STATUTORY INSTRUMENTS

1984 No. 1576 (S. 130)

FOOD

The Poultry Meat (Water Content) (Scotland) Amendment Regulations 1984

Made - - - -	*27th September* 1984
Laid before Parliament	*17th October* 1984
Coming into Operation	*7th November* 1984

In exercise of the powers conferred on me by section 2(2) of the European Communities Act 1972(**a**) (being one of the Ministers designated (**b**) for the purposes of that section in relation to the common agricultural policy of the European Community), and by section 56A of the Food and Drugs (Scotland) Act 1956(**c**), and of all other powers enabling me in that behalf, after consultation in accordance with section 56(6) of the 1956 Act with such organisations as appear to me to be representative of the interests substantially affected by these regulations, I hereby make the following regulations:—

Citation, extent and commencement

1. These regulations, which may be cited as the Poultry Meat (Water Content) (Scotland) Amendment Regulations 1984, shall apply to Scotland and shall come into operation on 7th November 1984.

Interpretation

2. In these regulations the expression "the principal regulations" means the Poultry Meat (Water Content) Scotland Regulations 1983(**d**) and, unless the context otherwise requires, any reference herein to a numbered regulation shall be construed as a reference to the regulation bearing that number in the principal regulations.

Amendment of the principal regulations

3.— (1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(**a**) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read with section 289(F) and 289(G) of the Criminal Procedure (Scotland) Act 1975 (c.21) (as inserted by section 54 of the Criminal Justice Act 1982 (c.48)); and S.I. 1984/526.
(**b**) S.I. 1972/1811.
(**c**) 1956 c.30; section 56A was inserted by paragraph 3(2)(*a*) and (*b*) of Schedule 4 to the European Communities Act 1972.
(**d**) S.I. 1983/1372.

(2) In regulation 2 (interpretation)—

(a) for the definition of "the Commission regulation" there shall be substituted the following definition— '"the Commission regulation" means the regulation of the Commission of the European Communities of which full title, reference and amending instruments are set out in the Schedule to these regulations;';

(b) for the definition of "the Council regulation" there shall be substituted the following definition— '"the Council regulation" means the regulation of the Council of the European Communities of which the full title, reference and amending instruments are set out in the Schedule to these regulations;';

(c) after the definition of "the Council definition" there shall be inserted the following definition:—

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

(3) In regulation 9 (Offences and penalties)—

(a) in paragraph (1) for the sum of "£1,000" there shall be substituted the sum of "£2,000";

(b) in paragraph (3) for the sum of "£500" there shall be substituted the sum of "£400".

(4) After regulation 14 there shall be inserted the following regulation:—

"Inspections by local authorities

15.— (1) Where an importer during business hours makes a request for sound reasons to an enforcement authority that the authority perform outside its business hours such inspections as may be necessary to fulfil its duties in relation to imported poultry carcases under these regulations, the authority shall provide such services.

(2) Where an authority provides the services specified in paragraph (1) of this regulation it may make such reasonable charges for providing the services as it may from time to time determine, but such charges shall not include any cost associated with the storing, transporting or analysis of any sample.

(3) Any charge made by an authority by virtue of paragraph (2) of this regulation shall be payable by the importer.

(4) For the purposes of this regulation "business hours" means in relation to the days Monday to Friday the continuous period of not less than 10 hours each day, and in relation to Saturday the continuous period of not less than 6 hours, which each enforcement authority specifies to be its business hours.".

(5) The Schedule to these regulations shall be inserted as Schedule to the principal regulations.

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

New St Andrew's House,
Edinburgh.
27th September 1984.

SCHEDULE Regulation 3(5)

(to be inserted as Schedule to the principal regulations)

" SCHEDULE Regulation 2(1)

COMMUNITY PROVISIONS

Regulation containing Community provisions	Official Journal of the European Communities: References
1. Council Regulation (EEC) No 2967/76 of 23 November 1976 laying down common standards for the water content of frozen and deep-frozen chickens, hens and cocks, as amended by—	O.J. No. L339, 8.12.76, p. 1.
(a) Council Regulation (EEC) No. 1691/77 of 19 July 1977 amending Regulation (EEC) No. 2967/76	O.J. No. L188, 28.7.77, p. 10.
(b) Council Regulation (EEC) No. 641/79 of 29 March 1979 amending Regulation (EEC) No. 2967/76	O.J. No. L82, 31.3.79, p. 4.
(c) Commission Regulation (EEC) No. 2632/80 of 14 October 1980	O.J. No. L270, 15.10.80, p. 14.
(d) Council Regulation (EEC) No. 2835/80 of 30 October 1980, read with the Corrigendum to (EEC) No. 2835/80	O.J. No. L292, 1.11.80, p. 75.
(e) Commission Regulation (EEC) No. 3204/83 of 14 November 1983	O.J. No. L315, 15.11.83, p. 17.
2. Commission Regulation (EEC) No. 2785/80 of 30 October 1980 introducing detailed rules for implementing Regulation (EEC) No. 2967/76 laying down common standards for the water content of frozen chickens, hens and cocks, as amended by Commission Regulation (EEC) No. 3134/81 of 30 October 1981	O.J. No. L288, 31.10.80, p. 13. O.J. No. L312, 31.10.81, p. 59. "

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which come into operation on 7th November 1984, apply to Scotland only and amend the Poultry Meat (Water Content) (Scotland) Regulations 1983. The regulations implement in part Article 5 of Council Directive No 83/643/EEC (O.J. No. L359, 22.12.83, p. 8) on the facilitation of physical inspections and administrative formalities in respect of carriage of goods between Member States by allowing importers to require the inspection of imported poultry carcases out of business hours and enforcement authorities to make reasonable charges for providing such services (regulation 3(4)).

These regulations also—

(a) increase the fine for contravention of the regulations or the Community provisions from £1,000 to £2,000 in consequence of the coming into operation of the Increase of Criminal Penalties etc. (Scotland) Order 1984 (S.I. 1984/526) (regulation 3(3)*(a)*);

(b) restrict the penalty for obstructing an authorised officer to £400 (regulation 3(3)*(b)*); and

(c) make minor drafting amendments (regulation 3(2) and Schedule).

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