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## STATUTORY INSTRUMENTS

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**2001 No.**

**FOOD**

### **The Gelatine (Intra-Community Trade) (England) Regulations 2001**

<i>Made</i>	-	-	<i>2001</i>
<i>Laid before Parliament</i>			<i>2001</i>
<i>Coming into force</i>			<i>2001</i>

The Secretary of State, being a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

#### **Citation, commencement and extent**

1. These Regulations, which extend to England, may be cited as the Gelatine (Intra-Community Trade) (England) Regulations 2001 and shall come into force on [ ] 2001.

#### **Interpretation**

2. In these Regulations -

“the Agency” means the Food Standards Agency<sup>(c)</sup>;

“collection centre”, “tannery” and “raw material” shall be construed in accordance with Commission Decision 1999/724/EC amending Annex II to Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules

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<sup>(a)</sup> S.I. 1972//1811.

<sup>(b)</sup> 1972 c. 68.

<sup>(c)</sup> Established by section 1 of the Food Standards Act 1999 (c. 28).

referred to in Annex A(I) to Directive 89/662/EEC or, as regards pathogens, to Directive 90/425/EEC(a); and

“food authority” has the same meaning as in the Food Safety Act 1990(b)

### **Amendment of the Products of Animal Origin (Import and Export) Regulations 1996**

**3.** The Products of Animal Origin (Import and Export) Regulations 1996(c) shall be amended in relation to England in Schedule 3, paragraph 12, by adding at the end the following entry -

“Commission Decision 1999/724/EC (OJ No. L290, 12.11.99, p.32) ” .

### **Authorisation of collection centres and tanneries**

**4.-** (1) A food authority shall, on application under this regulation, authorise a collection centre or tannery if the food authority is satisfied that -

- (a) the collection centre or tannery has storage rooms with hard floors and smooth walls which are easy to clean and disinfect;
- (b) where appropriate, the collection centre or tannery is provided with refrigeration facilities;
- (c) the storage rooms of the collection centre or tannery are kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the raw materials;
- (d) if any raw material which does not conform to any requirement imposed by virtue of the Products of Animal Origin (Import and Export) Regulations 1996 which is applicable to it is stored or processed in the premises, it is segregated throughout the period of receipt, storage, processing and dispatch from raw material which does so conform;
- (e) the food authority has all the information it needs to notify the Agency of the authorisation under regulation 8(2)(a).

(2) When granting any authorisation under this regulation, the food authority shall allocate a distinctive number to the premises.

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(a) OJ No. L290, 12.11.99, p.32

(b) 1990 c. 16. Section 5 describes the authorities that are food authorities for the purposes of the Act..

(c) S.I. 1996/3124; to which there are amendments not relevant to these Regulations..

## **Suspension and withdrawal of authorisations**

**5.-** (1) A food authority may suspend or withdraw an authorisation under regulation 4 of these Regulations if the food authority is satisfied that the premises in relation to which the authorisation was granted do not satisfy the requirements specified in regulation 4 of these Regulations; or

(2) A food authority shall not suspend or withdraw an authorisation under this regulation unless -

- (a) it has served a notice complying with paragraph (3) of this regulation on the proprietor of the business carried on at the premises; and
- (b) it is satisfied, after the time for compliance with the notice has expired, that the premises do not comply with the requirements specified in the notice.

(3) A notice served under paragraph (2) of this regulation shall -

- (a) state that the food authority proposes to suspend or, as the case may be, withdraw the authorisation;
- (b) identify each requirement specified in regulation 4 of these Regulations which the food authority is satisfied has not been complied with in relation to the premises;
- (c) in relation to each requirement specified under subparagraph (b) above, give reasons why the food authority is satisfied that the requirement has not been complied with; and
- (d) state that unless the proprietor of the business complies with the requirements specified in the notice within such reasonable time as is stated in the notice, the authorisation may be suspended or, as the case may be, withdrawn.

## **Right of appeal**

**6.-** (1) A person who is aggrieved by a decision of a food authority to refuse authorisation or to suspend or withdraw authorisation may appeal to a magistrates' court.

(2) Section 37(3), (5) and (6) of the Food Safety Act 1990 shall have effect in relation to appeals under this regulation as they have effect in relation to an appeal under that section.

(3) The withdrawal or suspension of an authorisation shall not take effect until the time for appealing against it has expired and, if an appeal is lodged, until the appeal is finally disposed of.

### **Cancellation of authorisation**

7. A food authority shall cancel an authorisation under regulation 4 of these Regulations on the request of the proprietor of the business in relation to which the premises are authorised.

### **Registration**

8.- (1) The Agency shall maintain a register of premises authorised under regulation 4 of these Regulations.

(2) Every food authority shall notify the Agency, by such means as is reasonably required by the Agency, of:-

- (a) every authorisation issued by the food authority under regulation 4 of these Regulations;
- (b) every withdrawal, suspension or cancellation by the food authority of such an authorisation;
- (c) every notice issued by the food authority under regulation 5(2) of these Regulations;
- (d) any change of the proprietor of the business carried on at authorised premises;
- (e) any error or omission which comes to the attention of the food authority in the information in the register relating to any premises authorised by the food authority.

(3) Every notification by a food authority to the Agency under paragraph (2) of this regulation shall contain the following information -

- (a) the address of the premises;
- (b) the name of the proprietor of the business carried on at the premises;
- (c) any trade name or other name (not being the name of the proprietor) by which the business carried on at the premises is known;
- (d) the identifying number assigned by the food authority under regulation 4(2) of these Regulations;
- (e) the activity for which authorisation is given;

(f) the date from which authorisation has effect and the date any suspension, withdrawal or cancellation of authorisation took effect.

(4) The Agency shall take reasonable measures to make the information on the register available to the public at reasonable times.

Signed by authority of the Secretary of State for Health

2001

Parliamentary Under Secretary of State for Health

## **EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These Regulations implement in relation to England Commission Decision 99/724/EC (OJ No. L290, 12.11.99, p.32) - “the Commission Decision” - so far as it relates to trade between Member States of the European Community and imposes new or changed obligations on the United Kingdom.

The Commission Decision amends Annex II to Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p.49) by imposing new requirements relating to gelatine intended for human consumption. The provisions of that Directive relating to intra-Community trade are implemented by the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124). These Regulations amend the 1996 Regulations to give effect to the changes made by the Commission Decision.

The Regulations also give power to food authorities in England to issue, suspend, withdraw and cancel authorisations of collection centres and tanneries which supply raw materials for the manufacture of gelatine subject to the requirements of the Commission Decision. The Food Standards Agency is required to maintain a register of premises so authorised.

[Reference to Regulatory Impact Assessment - to follow]