, 26 and 27 set out the requirements which apply to the transport, storage and packaging of unsterilised unfit meat or meat not intended for human consumption. There is a particular requirement to clearly identify unsterilised meat which is unfit or not intended for human consumption.

The provisions in Part V relate to poultry and require any unfit poultry or poultry meat at:—

(a) a licensed poultry slaughterhouse;

(b) an unlicensed poultry slaughterhouse;

(c) a knacker's yard; or

(d) a dead stock collection centre;

to be sterilised unless it is to be removed to a destination referred to in regulation 12. There is also a prohibition (regulation 32) on the removal of any unsterilised whole poultry which has died or any poultry meat cut from any poultry which has died or unfit poultry meat cut from any poultry slaughtered at a place other than a slaughterhouse, knacker's yard or dead stock collection

centre. Regulations 34 and 35 attract the provisions on record keeping and movement documentation and transport, storage and packaging as set out in Parts III and IV.

Imported meat or poultry meat unfit, or not intended, for human consumption is covered in Part VI on broadly the same basis as that applying to home production.

The final 2 parts — Parts VII and VIII — of the regulations deal with:—

(a) unauthorised possession of unfit meat, poultry meat or imported meat; and

(b) enforcement.

The regulations confer on authorised officers of local authorities requisite powers for their enforcement and create criminal offences for contravention of or failure to comply with their provisions for which the maximum penalty on summary conviction is a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or both or on conviction on indictment, to a fine or imprisonment for a term not exceeding one year, or both.

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