
SCOTTISH STATUTORY INSTRUMENTS

2015 No.

FOOD

**The Country of Origin of Certain Meats (Scotland) Regulations
2015**

<i>Made</i>	- - - -	<i>2015</i>
<i>Laid before the Scottish Parliament</i>		<i>2015</i>
<i>Coming into force</i>	- -	<i>1st December 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1), (2) and (3), 31(1) and 48(1), (2) and (6) of the Food Safety Act 1990(a), and by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(b) and all other powers enabling them to do so.

The following Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(c) and it appears to the Scottish Ministers that it is expedient for any reference to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry(d) to be construed as a reference to that Regulation as amended from time to time.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotland(e) in accordance with section 48(4A) and (6) of that Act(f).

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of

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- (a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6, the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(1) and (3) and Schedule 6, and S.I. 2002/794. Section 16(1) was amended by the 1999 Act, Schedule 5, paragraph 8. Section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12(a), and S.I. 2011/1043. Section 26(3) was partially repealed by the 1999 Act, Schedule 6. Sections 31(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8. Section 48(6) was inserted by section 59 and paragraph 3(11) of the Schedule to the Food (Scotland) Act 2015 (asp. 1).
- (b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, Schedule, Part 1 and S.I. 2007/1388.
- (c) Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006, section 27(1)(a) and the European Union (Amendment) Act 2008, Schedule, Part 1.
- (d) OJ No L 335, 14.12.13, p.19.
- (e) Food Standards Scotland was established under section 1 of the Food (Scotland) Act 2015 .
- (f) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.

food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(a), during the preparation and evaluation of the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Country of Origin of Certain Meats (Scotland) Regulations 2015 and come into force on 1st December 2015.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised officer” means a person authorised by an enforcement authority (within the meaning of the Act) for the purposes of these Regulations;

“batch” has the meaning given in Article 2(2)(b) of Commission Implementing Regulation (EU) No 1337/2013 ;

“batch code” means any existing mark on a label or packaging, such as a date mark or lot number, which a food business operator can demonstrate, when cross referenced with other information, allows them to identify the origins of the meat;

“Commission Regulation” means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

“food authority” means a council constituted under section 2 of the Local Government (Scotland) Act 1994(b);

“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“mass caterer” has the meaning given in Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers(c);

“trimmings” has the meaning given in Article 2(2)(a) of Commission Implementing Regulation (EU) No 1337/2013.

(2) Except as otherwise provided, any reference in these Regulations to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference in these Regulations to the Commission Regulation is a reference to that Regulation as amended from time to time.

Competent authority

3. Each food authority in its area or district is the competent authority for the purposes of—

- (a) the third sub-paragraph of Article 5(1) (labelling of meat where specified rearing period not attained in any member State or third country); and
- (b) Article 5(2) (labelling of meat where “origin” indicated on the label).

(a) OJ No L 31, 1.2.02, p.1, last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.09, p.14).

(b) 1994 c.39.

(c) OJ No L 304, 22.11.11, p.18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.14, p.7).

Enforcement authorities

4. These Regulations are enforced by—

- (a) Food Standards Scotland, for the purposes of ascertaining whether there is or has been any contravention of these Regulations in slaughterhouses, cutting plants or wholesalers; and
- (b) local authorities, for the purposes of ascertaining whether there is or has been any contravention of these Regulations in places other than in slaughterhouses, cutting plants or wholesalers.

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Offences and Penalties

6.—(1) A person who contravenes or fails to comply with the provisions of Articles 5, 6 and 7 of the Commission Regulation commits an offence.

(2) A person who contravenes or fails to comply with the provisions of regulation 5 commits an offence.

(3) A person who commits an offence under these regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

7.—(1) Section 32 of the Act (powers of entry)(a) applies, with the modifications specified in Part 1 of the Schedule, for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of Articles 3 to 6 and 8 of the Commission Regulation;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(2) The provisions of the Act specified in the first column of the table in Part 2 of the Schedule apply with the modifications specified in the second column of that table for the purposes of these Regulations.

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
2015

(a) Section 32(5) and (6) were amended by the Criminal Justice and Police Act 2001 (c.16), Schedule 2, paragraph 18.

SCHEDULE

Regulation 7

Modification of provisions of the Act

PART 1

Modification of section 32(1)

1. In section 32(1) (powers of entry)—

- (a) in paragraph (a), for “this Act, or of regulations or orders made under it” substitute “any of Articles 3 to 6 or 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry”; and
- (b) omit paragraph (c).

PART 2

Modification of other provisions of the Act

<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(a) (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”. In subsection (2), for “This Act” substitute “The Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 21(b) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below”, insert “including under section 32 as applied and modified by regulation 7(1) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.

(a) Section 2(1) was amended by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 8.

(b) Section 21(2) was amended by S.I. 2004/3279.

Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.
Section 35(1)(a) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 7(2) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (Scotland) Regulations 2015,”. In subsection (2)— (a) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 7(2) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (Scotland) Regulations 2015,”; and (b) in paragraph (b), for “relevant amount” substitute “statutory maximum”.
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “regulation 7 of the Country of Origin of Certain Meats (Scotland) Regulations 2015,”.
Section 36A(b) (offences by Scottish partnerships)	For “this Act” substitute “regulation 7 of the Country of Origin of Certain Meats (Scotland) Regulations 2015,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (Scotland) Regulations 2015”.

(a) Section 35(1) is amended by the Criminal Justice Act 2003 (c.44), Schedule 26, paragraph 42 from a date to be appointed.
(b) Section 36A was inserted by the Food Standards Act 1999, Schedule 5, paragraph 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in Scotland, certain provisions of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ No L 335, 14.12.13, p.19) (“the Commission Regulation”).

Regulation 3 sets out that each food authority in its area or district is the competent authority for the purposes of Article 5(1) and (2) of the Commission Regulation. Regulation 4 makes local authorities and Food Standards Scotland inspectors responsible for enforcement of the Regulations.

Regulation 5 requires food business operators to keep records for 12 months from the end of the calendar year to which each record relates.

Regulation 6 makes it an offence to fail to comply with the provisions of the Commission Regulation and the records requirement of regulation 5.

Regulation 7 and the Schedule apply certain provisions of the Food Safety Act 1990 (1990 c.16) with modifications.

A full business and regulatory impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL.