

## FOOD STANDARDS AGENCY CONSULTATION

### Title: REVOCATION OF THE AUTHORISED OFFICERS (MEAT INSPECTION) REGULATIONS 1987

#### CONSULTATION SUMMARY PAGE

<b>Date consultation launched:</b>	<b>Closing date for responses:</b>
17 August 2011	28 September 2011

**Who will this consultation be of most interest to?**  
 Local Authorities; Association of Meat Inspectors; Meat Industry, the Chartered Institute of Environmental Health (CIEH), Union representation

**What is the subject of this consultation?**  
 Whether to revoke the Authorised Officers (Meat Inspection) Regulations 1987

**What is the purpose of this consultation?**  
 To give the opportunity for interested parties to comment upon the above proposal. Currently paragraph 1.2.9.3.1 of the Food Law Code of Practice states that in respect of fresh meat, only officers qualified in accordance with the above Regulations can inspect, seize and detain the meat. This now causes an anomaly due to the different qualification routes available, as some EHOs with equivalent qualifications cannot currently be authorised to seize meat.  
 A new qualification – the Higher Certificate in Food Control – has also recently been introduced which gives officers the knowledge and skills to inspect, seize and detain all food, including fresh meat. This will allow a greater number of suitably qualified officers to carry out this duty. The Code of Practice will be reviewed, at the next opportunity, to include this new qualification.  
 Interested parties are asked to let the Agency know if, in their opinion, there are any reasons why the Regulations should not be revoked.

**Responses to this consultation should be sent to:**

Name Bob Pilling Division/Branch EALADD FOOD STANDARDS AGENCY Tel: 020 7276 8436 Fax: 020 7276 8463	Postal address: Room 1A Aviation House 125 Kingsway London WC2B 6NH Email: <a href="mailto:robert.pilling@foodstandards.gsi.gov.uk">robert.pilling@foodstandards.gsi.gov.uk</a>
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<b>Is an Impact Assessment included with this consultation?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> See Annex A for reason.
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# PROPOSED REVOCATION OF THE AUTHORISED OFFICERS (MEAT INSPECTION) REGULATIONS 1987

## DETAIL OF CONSULTATION

### Introduction

1. The Authorised Officers (Meat Inspection) Regulations 1987 were introduced to specify the qualification requirements of those persons being authorised by a council to undertake the examination and seizure of fresh meat under the Food Act 1984. For those local authorities involved in the examination and seizure of fresh meat it provides an exhaustive list of qualifications, of which an officer must hold at least one to be appropriately authorised. Details of the qualifications listed in the Regulations can be found at <http://www.legislation.gov.uk/uksi/1987/133/contents/made>.
2. The majority of activities relating to the examination and seizure of raw meat were transferred to the then Meat Hygiene Service (now within the Food Standards Agency) in April 1995. However, local authorities retain responsibility for the examination and seizure of fresh meat at point of retail.
3. Following the introduction of Regulation (EC) No 882/2004, it is now the competent authority's responsibility to ensure that those carrying out official controls are suitability qualified and experienced. These suitability requirements are laid down within the Food Law Code of Practice for local authority staff and the Food Standards Agency's own policy document for Agency staff involved in meat inspection. These require that to inspect, seize and detain food officers should be:

In relation to the Food Law Code of Practice:

- an authorised Environmental Health Officer (EHO)
- an authorised Official Veterinarian
- an appropriately authorised Trading Standards Officer

In order to seize meat the officer **must** hold one of the qualifications listed in the in Authorised Officers (Meat Inspection) Regulations 1987. Officers not holding one of these qualifications **cannot** be authorised to seize meat.

In relation to the Agency's own policy document:

- an Official Veterinarian
- an Official Auxiliary

4. Due to the different qualifications that existed at the time these Regulations were drafted, an anomaly exists that prevents EHOs holding the The Royal Environmental Health Institute of Scotland Diploma in Environmental Health from seizing meat. At the time the regulations came into force, EHOs were expected to hold an additional qualification – the Diploma in the inspection of meat and other foods in order to inspect and seize meat.
5. In addition, in 2009 the Higher Certificate in Food Control was introduced. This new qualification, which provides for an equivalent standard of learning in relation to seizure and detention as that delivered to EHOs, is designed to allow authorised officers of a local authority who are not EHOs to inspect, seize and detain food. However, due to the more specific requirements of the Authorised Officers (Meat Inspection) Regulations 1987 these officers are currently restricted from exercising this power with respect to fresh meat.

6. The revocation of the Authorised Officers (Meat Inspection) Regulations 1987 would allow all local authority officers who meet the requirements of the Code of Practice to be authorised to seize fresh meat, including those holding equivalent qualifications. This will enable local authorities to make more effective use of their available qualified and competent resource.
7. Revocation of the Authorised Officers (Meat Inspection) Regulations 1987 will not retrospectively impact upon holders of the qualifications they refer to or the authorisations issued under them to date. It is recognised that there may be existing officers who initially qualified as official veterinary auxiliaries under these Regulations. The existing qualifications will, therefore, still be recognised. This will allow local authorities, and the Food Standards Agency, where appropriate, to accept a wider number of suitable qualifications as evidence in support of competence. The assessment of competence will remain with the local authority or the Food Standards Agency where appropriate.
8. The Trade in Animal Related Products Regulations (TARP) 2011 provides for “authorised officers” of an enforcement authority to act and makes no mention of qualifications or reliance upon the 1987 regulations, as such removal of the regulation should not impact activities undertaken under the TARP regulations.

## Proposals

9. The Authorised Officers (Meat Inspection) Regulations 1987 will be revoked.
10. The Food Law Code of Practice will be updated at the next opportunity, to include the Higher Certificate in Food Control as an appropriate qualification for officers authorised to inspect, seize and detain all foodstuffs. Equivalence flexibilities provided for in the Code are currently being used to enable officers who hold the new qualification to inspect, seize and detain food in advance of the Code being revised. This flexibility will extend to include fresh meat once the Authorised Officers (Meat Inspection) Regulations 1987 are revoked.

### Key proposal(s):

- **Revoke the Authorised Officers (Meat Inspection) Regulations 1987**
- **Notify local authorities that the equivalency flexibilities within the Code are extended to include fresh meat for holders of the Higher Certificate in Food Control**
- **Update the Food Law Code of Practice to include the Higher Certificate in Food Control as an appropriate qualification for the inspection, seizure and detention of all foodstuffs**

## Consultation Process

11. We would welcome any views, particularly if you are concerned that revoking the Regulations would be problematic. The views of local authorities, authorised officers, local government representative bodies and those involved in the meat industry would be particularly welcome.

## Other relevant documents

12. A copy of the Authorised Officers (Meat Inspection) Regulations 1987 is available at <http://www.legislation.gov.uk/uksi/1987/133/contents/made>

13. A copy of the Food Law Code of Practice is available at: <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/copenland/>

## Responses

14. **Responses are required by close 28<sup>th</sup> September 2011.** Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

A handwritten signature in black ink that reads "Sarah Appleby". The signature is written in a cursive style with a large initial 'S'.

**Sarah Appleby**  
Enforcement and Local Authority Delivery Division

**Enclosed**

**Annex A: Standard Consultation Information**

**Annex B: List of interested parties**

## Queries

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

## Publication of personal data and confidentiality of responses

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. The FSA will publish a summary of responses, which may include your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

## Further information

5. A list of interested parties to whom this letter is being sent appears in Annex B. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
6. Please let us know if you need paper copies of the consultation documents or of anything specified under '**Other relevant documents**'.
7. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at: <http://www.berr.gov.uk/files/file47158.pdf> The Consultation Criteria from that Code should be included in each consultation and they are listed below:

### The Seven Consultation Criteria

#### Criterion 1 — When to consult

*Formal consultation should take place at a stage when there is scope to influence the policy outcome.*

#### Criterion 2 — Duration of consultation exercises

*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.*

#### Criterion 3 — Clarity of scope and impact

*Consultation documents should be clear about the consultation process, what is*

*being proposed, the scope to influence and the expected costs and benefits of the proposals.*

**Criterion 4 — Accessibility of consultation exercises**

*Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.*

**Criterion 5 — The burden of consultation**

*Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.*

**Criterion 6 Responsiveness of consultation exercises**

*Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.*

**Criterion 7 Capacity to consult**

*Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.*

8. Criterion 2 states that *Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.* In this case, we are carrying out a shortened consultation of six weeks. This is due to the fact that revocation of the Authorised Officers (Meat Inspection) Regulations 1987 is considered to be primarily an administrative change and a non-controversial proposal. It is also an issue that we believe has no negative impact on regulatory burden, in fact it is intended to reduce regulatory burden by enabling the use of equivalently qualified officers to seize and detain raw meat. An informal consultation with the enforcement community, prior to this consultation, has supported this view.
9. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. We have not produced an Impact Assessment for this proposal because: the Authorised Officers (Meat Inspection) Regulations 1987 were introduced some time ago and have become outdated and been overtaken by other legislation. The qualifications listed in the Regulations, although still relevant, are no longer exhaustive and the Regulations serve no other purpose. We expect, therefore, that there will be no impact on either the enforcement community or industry. However, if responses to this consultation indicate possible impacts we have not predicted, we will produce an impact assessment.
10. For details about the consultation process (not about the content of this consultation) please contact: [Food Standards Agency Consultation Co-ordinator](#), Room 2B, Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 020 7276 8140.

**Comments on the consultation process itself**

11. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts with us by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>
12. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc> The questionnaire can also be used to update us about your existing contact details.

## LIST OF INTERESTED PARTIES

Annex B

Mr Norman Bagley	Association of Independent Meat Suppliers
Mr Angus Lowden	Association of Meat Inspectors (UK) Ltd
Mr Stephen Rossides	British Meat Processors Association
Ms Jenny Morris	Chartered Institute of Environmental Health
Mr Neville Craddock	Institute of Food Science & Technology
Mrs Elizabeth Murphy	International Meat Traders Association
Mr Alan Jennings	London Retail Meat Traders Association
Mr Bill Jermey	Meat Training Council
Mr Peter Allen	National Association of Catering Butchers
Mr Roger Kelsey	National Federation of Meat and Food Traders
Mr Ron Spellman	Unison
Ms Jill Day	Unison
Mr Ben Priestley	Unison
Mr Tony Morrow	Worshipful Company of Butchers
English Local Authorities	
Members of the Agency's Qualifications Working Group	