

1999 No.

Food**The Beef Bones (Amendment) (Scotland) Regulations 1999**

<i>Made</i>	1999
<i>Laid before the Scottish Parliament</i>	1999
<i>Coming into force</i>	1999

The Scottish Ministers, in exercise of the powers conferred on them by sections 16(1)(a), (b), (c), (d) and (f) and (3), 26 and 48(1) of, and paragraphs 2(1), 3(1), 5(1) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990(a), and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Beef Bones (Amendment) (Scotland) Regulations 1999 and shall come into force on [] 1999.

(2) These Regulations apply to Scotland only.

Amendments to the Beef Bones Regulations 1997

2.—(1) The Beef Bones Regulations 1997(b) are amended in accordance with the following paragraphs of this regulation.

(2) Regulation 3 (bone – in beef) is revoked and there is substituted the following—

“3.—(1) Subject to paragraph (2) below, no person shall use any bone – in beef in the preparation, in the course of a business, of any food or ingredient for human consumption.

(2) Paragraph (1) above shall not apply where any bone – in beef is used in the preparation of any food or ingredient for sale at the premises where that preparation took place direct to the ultimate consumer for human consumption, including the case where the sale involves home–delivery of take–away food.”.

(3) Paragraph (1) of regulation 4 (bones) is revoked.

(4) In paragraph (2) of regulation 4 the phrase “Subject to paragraph (4) below,” is inserted at the beginning and the words “, in the course of a business,” are inserted before the word “of”.

(5) In paragraph (3) of regulation 4 the phrase “Subject to paragraph (5) below,” is inserted at the beginning and the words “, in the course of a business,” are inserted before the word “of”.

(6) The following paragraphs are substituted for paragraphs (4) and (5) of regulation 4—

“(4) Paragraph (2) above shall not apply where any bone removed from bone – in beef is sold for use in the preparation of any food or ingredient for sale at the premises where

(a) 1990 c.16; functions of Ministers of the Crown within devolved competence was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act (c.).

(b) S.I. 1997/2959.

that preparation took place direct to the ultimate consumer for human consumption, including the case where the sale to the ultimate consumer involves home-delivery of take-away food.

(5) Paragraph (3) above shall not apply where any bone removed from bone – in beef is used in the preparation of any food or ingredient for sale at the premises where that preparation took place direct to the ultimate consumer for human consumption, including the case where the sale involves home-delivery of take-away food.”

(7) In paragraph (1) of regulation 5 (food and ingredients) the phrase “Subject to paragraph (1A) below,” is inserted at the beginning and the words “,in the course of a business,” are substituted for the words “to the ultimate consumer”.

(8) The following paragraph is inserted after paragraph (1) of regulation 5–

“(1A) Paragraph (1) above shall not apply where any food an ingredient of which consists of or is derived from bones removed from bone – in beef is sold at the premises where the food concerned was prepared direct to the ultimate consumer for human consumption, including the case where the sale involves home-delivery of take-away food.”.

(9) In paragraph (2) of regulation 5 the phrase “Subject to paragraph (4) below,” is inserted at the beginning and the words “,in the course of a business.” are inserted before the word “of”.

(10) In paragraph (3) of regulation 5 the phrase “Subject to paragraph (5) below,” is inserted at the beginning and the words “,in the course of such a business,” are inserted before the word “of”.

(11) The following paragraphs are substituted for paragraph (4) of regulation 5–

“(4) Paragraph (2) above shall not apply where a substance derived from bones removed from bone – in beef is sold for use in the preparation of any food or ingredient for sale at the premises where that preparation took place direct to the ultimate consumer for human consumption, including the case where the sale to the ultimate consumer involves home-delivery of take-away food.

(5) Paragraph (3) above shall not apply where any substance derived from bones removed from bone – in beef is used on food premises in the preparation of any food or ingredient for sale at those premises direct to the ultimate consumer for human consumption, including the case where the sale involves home-delivery of take-away food.

(6) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone – in beef regardless of whether it was derived from the bones before, during or after their removal from the bone – in beef.”.

(12) The following text is substituted for the existing text of regulation 8 (disposal of bones)–

“Notwithstanding the definition of “catering waste” in article 3(1) of the Animal By – Products Order 1999(a) all bones deboned in accordance with regulation 6 above shall be disposed of as animal by – products in accordance with that Order.

(14) Regulation 9 (records) is revoked.

A member of the Scottish Executive

1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Beef Bones Regulations 1997 (S.I. 1997/2959) in so far as they apply to Scotland. Those Regulations extend to Great Britain as a whole.
2. The amendment are as follows–
 - (a)
 - (x) in the light of the enactment of the Animal By – Products Order 1999 (S.I. 1999/646) the text of regulation 8 (disposal of bones) is substantially revised and regulation 9 (records) is revoked.
3. [Regulatory impact assessment].