3. Red meat hygiene at the slaughterhouse

Introduction

3.1 In 1986, the condition of meat entering the human food chain was regulated in three ways. Firstly, it was an offence for slaughtering to take place on any premises unless these met certain standards of hygiene and had been licensed. Secondly, animals and carcasses whose physical condition did not meet certain standards could not be admitted to a slaughterhouse. Thirdly, the carcasses of slaughtered animals had to be inspected and passed fit for human consumption.

3.2 This chapter describes the powers and duties in place at the end of 1986 concerning:

i. the conditions under which slaughtering took place;
ii. the slaughtering process itself;
iii. the production of red meat for human consumption;
iv. the process of determining whether meat was fit for human consumption; and
v. the treatment of meat found to be unfit for human consumption (‘unfit meat’).

3.3 The chapter also considers changes to those powers and duties between 1986 and 20 March 1996 that were not prompted by BSE. Those changes in which BSE did play a part are described and discussed in other volumes:

- the measures to remove Specified Bovine Offal (SBO) from the human food chain are covered in vol. 6: Human Health, 1989–96; and
- the measures to remove SBO from the animal food chain are covered in vol. 5: Animal Health, 1989–96.

3.4 In 1986, slaughterhouses and slaughtering were regulated by the Slaughterhouses Act 1974.\(^{41}\) Hygiene in relation to the sale of food for human consumption and the importation, preparation, transport, storage, packaging wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption was regulated by the Food Act 1984.\(^{42}\) Determination of whether meat was fit for human consumption and the treatment of unfit meat were regulated by the Meat Inspection Regulations 1963, the Slaughterhouses (Hygiene) Regulations 1977, the Fresh Meat Export (Hygiene and Inspection) Regulations
1981,\textsuperscript{43} and the Meat (Sterilisation and Staining) Regulations 1982,\textsuperscript{44} Parts I, II and IV of the Food Act 1984 were repealed by the Food Safety Act 1990.

3.5 Neither the 1974 Slaughterhouses Act nor the 1984 Food Act applied to Scotland or Northern Ireland, while the 1990 Food Safety Act did not apply to Northern Ireland. The equivalent legislation in Scotland is shown below:

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3.6 The position in Northern Ireland was:

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**Regulation of the slaughterhouse**

**Introduction**

3.7 The Slaughterhouses Act 1974 applied to England and Wales and consolidated earlier legislation relating to slaughterhouses and knacker’s yards. Its purpose was, firstly, to regulate and control the provision of slaughterhouses and knacker’s yards and, secondly, to regulate the slaughter of animals.
3.8 The Act set out the functions of the Minister of Agriculture, Fisheries and Food, local authorities\textsuperscript{45} and authorised officers. The Minister had the power to make Regulations for securing humane conditions of slaughter in slaughterhouses and knacker’s yards. Slaughterhouse and meat hygiene were regulated by the Food and Drugs Act 1955, and its successors, the Food Act 1984 and the Food Safety Act 1990. These are discussed in Chapter 4 below. Regulations under the 1974 Act were to be made by Statutory Instrument and were subject to the negative resolution procedure.\textsuperscript{46} Before making Regulations, the Minister was required to consult representative organisations likely to be affected.

3.9 Local authorities were responsible for inspecting premises, licensing slaughterhouses and knacker’s yards, making bylaws and, where the duty was not imposed on some other authority, execution and enforcement of the Act and regulations made under it.\textsuperscript{47} Enforcement was to be by authorised officers who were given the right of entry to premises at any reasonable time.

**The main provisions of the Slaughterhouses Act 1974**

3.10 A slaughterhouse was defined as ‘a place for slaughtering animals whose flesh is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there’.\textsuperscript{48} A knacker’s yard was ‘any premises used in connection with the business of slaughtering, flaying, or cutting animals whose flesh is not intended for human consumption’.\textsuperscript{49} Both were licensed under the 1974 Act. For the legislative and enforcement requirements specific to knacker’s yards, see Chapter 5, which deals with the treatment of material unfit for human consumption.

3.11 Under Part I of the Act, it was an offence for the occupier of any premises to use them, or allow them to be used, as a slaughterhouse or knacker’s yard unless he held a licence granted by the local authority.\textsuperscript{50} Such a licence lasted for no more than 13 months and, in considering whether it should be granted, the local authority had to decide if it was satisfied that the premises met, or would in a reasonable time meet, food safety regulations and any bylaws applicable to them. However, the local authority could not grant a licence before it received a report on the premises from one of its officers.\textsuperscript{51}

3.12 Part II of the Act, firstly, prohibited and made it an offence to slaughter an animal other than instantaneously by means of a mechanically-operated instrument or by electricity, rendering the animal insensible to pain until death occurred. The Act also enabled Regulations to be made by the Minister, after consultation with organisations representing affected interests, to prescribe other means of rendering

\textsuperscript{45} District Councils, metropolitan District Councils and London Borough Councils
\textsuperscript{46} That is, they were to be made by Statutory Instrument that came into effect immediately but was subject to annulment if either House passed a resolution against it within 40 days (see ch. 3, vol. 15: Government and Public Administration)
\textsuperscript{47} L17 tab 2 Sections 19 and 41
\textsuperscript{48} It was an offence to use, or cause to be used, a slaughterhouse for the slaughter of any animal not intended for human consumption, or the dressing of the carcass of any such animal – Regulations 8 and 16 of The Meat Inspection Regulations 1963 (L17 lab 1) re-enacted as Regulations 9 and 17 of The Meat Inspection Regulations 1987 (L17 lab 5)
\textsuperscript{49} L17 tab 2 section 34
\textsuperscript{50} The District Councils in non-metropolitan areas of England and in Wales, and the metropolitan District Councils or the London Borough Councils
\textsuperscript{51} L17 lab 3 sections 2 and 9
the animal insensible to pain. Exceptions for the Jewish and Muslim faiths were permitted.

3.13 Secondly, no animal was permitted to be slaughtered or stunned in a slaughterhouse or knacker’s yard except by someone holding a current licence for that purpose. Such licences had to specify the kind of animals which could be slaughtered or stunned and the types of instruments to be used; they were in force for no longer than a year, and could be used in any local authority area. The Minister could make Regulations prescribing qualifications for a licence holder.

3.14 Thirdly, this Part of the Act enabled the Minister to make Regulations to secure humane conditions and practices in connection with the slaughter of animals in slaughterhouses and knacker’s yards. These Regulations could in particular specify the construction, layout and equipment of such premises and prescribe the conditions to be observed in the confinement and treatment of animals awaiting slaughter and the qualifications of slaughterers holding licences.52

**Licences**

3.15 In 1986, the granting of slaughterhouse licences was subject to compliance with certain requirements of:

i. relevant Regulations under the Food and Drugs Act 1955 and its successor, the Food Act 1984,53 relating to the observance of ‘sanitary and cleanly conditions and practices’ in connection with the sale of food for human consumption or the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption;54

ii. bylaws made by a local authority to secure the sanitary condition and proper management of slaughterhouses and knacker’s yards, and the maintenance of records of animals brought into the yard and their disposal; and

iii. Regulations under section 38 of the Slaughterhouses Act 1974 relating to the construction, layout and equipment of slaughterhouses and knacker’s yards and the conditions under which animals were kept and slaughtered.

3.16 In deciding whether to grant a licence, the local authority55 had to decide if the applicant was a fit and proper person, and could refuse to grant a licence, or revoke a current licence, if it decided this was not the case. Similarly, enforcement of this Part of the Act was the duty of the local authority, although the powers of entry to ascertain any contravention of the Act or Regulations could be exercised by either an officer of the Minister or of the local authority for the area in which the premises were situated.

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52 Sections 38 and 40 Slaughterhouses Act 1974
53 Provisions formerly in the Food and Drugs Act 1955
54 Including the requirement to stain or sterilise meat that was unfit for human consumption or derived from knacker’s yards
55 Again, the District Council, metropolitan District Council or London Borough Council
Bylaws

3.17 The Act enabled local authorities to make bylaws to ensure that slaughterhouses and knacker’s yards were kept in a sanitary condition and were properly managed. Such bylaws had to be confirmed by the Minister. In the case of knacker’s yards, the local authority could require the licensee to keep records of animals brought into the yard and of the way in which they were disposed. However, once a slaughterhouse licence was in force, the local authority could not use bylaws to penalise any licensee. Very few such bylaws were in fact made, and these invariably followed closely the model issued by MAFF and imposed hygiene and record-keeping requirements.

3.18 The Act enabled local authorities to provide and manage public slaughterhouses, though not public knacker’s yards. The bylaw-making powers did not apply to such public slaughterhouses.

Regulations

3.19 After consultation with organisations representing the interests concerned, the Minister could make Regulations to secure humane slaughter conditions and practices. Officers of the Minister, or officers appointed by local authorities, could enter premises to establish whether the Act or any Regulations or bylaws made under it had been contravened.

Regulation of the production of meat for human consumption

Food Act 1984

3.20 This measure consolidated earlier primary legislation, notably the Food and Drugs Act 1955. It sought to protect public health in terms of food safety and food standards, by making it an offence to render food injurious to human health (food safety control) or to sell food for human consumption which was not of the nature, substance or quality demanded by the purchaser (food standards requirements).

3.21 The Act applied only to England and Wales, and the Ministers who were granted the powers to make Orders or Regulations in England were the Minister of Agriculture and the Secretary of State for Social Services. In Wales, these two Ministers plus the Secretary of State for Wales were given those powers. In both countries the Ministers were required to act jointly, except in relation to a very few situations where the Minister of Agriculture alone was responsible. The concept of joint responsibility gave rise to the need for cooperation between Departments.
3.22 Food standards issues relevant to BSE were those dealing with the composition of food (section 4) and the description of food (section 7). The former was concerned with the addition of substances as an ingredient and with processes and treatment in the preparation of food, while the latter dealt with the labelling and marking of food.

3.23 The Act made it an offence to sell, or to forward to any person to sell, or to prepare for sale, any food intended for human consumption but which was unfit for that purpose. Anyone licensed to keep a slaughterhouse under the Slaughterhouses Act 1974 who was convicted of an offence under this section of the 1984 Act was liable to have the licence cancelled (section 8(4)). Similarly, section 12, which dealt specifically with the products of knacker’s yards, prohibited the sale for human consumption of any part of, or product derived wholly or partly from, an animal which had been slaughtered in a knacker’s yard or whose carcass had been brought there. Anyone licensed to keep a knacker’s yard who was convicted of such an offence could have their licence cancelled.

3.24 The Act also promoted the principles of food hygiene by enabling Ministers to ‘make such regulations as appear to them to be expedient for securing the observance of sanitary and cleanly conditions and practices’ in connection with ‘the sale of food for human consumption’ and ‘the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption’ (section 13). Regulations made under this section could provide for, among other matters:

i. securing the inspection of animals intended for slaughter, and of carcases of animals, for the purpose of ascertaining whether meat intended for sale for human consumption was fit for such consumption;

ii. requiring the staining or sterilisation, in accordance with the Regulations, of meat which was unfit for human consumption, or which was derived from animals slaughtered in knacker’s yards or from carcases brought into knacker’s yards, or which, though not unfit for human consumption, was not intended for such consumption; and

iii. regulating generally the treatment and disposal of any food unfit for human consumption.

3.25 Section 13 was an almost unamended re-enactment of similar powers in the Food and Drugs Act 1955. The Meat (Sterilisation and Staining) Regulations 1982, made under the 1955 Act, were the model and precedent for the Regulations which introduced the ban on Specified Bovine Offal in food for human consumption (the ‘human SBO ban’), as described in vol. 6: Human Health, 1989–96; these are discussed in some detail in the Annex to this chapter.

3.26 Because of the detail necessarily involved in dealing with the whole range of food, and the need for flexibility of application in widely varying circumstances, section 13(8) of the Food Act 1984 empowered Ministers to publish codes of practice. These codes could cover matters subject to any Regulations under this section in order to give advice and guidance to those responsible for complying with those Regulations. Subsection (9) repeated the sanction of cancellation for any licence held for a slaughterhouse or knacker’s yard by someone convicted under those Regulations.
3.27 Section 33 enabled Ministers to make Regulations, known as the Milk and Dairies Regulations, to prevent danger to health from the sale of infected or contaminated milk or of milk suspected of being infected, while section 35 and schedule 3 defined the diseases of cattle, the milk from which was prohibited from sale, and enabled Regulations to be made which extended the list of defined diseases.

3.28 Secondary legislation under the Food Act was in almost every case made by Statutory Instrument and was subject to the negative resolution procedure. Moreover, there was a requirement on the Minister to consult organisations that appeared to him to be representative of interests substantially affected, before making Regulations or Orders under most sections of the Act; including sections 4, 7 or 13 (composition of food, labelling or description of food, and food hygiene). In this respect, the Food Act differed from the Animal Health Act but was similar to other primary legislation.

3.29 Because the Act and its predecessors gave the powers of making secondary legislation to two Ministers jointly (or in Wales, three), arrangements to ensure that this worked smoothly in practice had been developed over many years. The report of a Whitehall interdepartmental Working Group on Public Health: Machinery of Government Issues noted in October 1989 that:

The effect was to make the Ministry of Health the central Department responsible for food hygiene work in England and Wales and for health advice on food matters, although many specific responsibilities, including those for the hygiene of meat, milk and eggs remained with MAFF.61

3.30 Enforcement of the 1984 Food Act rested with the food and drug authorities,62 which were responsible for dealing with injurious food, food labelling, the description of food, and some milk and dairy matters, and with local authorities,63 responsible for enforcing slaughterhouse and meat hygiene Regulations. Central government64 retained some specific responsibilities mainly to do with the Milk and Dairies Regulations and the power to obtain details of food ingredients. The Minister of Agriculture acting alone exercised the power to appoint veterinary inspectors concerned with ensuring the safety of milk and dairy products. But there was no central guidance on the way in which food enforcement should be carried out by the food and drug authorities, nor was there any requirement to register food premises. This meant that standards of enforcement could vary in different parts of the country.

3.31 The Act, however, also imposed the duty of enforcement on ‘local authorities’, where that duty was not expressly placed on the Minister or the food and drug authorities by the Act or Regulations (Section 74(2)). ‘Local authorities’ for this purpose meant District Councils, London Borough Councils and metropolitan District Councils. Hence, outside London and the metropolitan areas, enforcement of the Act was divided between the specific responsibilities of the food and drug authorities (the County Councils) and the residual responsibilities for such matters as the condition of food premises and food preparation and hygiene, exercised by the District Councils.

61 M11 tab 3 p. 4 para. 2.5
62 County Councils, London Borough Councils, and metropolitan District Councils
63 District and London Borough Councils
64 That is, the Minister of Agriculture and the Secretary of State for Social Services acting jointly
Food Safety Act 1990

3.32 The Food Safety Act 1990 largely maintained and extended the powers contained in the Food Act 1984. It also replaced the Food and Drugs (Scotland) Act 1954, thereby bringing the previously separate arrangements for England and Wales and for Scotland under a single enabling Act.

Slaughterhouse infrastructure and conditions

3.33 In 1986, slaughterhouse infrastructure and conditions were regulated by the Slaughterhouse (Hygiene) Regulations 1977, made jointly under the Food and Drugs Act 1955 by the Minister of Agriculture and the Secretary of State for Social Services. Enforcement rested with local authorities. The Regulations required that a slaughterhouse should be constructed so as:

i. to provide adequate space and facilities for the efficient performance of meat inspection;

ii. to permit clean operations to be carried out adequately separated from those operations liable to give rise to contamination or pollution; and

iii. to permit the functioning of all operations under hygienic conditions.

3.34 The Regulations imposed upon slaughterhouse operators requirements on construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water supply, management and personal hygiene. Slaughterhouses had to be constructed so as to ensure that those areas in which it was necessary to handle meat for human consumption were entirely separate from those where meat rejected as being unfit for human consumption was handled. Separate areas for handling meat for human consumption considerably reduced the possibility of contamination of fit meat with unfit material.

Admission of animals and carcasses to a slaughterhouse

3.35 The 1977 Regulations stated that no person should bring into a slaughterhouse an animal which he knew or suspected to be diseased or injured unless the animal was accompanied by a veterinary certificate. The certificate was required to indicate that the vet was satisfied, after conducting the appropriate enquiries and taking and testing any necessary samples, that the animal was not suffering from any disease or condition likely to render the whole carcass unfit for human consumption, and that the animal had not received any medicament, antibiotic or chemotherapeutic which might do likewise. The certificate was to be handed to the authorised officer immediately on arrival at the slaughterhouse. Slaughterhouses were also required to ensure that animals known or suspected to be diseased were slaughtered and dressed either at a different time or in a different place from other animals.
3.36 There was a further prohibition on the bringing into a slaughterhouse of an animal which was not intended for human consumption,\textsuperscript{69} and there were restrictions on the admission of carcasses. First, no person was to bring, or permit to be brought, into the slaughterhouse the carcass of an animal which had died or had been killed and not bled.\textsuperscript{70} An exception was made where an animal had died in transit to the slaughterhouse, but in that event the carcass was to be removed from the slaughterhouse immediately following the carrying out of any necessary examination. The result was that only the carcass of an animal that had been killed and bled could be brought into, and remain, at a slaughterhouse.

3.37 Even this restriction was subject to certain requirements affecting undressed and dressed carcasses respectively. An undressed carcass had to be accompanied by a veterinary certificate upon being brought into the slaughterhouse.\textsuperscript{71} This certificate had to identify the owner of the carcass, to describe the carcass and any identification marks, to identify the reason for the slaughter of the animal and to contain a statement as follows:

\begin{quote}
It is my opinion, after making due enquiries and taking and testing any necessary samples, that the animal from which this carcass was produced was not affected with any disease or condition liable to render the whole carcass unfit for human consumption and to the best of my knowledge and belief had not received any medicament, antibiotic or chemotherapeutic which might do likewise.\textsuperscript{72}
\end{quote}

3.38 Where a carcass was admitted already dressed, that carcass was required to be accompanied by either:

1. a certificate certifying that the carcass and its offal had been inspected and passed fit for human consumption; or

2. its offal, including the stomach and intestines, and a veterinary certificate in the same terms as that required for an undressed carcass (see above).\textsuperscript{73}

3.39 In addition, the Fresh Meat Export (Hygiene and Inspection) Regulations 1981 imposed on slaughterhouses exporting meat to other EU states further requirements relating to infrastructure. While these requirements were not relevant to BSE, other aspects of the Regulations, relating to ante-mortem inspection and certain elements of carcass-dressing, were relevant to the disease and are discussed in the following section.

\textsuperscript{69} L1 tab 3C Regulation 22. This prohibition did not apply to working dogs (in certain circumstances) and horses
\textsuperscript{70} L1 tab 3C Regulation 19(2). By Regulation 2 ‘carcasses’ included parts of carcasses
\textsuperscript{71} L1 tab 3C Regulation 19(3) where an exception is set out for the undressed carcass of a sheep or lamb in certain circumstances
\textsuperscript{72} L1 tab 3C Schedule 1 para. 2
\textsuperscript{73} L1 tab 3C Regulation 21
Meat hygiene and inspection

Introduction

3.40 During the period covered by this Report, the legislation controlling the production of meat was largely directed towards the reduction of the risk to humans from diseases or organisms carried in animals. It tended to concentrate on the reduction of salmonella and similar organisms in meat and meat products, and therefore attempted to anticipate the routes by which meat could potentially be contaminated by such organisms.

3.41 Meat hygiene and inspection Regulations provided for the processes of slaughter and cutting of carcasses to be supervised by authorised officers of the local authority trained for the purpose. The Regulations were directed to:

i. the identification before slaughter of sick or distressed animals or animals which might be suffering from a disease which would render their meat unfit for human consumption. These measures were intended to prevent so far as possible animals entering the slaughterhouse if it could be seen in advance that their meat would not be fit for human consumption;

ii. the way in which the animal was slaughtered and its carcass was treated. These measures were designed to minimise the risk of cross-contamination in the slaughterhouse, eg, from faecal matter on the hide of an animal; to facilitate the removal of parts considered unfit for human consumption; and to facilitate post-mortem inspection; and

iii. the post-mortem inspection of the carcass in order to determine its fitness in terms of quality and the possible presence of pathogens transmissible to man. The identification of carcasses or parts unfit for human consumption lay at the heart of these Regulations and the treatment of meat determined as unfit was the basis of the human SBO ban, one of the most important measures introduced to protect human health from any risk arising from BSE.

3.42 Local authorities were entitled to recoup the full cost of meat inspection from the slaughterhouse operator. The Meat Inspection (Amendment) Regulations 1983 stated that the charges must be based on the actual cost of providing the service at the individual slaughterhouse.

3.43 The Fresh Meat (Hygiene and Inspection) Regulations 1995 transferred responsibility for enforcement in slaughterhouses from the local authorities to the Minister. In practice, his responsibilities were discharged by the Meat Hygiene Service (MHS). The MHS was launched as an Executive Agency of MAFF on 1 April 1995, and was responsible from that date for meat inspection, supervision of licensed fresh meat premises and enforcement of the legislation relating to meat hygiene, BSE/SBO controls and animal welfare in these premises. The background to the establishment of the MHS and its role in the BSE story are described in vol. 6: Human Health, 1989–96.

74 These applied to Great Britain. The equivalent measure in Northern Ireland was the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997
75 S88 Soul p. 6 para. 4.4.1
3.44 The Food Act 1984 provided for Regulations to be made governing the hygienic production of meat. Section 13 provided that the Ministers\textsuperscript{76} could make whatever Regulations appeared expedient to ensure the sanitary production of meat for human consumption and particularly the staining or sterilisation of meat considered unfit. Section 118 required Ministers to consult organisations representative of interests likely to be substantially affected. The Regulations were enforced by the local authorities responsible for licensing all slaughterhouses as required by the Slaughterhouses Act 1974.\textsuperscript{77}

The distinction between ‘export-approved’ and ‘domestic’ slaughterhouses

3.45 Before the adoption, on 1 January 1993, of the single European standard for meat hygiene, there were two regimes for the control of meat hygiene in slaughterhouses in the UK. Slaughterhouses producing meat that was not intended for export were generally described as ‘domestic’ slaughterhouses. Meat inspection requirements for these were set out in the Meat Inspection Regulations 1963, made under the Food and Drugs Act 1955\textsuperscript{78} and later the Meat Inspection Regulations 1987 and the Meat Inspection (Amendment) Regulations 1990. The procedures to be followed with meat that was found to be unfit for human consumption were set out in the Meat (Sterilisation and Staining) Regulations 1982.

3.46 Slaughterhouses which intended to produce meat for export were described as ‘export-approved’ slaughterhouses, because they could not do so without specific approval from ‘the appropriate Minister’\textsuperscript{79} under the Fresh Meat Export (Hygiene and Inspection) Regulations 1981. These also prescribed certain inspection and other requirements.

3.47 Before giving approval, the Minister had to be satisfied that the premises complied with certain requirements relating to construction, equipment and facilities\textsuperscript{80} and to hygiene, ante-mortem health inspection, slaughter and dressing practices, and post-mortem health inspection.\textsuperscript{81} He had to notify the relevant local authority and to have regard to any representations that it made, and to arrange for a Veterinary Officer to inspect and report on the premises. If he refused approval, he had to give reasons. No significant alteration to the premises, the equipment or the method of operation could be made without consulting the Minister in advance, and the Minister could revoke approval if was no longer satisfied that the specified requirements were being met.

3.48 The procedures to be followed with meat that was found to be unfit for human consumption were set out in the Meat (Sterilisation and Staining) Regulations 1982, and also applied to these slaughterhouses.

3.49 The following sections describe the meat inspection regimes in domestic slaughterhouses; and in export-approved slaughterhouses; and then look at the Meat (Sterilisation and Staining) Regulations.

\textsuperscript{76} That is, the Minister for Agriculture, Fisheries and Food, the Secretary of State for Social Services, and the Secretary of State for Wales, acting jointly – see section 132 of the Food Act 1984
\textsuperscript{77} That is, District Councils, metropolitan District Councils and London Borough Councils
\textsuperscript{78} Which the Food Act 1984 replaced
\textsuperscript{79} The Minister for Agriculture
\textsuperscript{80} Set out in detail in the Slaughterhouses (Hygiene) Regulations 1977 and in schedule 1 of the 1981 Regulations
\textsuperscript{81} Set out in detail in schedules 5–8 of the 1981 Regulations
Meat inspection in domestic slaughterhouses

3.50 The Meat Inspection Regulations placed a duty on the local authority to ensure that carcasses were inspected by Authorised Meat Inspectors (AMIs), who were supervised by Environmental Health Officers (EHOs) employed by the relevant local authority.82

3.51 Before 1991, ante-mortem inspection83 in domestic slaughterhouses was not required in England and Wales, unlike Scotland. As noted above, no person could bring into a slaughterhouse an animal which he knew or suspected to be diseased or injured unless the animal was accompanied by a veterinary certificate stating that their condition was not such as to render the whole carcass unfit for human consumption. The Meat Inspection (Amendment) Regulations 1990 made ante-mortem inspection a requirement in domestic slaughterhouses in England and Wales from 1 January 1991, but defined the authorised inspector specifically to exclude a veterinary inspector. In practice, this would have meant that ante-mortem inspection in domestic plants was carried out by an AMI. By contrast, ante-mortem inspection in domestic slaughterhouses in Scotland was carried out by veterinary inspectors.

3.52 The specific provisions of the Meat Inspection Regulations required that each carcass be dressed immediately after slaughter and in such a manner as would not hinder inspection.84 The requirements as to dressing and inspection of carcasses are set out in detail in a series of schedules to the Regulations. These are reviewed by way of comparison with the similar provision for export plants later in this chapter.

3.53 Meat inspection involved post-mortem examination of the carcass and offal and either

   i. passing meat as fit for human consumption and stamping it; or

   ii. detaining it for further examination.

The carcass was stamped with the health mark after the inspector, having inspected it in accordance with the Regulations, was satisfied that the carcass or part of the carcass was fit for human consumption. The health mark consisted of a stamp identifying the inspector who had carried out the inspection. All officers authorised under the Food Act 1984, including the AMI, could reject meat as unfit for human consumption, or seize it if the owner would not voluntarily surrender it. When meat had been seized, any dispute could be taken before a Justice of the Peace (JP) who could condemn the meat. If the JP decided against condemnation, the local authority would be liable to pay compensation to the owner.

3.54 In large slaughterhouses, a team of AMIs might be present for most or all of the working day. In very small slaughterhouses, there might be no such continuous presence, but authorised officers would visit the plant to inspect the day’s kill. For

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82 Section 73(2) of the Food Act 1984 stated that no local authority official could act as an inspector unless he had ‘such qualifications as may be prescribed by regulations made by the Ministers,’ AMIs had to hold the qualifications set out in the Authorised Officers (Meat Inspection) Regulations 1987; the Certificate in Meat Inspection of the Royal Society of Health, which entails 43 weeks training, or other comparable certificate or diploma. EHOs were members of the Chartered Institute of Environmental Health (CIEH) and held an accredited BSc Hons Degree or the Diploma of Environmental Health, which involved one year of practical training including a mandatory 400 hours of on-line practical meat inspection training.

83 That is, inspection of live animals at slaughterhouses before slaughter

84 A practical description of the process by which a bovine carcass is dressed is set out in vol. 13: Industry Processes and Controls
this purpose, the Meat Inspection Regulations required slaughterhouses to inform
the local authority of the times at which slaughter was to take place.

3.55 In domestic slaughterhouses, the AMIs were supervised by an EHO who
was responsible for checking the hygiene of the premises. The degree of EHO
involvement varied, depending on the frequency of their visits to plants. In practice,
day-to-day responsibility for hygiene could be delegated to a Senior Meat Inspector
or, in small plants, to an AMI. The delegation of hygiene responsibilities had to be
authorised by the local authority.

Meat inspection in export-approved slaughterhouses

3.56 Requirements for export slaughterhouses were set out in the Fresh Meat
Export (Hygiene and Inspection) Regulations 1981. Local authorities were
responsible for enforcing these Regulations, but the Minister, who had to grant
export approval, could suspend or revoke this approval if the plant no longer
complied with the Regulations or if a ‘significant alteration’ had been made without
consulting him.

3.57 The 1981 Regulations required local authorities to arrange for every animal
intended for slaughter in an export slaughterhouse to undergo an ante-mortem
health inspection within 24 hours of arrival at the slaughterhouse and of slaughter.
Inspections determined whether animals were showing symptoms of diseases or
disorders transmissible through meat to humans or animals, or which would be
likely to make the meat unfit for human consumption. Such animals could not be
slaughtered for production of meat for human consumption. If an inspection
determined that an animal was injured, fatigued or stressed, the animal had to be
rested for an adequate period of time. After such a period of rest the animal was
required to be re-inspected before it could be admitted for slaughter.

3.58 The application of the health mark was made on the same basis as in domestic
premises but the mark itself was different. It carried the letters ‘UK’ and ‘EEC’ and
the approval number of the export premises.

3.59 Each export slaughterhouse had to be supervised by an Official Veterinary
Surgeon (OVS) appointed by the local authority, who was responsible for all
hygiene and meat inspection. OVSs were usually private practitioners employed
part-time by the local authority, although a few local authorities had full-time OVSs
on their staff. Ministers were responsible for designating individual veterinary
surgeons as suitable for OVS work and local authorities could only appoint such
designated veterinarians as OVSs.

3.60 The AMIs were supervised by the OVS. If a plant was producing meat for the
domestic market for some or all of the time, the OVS could attend for as little as one
hour a day and delegate much of the responsibility for hygiene in the plant to the
EHO. In those plants producing mainly for export, the OVS would be present most
of the time to carry out responsibilities for all hygiene and meat inspection in the
plant, and had personally to sign the health certificates to accompany export
consignments. The OVSs were ‘line-managed’ by the local authorities’ Chief
Environmental Health Officers (CEHOs), but also had responsibilities to the Agriculture Departments which designated them and which had ultimate responsibility for export certification.

3.61 The OVS’s responsibility generally ended when the meat left the slaughterhouse: if the meat was for export the OVS checked that the lorry was sealed; if it was for the domestic market, it passed into the EHO’s sphere of responsibility. However, the OVS was required to provide a ‘Health Certificate’ to accompany the meat as it was loaded into the means of transport. The certificate stated the name of the exporting country and the relevant Ministry and Department. It also provided details to assist with the identification of the meat; the address of slaughterhouse of origin and address of the OVS; the destination of the meat and means of transport; and the attestation that the meat came entirely from animals slaughtered in an approved slaughterhouse and that they had been inspected in accordance with the relevant intra-Community Directive.

A comparison of post-mortem procedures and inspection requirements in export and domestic plants

3.62 The principal difference between the requirements for export and domestic slaughterhouses before 1991 was in respect of ante-mortem inspection. However, there were also differences in the Regulations relating to the dressing of the carcass.

3.63 As already mentioned, the Meat Inspection Regulations 1987 which applied in domestic slaughterhouses required that dressing of the carcass take place immediately after the animal had been slaughtered. Dressing was required to be carried out in such a way as not to prevent or hinder inspection and in particular:

i. where back bleeding ensued upon the slaughter of an animal the pleura should not be completely detached from the carcass until an inspector authorised their removal;

ii. no action should be taken which might alter or destroy any evidence of disease, except on the instructions of an inspector;

iii. the offal, other than the feet of any animal, should after removal from the carcass, be so kept as to remain readily identifiable with the carcass until that carcass had been inspected by an inspector; and the feet of an animal should be kept available for inspection in the slaughterhouse until an inspector authorised their removal;

iv. any blood intended for human consumption should be collected and placed in a clean receptacle provided for that purpose and be so kept as to remain readily identifiable with the carcass from which it was collected until these carcasses had been inspected by an inspector.

3.64 The Fresh Meat Export (Hygiene and Inspection) Regulations 1981, which applied to export slaughterhouses, included the provisions set out above with the exception of that at (i). The Regulations contained the following additional provisions for dressing bovine carcasses:
i. the removal was required of the hide or skin, the head (save that where retention of the ears on the carcass was necessary for any certification purpose they need be removed only after completion of that certification), the viscera (save that the kidneys could remain attached on the carcass by their natural connections but were removed from their fatty and perirenal coverings), the genital organs, the urinary bladder, the feet up to the carpal and tarsal joints, and, in the case of lactating animals, animals that had given birth or were in advanced pregnancy, the udder;

ii. evisceration was to be completed not later than half an hour after completion of bleeding; and

iii. bovine animals over 3 months old were to be split lengthways through the spinal column before being submitted for inspection, and an inspector could require the head to be split lengthways if considered necessary in carrying out the inspection.

The effect of moves towards harmonising slaughterhouse standards across the EU

3.65 The Fresh Meat (Hygiene and Inspection) Regulations 1992 revoked, inter alia, the Meat Inspection Regulations 1987 and the Fresh Meat Export (Hygiene and Inspection) Regulations 1981, thereby in effect ending the distinction between domestic and export-approved slaughterhouses. This harmonisation of standards for all slaughterhouses in the EU was required by the move to a Single Market.

3.66 The 1992 Regulations transferred the responsibility for the licensing of slaughterhouses from local authorities to the Minister of Agriculture, Fisheries and Food (and the Secretaries of State for Scotland and Wales). The Minister was required to notify the appropriate local authority of each application for a licence, and to take account of any representations made by the authority before determining whether or not to grant a licence.

3.67 In substance, the Regulations introduced a system similar to the one that had previously existed for export-approved slaughterhouses. Local authorities continued to be the enforcement authority with responsibility for ante- and post-mortem checks, while the application of the health mark to show that the carcass was fit for human consumption rested on inspection by an OVS and inspectors employed by the relevant local authority.

3.68 Council Directive 91/498/EEC provided that temporary derogations might be granted to a slaughterhouse, meat-cutting premises or cold store so that the specified construction, layout and equipment requirements did not apply immediately. Regulation 4(11) of the 1992 Regulations provided that where a Minster had granted such a derogation, the requirements specified in schedules 1–6 of the Regulations should not apply to them before 1 January 1996 or ‘any such earlier date as the appropriate Minister may specify’.

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88 Amended to over 6 months old by the Fresh Meat Export (Hygiene and Inspection) (Amendment) Regulations 1990 (L17 tab 6) new schedule 7 article (h)
89 L17 tab 8
90 This also applied to farmed-game-processing facilities, for which there were operation and construction requirements
3.69 In practice, many slaughterhouses found it difficult to comply with the new requirements, and derogation periods were sometimes exceeded. Mr Keith Baker, a former Assistant Chief Veterinary Officer at MAFF, told the Inquiry that:

Since many of the premises did not, at that time, meet with the standards of the new regulations, the operators were given a 3 year derogation period, subject to them agreeing to, and carrying out, an improvement programme. This threw a considerable burden on all MAFF staff involved in meat hygiene . . . The burden of work continued well beyond the 3 year period, since operators who failed to meet their commitments were delicensed, leading to appeals (to an independent Meat Hygiene tribunal) which took up considerable extra time and resources.91

Post-mortem inspection and the determination of fitness for human consumption

Introduction

3.70 In both domestic and export-approved slaughterhouses, post-mortem inspection was required to confirm that the carcass was fit for human consumption or to identify any carcass or part thereof which was unfit. In 1986, inspection was governed by the Meat Inspection Regulations 1963.92 These were re-enacted, with amendments, by the Meat Inspection Regulations 1987.93 The latter replaced the 1963 instructions for inspecting carcasses, which specified that certain parts of any animal should be examined in certain specified ways, with similarly detailed instructions for each of a number of different species.94

Instructions for inspection

3.71 The carcass and offal and blood of each animal had to be examined without delay by an authorised officer of the council to determine fitness for human consumption. He was required to have regard to:

- the age and sex of the animal;
- the state of nutrition of the animal;
- any evidence of bruising or haemorrhage;
- any local or general oedema;
- the efficiency of bleeding;
- any swelling, deformity or other abnormality of bones, joints, musculature or umbilicus;
- any abnormality in consistency, colour, odour and, where appropriate, taste;
- the condition of the pleura and peritoneum; and
- any other evidence of abnormality.

91 S83 Baker K p. 4 para. 15
92 L17 tab 1
93 L17 tab 5
94 In a new schedule 1 replacing schedule 1 of the 1963 Regulations
3.72 The inspection had to include:

- visual examination of the slaughtered animal and the organs belonging to it;
- palpation of certain organs, in particular the lungs, liver, spleen, and tongue and, in the case of mature animals, the uterus and udder;
- incisions of organs and lymph nodes as specified in the detailed instructions relating to post-mortem inspection of specific species; and
- any additional incisions or examinations that an inspector considered necessary.

The 1987 Regulations differentiated in detail between bovine animals over 6 weeks old and those under 6 weeks old.

**Determination whether meat was unfit for human consumption**

3.73 In summary, if inspection revealed that the animal was suffering from any of certain specified diseases, the whole carcass and all the offal and blood removed from it, was to be declared unfit. The specified conditions were:

- Actinobacillosis (generalised) or Actinomycosis (generalised)
- Anaemia (advanced)
- Blackleg
- Caseous lymphadenitis with emaciation
- Caseous lymphadenitis (generalised)
- Cysticercus bovis (generalised)
- Cysticercus ovis (generalised)
- Emaciation (pathological)
- Foot and mouth disease
- Jaundice
- Mastitis (acute septic)
- Metritis (acute septic)
- Abnormal odour associated with disease or other conditions prejudicial to health
- Oedema (generalised)
- Peritonitis (acute diffuse septic)
- Pneumonia (acute septic)
- Sarcozysts (generalised)
- Swine erysipelas (acute)
- Tetanus
- Tuberculosis (generalised)
- Tumours: (a) malignant with secondary growths; (b) multiple
- Uraemia

3.74 Certain specific diseases or conditions (certain forms of tuberculosis, caseus lymphadenitis or any other suppurative condition, localised infestation or
cysticercus bovis), did not, if identified, require the whole carcass and all the offal and blood to be declared unfit, but only those parts specified in the Regulations.

3.75 Where an inspector concluded that an animal had been suffering from ‘any disease or condition other than one mentioned in the foregoing paragraphs of this Schedule’, he was to regard as unfit for human consumption ‘the whole carcass and the offal or such lesser part thereof as he may think appropriate to the circumstances of the case’ – ie, the decision was at the inspector’s discretion.\(^95\)

3.76 Dr Anthony Andrews, Senior Lecturer in Farm Animal Medicine in the Department of Medicine at the Royal Veterinary College from 1979 to 1997, told the Inquiry that in the second half of 1987, when he had been asked for advice on what to do with animals that were showing signs of BSE, he had suggested that local Veterinary Inspection Centres (VI Centres) should be used to confirm the diagnosis, and that the animal should not go into the food chain because in his view it was unfit. He agreed that such advice had been based on his experience of cattle disease and knowledge of scrapie, and that:

\[\ldots\text{ in my opinion, these animals were ill, so it depends on one’s interpretation of illness and then slaughter regulations.}\]

3.77 He said that if a farmer had come to him and said ‘I have a sheep with scrapie, should I have it slaughtered for human consumption?’ he would have answered:

\[\ldots\text{ ‘no’}. \text{ The reason for that is because the animal had an illness.}\]

In response to the question:

If it was thought to have scrapie, then you would expect the slaughterhouse not to accept it for human consumption?

Dr Andrews said:

That is right, or the [inspector] \ldots would have rejected it \ldots\(^96\)

3.78 Where an inspector was satisfied that a carcass or part of a carcass was fit for human consumption, he was required to mark it by means of a stamp identifying the inspector who had carried out the inspection. No other person was entitled to make use of such a health mark.\(^97\) There was no requirement to mark any other meat.

\(^{95}\) Meat Inspection Regulations 1963, schedule 2 (L17 tab 1); Meat Inspection Regulations 1987, schedule 2 (L17 tab 5); Fresh Meat Export (Hygiene and Inspection) Regulations 1981, schedule 8 Part VI (L17 tab 3). There was no material difference between the three schedules

\(^{96}\) T78 pp. 106–108

\(^{97}\) Regulation 10/schedule 3 of L17 tab 1; Regulation 11/schedule 3 of L17 tab 5
The treatment of meat found to be unfit for human consumption

3.79 In 1986, the way in which unfit meat was to be handled to prevent it from entering the human food chain was governed by the Meat (Sterilisation and Staining) Regulations 1982. These provided a model for the Regulations which later introduced the human SBO ban. Because of their importance to the BSE story, a detailed account of the 1982 Regulations, and of their precursors, the Meat (Sterilisation) Regulations 1969, is given in the Annex to this chapter.

3.80 The chart below provides a simplified summary of the system. Keeping unfit material out of the human food chain depended on a whole series of actions from the identification of such material at the slaughterhouse through to its consignment to a suitable destination.
Determination that meat is unfit for human consumption

Meat (Sterilisation & Staining) Regulations 1982

Sterilised immediately or intend to sterilise on the premises?

- yes: Go ahead; once sterilised, no restriction
- no: Carcass meat or 'specified offal'?
  - no: Green offal?
    - yes: Intended to be removed to a Reg 17(1)(b) destination?
      - yes: Mixed in with load of mostly green offal going to a Reg 17(1)(b) destination?
        - yes: Must then be sterilised before being moved again except under Reg 17(3)(b) & (c)
        - no: Must move to another specified destination under movement permit. Reg 8(1)(b), 17(1)(b) to (e) and 12(1)(b)
      - no: Must stain Reg 6(2)(a) and 10(3)(a)
    - no: Mixed in with load of mostly green offal going to a Reg 17(1)(b) destination?
      - yes: Must then be sterilised before being moved again except under Reg 17(3)(b) & (c)
      - no: Must move to another specified destination under movement permit. Reg 8(1)(b), 17(1)(b) to (e) and 12(1)(b)
  - yes: Can send unstained and unsterilised but need movement permit Reg 6(2)(b), 8(1)(c), 10(3)(b) and 12(1)(c)

Note: Reg 17(1) destinations are:

(a) hospitals, medical or veterinary schools, laboratories, rennet manufacturers or manufacturing chemists;
(b) a processor who, in the course of his business, sterilises meat;
(c) a zoo, menagerie, mink farm, maggot farm or licensed greyhound kennels;
(d) a waste food processor licensed to receive unprocessed waste food and authorised to receive unsterilised meat;
(e) premises for storage or preparation of unfit meat before further removal to another Reg. 17(1) destination.
The role of the Meat and Livestock Commission (MLC) in slaughterhouses

3.81 The MLC was constituted under the Agriculture Act 1967 and charged with ‘promoting greater efficiency in the livestock industry and the livestock products industry’. In doing so, it was required to have regard to the interests of consumers as well as to those of the livestock and livestock products industries. The Act empowered the MLC to undertake certain functions in the furtherance of this general duty. These included:

- i. advising slaughterhouse owners and operators on the design and operation of their premises;
- ii. advising on slaughtering and dressing techniques, and advising the Government on slaughterhouse matters;
- iii. promoting or undertaking research into the production, marketing and distribution of livestock and the production, processing, manufacture, marketing and distribution of livestock products; and
- iv. promoting or undertaking arrangements for advertising the merits, and increasing the sales of livestock and livestock products produced in Great Britain.

3.82 The involvement of the MLC’s staff within slaughterhouses was limited. The Agriculture Act gave it no inspection powers or functions, except where delegated by the Minister or where invited in by slaughterhouse operators. The MLC told the Inquiry that what in 1989 had been called its Fatstock Service staff had certified carcasses in slaughterhouses as agents of, and under instruction from, the Intervention Board in respect of subsidy schemes. It believed that this had involved 50 per cent of beef cattle slaughtered each year. In addition, its staff provided an independent meat classification system to slaughterhouse operators on a fee-paying basis.

3.83 The certification work for the Intervention Board took place only at certain slaughterhouses certified by the Board, with the role of the MLC’s staff limited to that of ensuring that the dressing standards of the market support scheme were met. This included observing whether spinal cord had been removed. However, spinal cord removal was not at the core of the various classification standards, which concentrated on weight and the dressing of the carcass.

3.84 Members of the MAFF and the Scottish Office Agriculture and Fisheries Department (SOAFD) Fatstock Inspectorate audited the work carried out by the MLC for the Intervention Board. The frequency of these audits changed and diminished with changes in the support schemes and grading requirements. The MLC said in oral evidence that its records of MAFF/SOAFD fatstock inspections

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98 M44 tab 1 section 1(1). Livestock meant cattle, sheep and pigs
99 M44 tab 1 section 1(2)
100 M44 tab 1 section 1(1) and schedule 1, Part 1, para. 10
101 M44 tab 1 section 1(1) and schedule 1, Part 1, para. 13
102 M44 tab 1 section 1(1) and schedule 1, Part 1, para. 15
103 The Intervention Board was an agency responsible to Agriculture Ministers for implementing in the UK the Market Support Measures of the EU’s Common Agricultural Policy
104 S487 MLC p. 8 para. 21
105 S487 MLC p. 9 para. 23
suggested that the presence or absence of spinal cord was routinely checked by its inspectors, particularly during the period up to 1993, and that

...we believe on balance that the majority of the spinal cords at that period of time would be out of the animals in the factories we were in.

3.85 The independent meat classification system provided by the MLC operated in the abattoir after the post-mortem inspection and the operating rules did not require feedback on any aspect of the treatment of SBO. Feedback was confined to matters associated with grading or dressing specifications.

3.86 In addition to this work within slaughterhouses, the MLC provided advice and training to slaughterhouse operators and staff. It offered a general service advising and offering training on slaughterhouse organisation and design. The service did not focus on BSE-related issues (its function was abattoir design and layout, not process control) and, in any event, was discontinued in 1993 due to falling demand. Organisations providing training for slaughterhouse staff also received MLC support, although the task of ensuring that such staff were properly trained remained the responsibility of individual slaughterhouses.

3.87 During 1990 and 1991, and again from late 1995 to mid-1998, the MLC investigated methods of removing spinal cord from carcasses safely and effectively. In 1990, at the behest of supermarkets, it attempted to develop a suction device to remove spinal cord. However, this work was abandoned in August 1991 when it became obvious that the work was not technically feasible. In 1995 the MLC began to investigate other methods and got so far as developing a twin blade saw to remove the spinal cord while still encased in the spinal column. This development, however, was overtaken by the discovery of infectivity in the dorsal root ganglia in late 1997.

The role of the State Veterinary Service (SVS)

3.88 The State Veterinary Service (SVS) was part of MAFF’s Agricultural Development and Advisory Service (ADAS) from 1971 to 1990 and thereafter became part of the Ministry’s Animal Health and Veterinary Group. The Veterinary Field Service was the operational arm of the SVS. Designated veterinary officers carried out certain functions in slaughterhouses and similar premises in accordance with MAFF’s procedural instructions of March 1988 which were known as ‘Inset 31A’, and its successors.

Domestic slaughterhouses

3.89 The SVS carried out annual inspection visits to domestic slaughterhouses. Inset 31A stated that the express purpose of these visits was:

106 The degree of attention paid to spinal cord varied according to the terms of the intervention schemes in operation, which changed in 1989 and again in 1993 – see T108 p. 71
107 In 1990 – T108 p. 75
108 S147C Maclean p.30 para. 92(iii)
109 S487 MLC p.12 paras 38 and 39; S147C Maclean pp. 29–30 para. 92(ii)
110 S487 MLC p. 13 paras 40–3
111 S487 MLC p. 13 para. 4
to provide advice to the local authority about the application of legislation, including welfare aspects, so that the regulations are enforced in a uniform way at all slaughterhouses; and to report to the Ministers on the standards observed.114

3.90 Where ‘immediate welfare problems’ (ie, to animals) were found, entailing ‘any unnecessary pain or distress’, the SVS officer was required to take ‘immediate corrective action’. If the officer found evidence that legal requirements were not being met, section VII of Inset 31A stated that ‘discussions should be held with the local authority, and confirmed in writing’. If the authority failed to secure corrective action, Inset 31A provided for ‘a full report’ to be made to a more senior SVS inspector, the Regional Meat Hygiene Adviser (RMHA). Where necessary, a letter was to be sent to the Chief Executive of the local authority.115

3.91 However, the SVS was not the enforcement authority. Under the Food and Drugs Act 1955116 and its successor, the Food Act 1984,117 SVS officials had a power of entry to premises, but this was for the specific purpose of ascertaining whether there was, or had been, any contravention of the provisions of the Acts or of any Regulations or Orders made under them; the provisions being those ‘which the Minister in question is required or empowered to enforce’. Otherwise, enforcement was the responsibility of local authorities.

3.92 After 1 January 1991, the SVS had no power of entry equivalent to that contained in the 1955 and 1984 Acts. The Food Safety Act 1990 confined powers of entry to the authorised officer of the enforcement authority, except that:

The Ministers may direct, in relation to cases of a particular description or a particular case, that any duty imposed on food authorities by subsection (2) above shall be discharged by the Ministers or the Minister and not by those authorities.118

3.93 Witnesses told the Inquiry in oral evidence that in practice this did not prevent monitoring by SVS officials as they would usually visit premises in attendance with local authority inspectors who had the relevant powers of entry. Mrs Elizabeth Attridge, Head of MAFF’s Animal Health Group, said that:

. . . the Field Service, the meat hygiene vets, would have had to tag along with the local authority inspector . . . an informal arrangement.119

Mr Iain Crawford, Director of the Veterinary Field Service from 1988 to 1998, described its role as:

. . . rather a monitoring role than a supervisory one.120

He added that SVS staff had ‘fairly close relations with the district councils’ and would know the EHO responsible for the slaughterhouse concerned. In principle, they could be refused entry although:
I am not aware of any being refused entry, but I know there were some face to face confrontations at times . . . [between] the veterinary officer attending and the environmental health officer and the senior meat inspector.\textsuperscript{121}

3.94 Mr Keith Meldrum, Chief Veterinary Officer from 1988 to 1997, said that:

[SVS officials] had to enter to do our checks with the cooperation of the district council. It did not make life any easier, although on the other hand I do not believe that they obstructed us in our wishes to go in, although they made it quite difficult sometimes, when we were talking about unannounced visits, they would like to be present when we went in.\textsuperscript{122}

SVS visits to export-approved slaughterhouses

3.95 These visits were conducted monthly by the nominated Veterinary Officer (Meat Hygiene – VO(MH)), who had to complete forms detailing the findings of the visit. RMHAs, usually accompanied by a VO(MH), were required to visit export-approved plants at least once every six months. RMHAs were to prepare ‘forward plans’ in a specified format, setting out any shortcomings identified by local authorities and timetables for their correction. The purpose of the visits by the SVS was to:

(a) assess progress according to the forward plan; and

(b) carry out an inspection and note contraventions and deficiencies . . .\textsuperscript{123}

3.96 The plans were to cover

. . . all aspects of structure and equipment, hygiene practices and inspection and include welfare within the slaughterhouse.\textsuperscript{124}

The harmonisation of standards in the EU

3.97 The earlier section of this chapter on the effect of harmonising standards across the EU explained that in 1992 the harmonisation of standards for slaughterhouses in the EU as part of the Single Market ended the distinction between domestic and export-approved slaughterhouses and transferred the licensing responsibility from local authorities to Ministers. MAFF’s Animal Health Circular (AHC) 93/6, dated 18 January 1993, noted that export-approved slaughterhouses had ‘tended to be larger establishments justifying monthly visits’,\textsuperscript{125} but the Single Market meant that all slaughterhouses\textsuperscript{126} would eventually have to be of the same status and such frequent visits would no longer be necessary.

3.98 The Circular therefore introduced new arrangements for visits by the SVS, which varied according to whether a premises was classed as a ‘low throughput’ or a ‘full throughput’ slaughterhouse. Under the Fresh Meat (Hygiene and Inspection) Regulations 1992, the two categories had to meet different requirements:

\textsuperscript{121} T125 p. 54
\textsuperscript{122} T132 pp. 120–1
\textsuperscript{123} M42 tab 1 p. 8 para. 7
\textsuperscript{124} M42 tab 1 p. 7 para. 2
\textsuperscript{125} M42 tab 14 p. 1 para. 2
\textsuperscript{126} Except those permanently derogated from having to achieve the required standards
i. a full throughput slaughterhouse had to meet the construction, layout and equipment standards specified in schedules 1 and 2 and the hygiene, health inspection, slaughter and dressing requirements of schedules 7 to 10;

ii. a low throughput slaughterhouse had to have been in operation on or before 31 December 1991 and to meet the construction, layout and equipment standards specified in schedule 5 and also the requirements of schedules 7 to 10. In addition, it could not supply meat to other EU Member States.\textsuperscript{127}

3.99 Low throughput slaughterhouses – ie, those processing no more than 600 livestock units a year at a rate not greater than 12 livestock units per week\textsuperscript{128} – were to be visited at least once a year. Full throughput slaughterhouses – ie, all others – were to be visited at least once every three months. Unannounced visits to either kind of plant were to be made if considered necessary.

**Annex to Chapter 3: The treatment of meat found to be unfit for human consumption**

**Introduction**

3.100 This Annex describes the regulatory measures preventing meat which was unfit for human consumption from entering the human food chain. For this purpose, it is desirable to look at the position before and after the introduction of the Meat (Sterilisation and Staining) Regulations 1982.\textsuperscript{129}

**Sterilisation of unfit meat at the slaughterhouse**

3.101 Under the Meat (Sterilisation) Regulations 1969,\textsuperscript{130} a number of restrictions were imposed upon the way in which knacker meat and meat unfit for human consumption could be dealt with. In each case ‘meat’ was defined to include offal and fat and any product of which a principal ingredient was meat.\textsuperscript{131} Subject to certain exceptions, these restrictions applied so long as the ‘meat’ in question had not been sterilised. ‘Sterilised’ was defined as meaning treated by boiling or by steam under pressure until every piece of meat was cooked throughout or dry-rendered, digested or solvent-processed into technical tallow, greases, glues, feeding meals or fertilisers.\textsuperscript{132}

3.102 Enforcement powers (described below) were given to authorised officers of local authorities. ‘Local authority’ was defined under the Food and Drugs Act 1955 as meaning, for any borough and any urban district or rural district, the council of the borough or district.\textsuperscript{133}
3.103 ‘Authorised officer’ was defined (also under the Act) as meaning an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter, and – for the purpose of taking samples – included a police constable authorised by the police authority concerned. In order to be authorised to act in relation to the examination and seizure of meat an officer was required to be one of the following:

i. a medical officer of health;
ii. a sanitary inspector;
iii. a member of the Royal College of Veterinary Surgeons (RCVS) employed for the purpose of inspection of food; or
iv. a person having such qualifications as might be prescribed by Regulations made by the Ministers.

3.104 The medical officer of health and the sanitary inspector of a council were to be deemed authorised officers by virtue of their appointments. A member of the RCVS employed for the purpose of inspecting food was to be deemed authorised for the examination and seizure of meat under the provisions of Part I of the Act relating to food unfit for human consumption.

3.105 As regards the restrictions imposed by the 1969 Regulations, first, the occupier of a slaughterhouse was prohibited from causing or permitting to be removed from the slaughterhouse, and any person was prohibited from removing from a slaughterhouse, any meat which was unfit for human consumption, unless that meat had first been sterilised.

3.106 Second, the occupier of a knacker’s yard was prohibited from causing or permitting to be removed from the knacker’s yard, and any person was prohibited from removing from a knacker’s yard, any meat, unless that meat had first been sterilised.

3.107 Each of these prohibitions was subject to exceptions for removal:

i. to any hospital, medical or veterinary school or similar institution for instructional or diagnostic purposes or to any manufacturing chemist for the manufacture by him of pharmaceutical products; or

ii. subject to certain requirements, to any processor for sterilisation by him, or to any zoological garden, menagerie, mink farm, or trout farm, or to any person by arrangement in writing with an authorised officer for preparation before further removal to any processor or manufacturing chemist or for storage.

3.108 The requirements for exception (ii) were that in each case the meat was removed in a vehicle or impervious container, which was kept closed and locked at all times except when necessary for the loading or unloading of the contents or their

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134 Section 86(1)
135 Section 86(4)
136 Section 86(2)
137 Section 86(3)
138 Regulation 4. This prohibition was subject to a defence of reasonable diligence
139 Regulation 5. By contrast with the case of unfit meat, there was no defence of reasonable diligence
140 Regulation 6
examination by an authorised officer. The vehicle or container was also required to bear a notice of adequate size which was conspicuously visible and contained a distinct, legible and unambiguous statement to the effect that the meat was not for human consumption.

3.109 Third, it was an offence for any person to possess for the purpose of sale or preparation for sale butcher’s meat which was unfit for human consumption, or knacker meat, unless that meat had first been sterilised.141 ‘Butcher’s meat’ was defined as meaning meat from any animal slaughtered in the UK for sale for human consumption.142 ‘Knacker meat’ was defined as meaning meat from any animal slaughtered in, or carcass brought into, a knacker’s yard in the UK.143 The Regulations provided for two defences to proceedings for contravention of this prohibition. It was a defence for an individual to prove:

i. that he did not know and could not with reasonable diligence have ascertained, that the meat was unfit for human consumption or was knacker meat;144 or

ii. that he had made arrangements for it to be sterilised without any unnecessary delay.145

3.110 There was exempted from this prohibition any meat:146

- in any slaughterhouse or knacker’s yard;
- subject to certain requirements,147 in the possession of any person while in transit from a slaughterhouse or knacker’s yard to:
  - any processor;
  - any zoological garden, menagerie, mink farm or trout farm;
  - any person by arrangement in writing with an authorised officer for preparation before removal to any processor or manufacturing chemist;
- in the possession of any person while in transit from a slaughterhouse or knacker’s yard to any hospital, medical or veterinary school or similar institution for instructional or diagnostic purposes or to any manufacturing chemist for the manufacture by him of pharmaceutical products;
- on the premises:
  - of any processor for sterilisation by him;
  - of any manufacturing chemist for the manufacture by him on those premises of pharmaceutical products;
  - of any zoological garden, menagerie, mink farm or trout farm;

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141 Regulation 7
142 Regulation 2(1)
143 Ibid.
144 Regulation 7(1)(a)
145 Regulation 7(1)(b)
146 Regulation 7(2)
147 These requirements were that in each case the meat was removed in a vehicle or impervious container which was kept closed and locked at all times except when necessary for the loading or unloading of the contents or their examination by an authorised officer and which bore a notice of adequate size and conspicuously visible containing a distinct, legible and unambiguous statement to the effect that the meat was not for human consumption.
iv. subject to certain requirements, of any person by arrangement in writing with an authorised officer for preparation before removal to any processor or manufacturing chemist or for storage on those premises; or

- in transit to the premises of any processor or manufacturing chemist in a vehicle or container in accordance with (iv) above.

3.111 These first three prohibitions were subject to an exemption where there were no facilities for sterilisation in a slaughterhouse or knacker’s yard. In that event those prohibitions did not apply to any meat removed from that slaughterhouse or knacker’s yard by arrangement in writing with an authorised officer to a place where it would be sterilised or destroyed. 149

3.112 Fourth, no person was permitted to sell, or offer or expose for sale, by retail, any butcher’s meat which was unfit for human consumption, or knacker meat, unless that meat had first been sterilised. 150 It was a defence to proceedings for contravention of this prohibition for an individual to prove that he did not know, and could not with reasonable diligence have ascertained, that the meat was unfit for human consumption or was knacker meat. 151

3.113 All of the above restrictions were subject to the application of the following provisions from the Food and Drugs Act 1955:

i. section 113 provided that a person against whom proceedings were brought was entitled to bring before the court in proceedings any person to whose act or default he alleged that the contravention of the provisions in question was due and prove that the contravention was due to the act or default of that person;

ii. section 115(2) imposed restrictions upon the circumstances in which it was possible for it to be a defence in a set of proceedings that a warranty had been given that any article or substance could be lawfully sold or dealt with under the name or description or for the purpose under or for which it was sold or dealt with;

iii. section 116 set out offences of applying to an article or substance a warranty or certificate of analysis given in relation to another article or substance and of giving of a false warranty in writing, and provisions relating to those offences; and

iv. section 108(1)(b) provided that proceedings under section 116 had to be commenced within 12 months. 152

3.114 The 1969 Regulations required any person responsible for the consignment or delivery of any butcher’s meat which was unfit for human consumption, or knacker meat, in any of the circumstances covered by the Regulations, to give or send with the meat a notice to the person by whom or on whose behalf the meat was to be received. That notice was to contain information relating to the meat,

148 These requirements were that the person’s arrangements were suitable and sufficient for ensuring that the meat was kept segregated from other meat and he did not part with possession of the meat otherwise than on its destruction or delivery or consignment to a processor or manufacturing chemist in a vehicle or impervious container which was kept closed and locked at all times except when necessary for the loading or unloading of the contents or their examination by an authorised officer and which bore a notice of adequate size and conspicuously visible containing a distinct, legible and unambiguous statement to the effect that the meat was not for human consumption

149 Regulation 8(1)
150 Regulation 11
151 Regulation 11
152 Regulation 16
including: particulars of the date of its consignment or delivery; its quantity and
description; and the name and address of the person responsible for its consignment
or delivery, and of the person by whom or on whose behalf it was to be received. 153
The person responsible for the consignment was required to retain a copy of the
notice and the person by whom or on whose behalf the consignment was received
was required to retain the original. In each case, the notice was to be retained for
three months after the date of the consignment and be produced for inspection to an
authorising officer upon request. 154

3.115 An authorised officer had, at all reasonable times, a power to examine any
meat not intended for human consumption which had been sold, was offered or
exposed for sale or was in the possession of, or had been deposited with or
consigned to, any person for the purpose of sale or preparation for sale. The
authorised officer had a further power to seize the meat and remove it in order for it
to be dealt with by a Justice of the Peace (JP), if it appeared to the officer that the
meat was required:

   i. to be sterilised, but it had not been sterilised; or
   ii. to bear a notice, but it did not bear a notice. 155

3.116 Having seized any meat under this power, the officer was required to inform
the person in whose possession the meat was found of his intention to have it dealt
with by a JP. 156 Anyone liable for prosecution under the terms of the Regulations
was entitled, if he attended before a JP, to be heard and to call witnesses. 157 If the
JP considered that the meat brought before him, whether seized under the provisions
of this Regulation or not, was meat to which the Regulations applied and was
required to be but had not been dealt with in accordance with the Regulations, he
was required to condemn it and order it to be destroyed or to be so dealt with. 158 If
the JP refused to condemn the meat, the council was required to compensate the
owner of the meat for any depreciation in its value resulting from its seizure and
removal. 159

3.117 The Regulations also provided that if an authorised officer had reason to
suspect that any vehicle or container contained any meat to which the Regulations
applied and which was intended for sale or was in the course of delivery after sale,
then he had a power to examine the contents, and, if necessary, detain the vehicle or
container 160 (subject to exceptions in the case of certain vehicles). 161 If he found any
meat which was required to be but was not dealt with in accordance with the
Regulations, the authorised officer was able to seize the meat and remove it as set
out at paragraph 3.115.

153 Regulation 12(1)
154 Regulation 12(2)
155 Regulation 13(1)
156 Regulation 13(2)
157 Ibid.
158 Regulation 13(3)
159 Regulation 13(4)
160 Regulation 14(1)
161 Regulation 14(2) did not authorise the detention of a) any vehicle belonging to the British Railways Board, the London
Transport Board or the National Freight Corporation and used by them for the purposes of their undertaking; b) any vehicle
belonging to a railway company and used by them for the purposes of their undertaking; and c) any authorised vehicle used
for the purpose of his business as a carrier of goods by a person holding an A licence or a B licence under Part IV of the Road
Traffic Act 1960
Concerns of Environmental Health Officers in 1977

3.118 In 1977, a Working Party on Slaughterhouse Hygiene set up by the Environmental Health Officers Association and chaired by Mr F G Sugden, published a report. Among its recommendations were the following:

i. the particular needs for dealing with casualty animals be given further examination (paragraph 3.9);

ii. legislation requiring the ante-mortem inspection of animals be introduced for the domestic trade (11.5);

iii. further investigations to be made to develop an acceptable uniform system of meat inspection recording (11.10); and

iv. an investigation be made into meat inspection requirements as specified by Regulations currently in force with a view to assessing the most effective system for controlling meat hygiene and safety (11.13).

3.119 The report noted that an increasing health hazard arose from the fact that certain items (eg head meat) might have either an industrial or a human food outlet. It stated in paragraph 15.23 that:

Whilst there is no objection to material handled throughout in hygienic fashion being ultimately relegated to industrial processing the converse is not the case. Where such a commodity has ostensibly left the slaughterhouse for industrial processing and a decision during transit or on arrival is taken to restore it to the edible market, danger arises from the intermediate substandard handling. This is further discussed in the section on by-products and attention is drawn to the Working Party’s recommendation that a material once classified as inedible should be handled throughout, to final processing, in accordance with the Meat Sterilisation Regulations, 1969.

3.120 Concern as to what might happen after completion of the meat inspection process was repeated in paragraphs 16.23–16.28:

The system described by the Working Party in which sound stock is safely processed under hygienic conditions and full-time expert supervision would be brought to naught if some of the products of such a system were allowed to return unchecked to farm, kennel or stable. The law subscribes surprisingly little to this view, beyond limiting the removal of raw material, unfit or not intended for human food, from slaughterhouses and knackers’ yards and prescribing, in the case of statutory seizure and submission to a magistrate, a procedure for destruction or prohibition of sale for food. This latter situation rarely arises as the vast majority of unfit meat is dealt with informally on the basis of its voluntary surrender to the local authority. To avoid doubts as to ownership and the destruction or disposal of unfit meat the local authority may agree to purchase such material from the owner. (16.23)

It is in the context of voluntary action or advice tendered by the local and central authorities that the vast majority of industrial utilisation of unfit and
inedible (including surplus) materials from the slaughtering industry takes place. Current public opinion, however, is not satisfied to hear that even marginal amounts of hazardous or toxic material escape effective treatment. In this context the hazardous materials are the agents responsible for the spread of zoonoses; the pollutants are the odorous volatile substances emanating from heat treatment necessary for safe re-cycling of the organic chemical constituents of slaughterhouse wastes. (16.24)

The real hazards arise not only from materials which may get out of course, but from materials which may legitimately be handled raw eg, direct to feed certain animals and from lack of appreciation in the processing industry of the risks of cross-infection between the raw and finished product sides of their plant. (16.26)

Comments on hazards arising from the dual nature of certain slaughterhouse surpluses have already been made but an unsatisfactory situation can arise when on the same site edible and inedible processing takes place. Even though plant personnel may be separated there is no firm sanction to require segregated provision of sanitary and ablution facilities – a vulnerable point of cross-infection – and ‘decontamination’ of personnel on movement from ‘dirty’ to ‘clean’ sections. (16.27)

A complete prohibition of such mixed processing on the same site would appear a simple solution until one examines the effect both on the factory abattoir complex and the economics of by-product utilisation. (16.28)

3.121 These concerns were reflected in the Working Party’s recommendations that the disposal of unfit, inedible and surplus materials from slaughterhouses should be further regulated so as to ensure:

i. that the application of the Meat Sterilisation Regulations to all such materials was beyond doubt;

ii. that where edible and inedible processing was conducted on the same site, Regulations should require:
   • adequate segregation of the plant;
   • personnel and welfare facilities, including facilities for decontamination before moving to edible from inedible areas;

iii. that arrangements for the disposal of such materials should be subject to prior approval by the local authorities in despatch and reception areas and that copies of the consignment notes required by the above Regulations to accompany the materials should be supplied also to the respective authorities. (16.29)

iv. that an appropriate Code of Practice should be produced in consultation with the industries concerned to provide for acceptable methods of collection, storage, distribution and processing of industrial and pharmaceutical products of animal origin. (16.30)
‘Operation Meathook’

3.122 Concerns among Environmental Health Officers were increased following the uncovering of an illegal market in unfit meat and knacker meat in 1980 as a result of ‘Operation Meathook’. Enquiries which initially started in the London Borough of Hammersmith and Fulham led to the discovery of a nationwide fraud in which knacker meat was being substituted for beef in the catering and food manufacturing industries.

3.123 A number of factors were believed to have led to and assisted this fraud. The Chartered Institute of Environmental Health provided the Inquiry with a synopsis of ‘Operation Meathook’ which included the following summary:

At this time there were more knackers yards operating than there are now and farmers were paid a reasonable price for sick, injured and fallen stock. When the fraud was discovered, prices for fallen stock had reached an all-time high.

Control was exercised by local authority employees, environmental health officers and authorised meat inspectors. The meat from knackers yards was processed primarily for the animal food industries. The staining of this meat was rigorously opposed by the Pet Food Industry, in particular as marketing a stained product was difficult. Local authority officers spent little time supervising these operations as the food produced was not intended for human consumption. All operators of knackers yards were obliged to keep records of the stock they picked up, its origin and description. Due to the calibre of operative and the nature of this operation, these records were difficult to police. Equally, details of the amounts paid for stock were difficult to access by local authority officers, due to the way farmers ‘prefer to do business’. Veterinary certification was infrequent as the cost of consulting a vet was often more than the value of the stock item.\(^{163}\)

3.124 The findings of ‘Operation Meathook’ led the Chartered Institute to lobby for changes to legislation to make the sale of unfit meat more difficult if not impossible.\(^{164}\)

Meat (Sterilisation and Staining) Regulations 1982

3.125 The principal changes brought into effect by the introduction of the Meat (Sterilisation and Staining) Regulations 1982 were:

i. staining was reintroduced as an alternative to sterilisation;\(^{165}\)

ii. different measures were required for different categories of meat and offal; and

iii. a new system of movement permits intended to assist in tracking unfit meat was introduced.

\(^{163}\) M43 tab 3
\(^{164}\) Ibid
\(^{165}\) Staining of knacker meat as an alternative to sterilisation was permissible under the Regulations which preceded the 1969 Regulations, namely, Regulations 5, 7, and 9 of the Meat (Sterilisation and Staining) Regulations 1960 (L17 tab 13)
3.126 The Meat (Sterilisation and Staining) Regulations 1982 revoked the Meat (Sterilisation) Regulations 1969. They applied to particular categories of ‘meat’ (including ‘offal’), and required, unless certain exceptions applied, that the meat or offal in question be:

i. sterilised;
ii. subject to restrictions on removal, before sterilisation;
iii. not sold, before sterilisation; and
iv. subject to restrictions on storage and freezing, before sterilisation.

3.127 One of the exceptions available in certain cases required that the meat or offal in question be stained. The discussion below deals first with the relevant categories of meat and offal, second with the procedure for staining and sterilisation, third with the requirements of the Regulations and the exceptions to those requirements, and finally with the enforcement of the Regulations.

Categories of meat and offal

3.128 The 1982 Regulations defined ‘meat’ to mean carcass meat, poultry meat, and offal. Each of these terms was itself defined in the Regulations, and for present purposes the first and third are relevant:

i. ‘carcass meat’ was defined as the flesh of an animal, including thick or thin skirt, and heads of cattle or swine, but excluding offal; and
ii. ‘offal’ was defined as including separate pieces of fat, but not including thick or thin skirt, heads of cattle or swine, or poultry offal.

3.129 Also relevant is the definition of ‘knacker meat’ which was defined as carcass meat and offal from an animal slaughtered in, or from, a carcass brought into, a knacker’s yard situated in the UK.

3.130 Two specific categories of offal were defined in the 1982 Regulations:

i. ‘green offal’ was defined as stomachs and intestines derived from animals and the contents of such organs; and
ii. ‘specified offal’ was defined as hearts, kidneys, livers and lungs derived from an animal and which, in the case of an animal in a slaughterhouse, had been rejected as unfit for human consumption under the relevant provisions for that purpose.
3.131 For the purposes of the 1982 Regulations, the following categories of meat were to be presumed, until the contrary was proved, to be unfit for human consumption:

i. knacker meat;\(^{170}\)

ii. meat from any variety of cattle, sheep, pig, equine animal or goat, which had died or been slaughtered in any place other than a slaughterhouse or knacker’s yard, or which had been brought to such a place after having died or been slaughtered;\(^{171}\)

iii. meat which had not been handled or kept in a slaughterhouse in a hygienic manner.\(^{172}\)

**Sterilisation**

3.132 ‘Sterilisation’ was defined as being:

i. treated by boiling or by steaming under pressure until every piece of meat was cooked throughout;

ii. dry-rendered, digested, or solvent-processed into technical tallow, greases, glues, feeding meals or fertilisers; or

iii. subjected to another process which resulted in all parts of the meat no longer having the appearance of raw meat and which inactivated all vegetative forms of human pathogenic organisms in the meat.\(^{173}\)

**Staining**

3.133 The 1982 Regulations defined ‘stained’ to mean treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440). The solution was to be of such a strength that the colouring on the stained meat was clearly visible. The definition added that for this purpose ‘treated’ meant that all pieces of meat not smaller than primal cuts had been opened by multiple and deep incisions, and that the whole surface of the meat had been covered with a solution as aforesaid either by immersing the meat in, or spraying or otherwise applying, the solution.

**Requirements and exemptions: permitted destinations**

3.134 The availability of some exceptions depended on whether it was intended to remove meat or offal to particular destinations. These destinations were listed in Regulation 17(1) as follows:

a. a hospital, medical or veterinary school, laboratory or similar institution for instructional or diagnostic purposes, a rennet manufacturer or a manufacturing chemist for the manufacture of pharmaceutical products;

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\(^{170}\) Regulation 4; see the definition above  
\(^{171}\) Regulations 4 and 13(1); see the definition of ‘meat’ above  
\(^{172}\) Regulation 4; see the definition of ‘meat’ above  
\(^{173}\) Regulation 3
b. the premises of a processor for sterilisation by him;
c. a zoo, menagerie, mink farm, maggot farm or greyhound kennels licensed by the National Greyhound Racing Club;
d. the premises of a waste food processor licensed under the provisions of the Diseases of Animals (Waste Food) Order 1973 to receive unprocessed waste food and, in addition, authorised in writing by the issuing authority to receive unsterilised meat to which these Regulations applied; 174 
e. the premises of a person for preparation before further removal to a processor or manufacturing chemist or for storage before further removal to another destination referred to in Regulation 17(1).

**Requirements for sterilisation in slaughterhouses**

3.135 Subject to the exceptions in the next paragraph, Regulation 6(1) required that both carcass meat at a slaughterhouse found to be unfit for human consumption and specified offal at a slaughterhouse 175 had to be:

i. sterilised immediately; or

ii. placed immediately in a room or receptacle designed for the purpose of holding meat awaiting sterilisation and bearing a notice stating that its contents were to be sterilised on the premises, and then to be sterilised at the slaughterhouse. 176

3.136 There were two exemptions from this requirement in the case of carcass meat or specified offal which:

i. was stained by the occupier of the slaughterhouse immediately after it was brought into separate accommodation dedicated to the retention of unfit meat; 177 or

ii. was intended to be removed from the slaughterhouse under the authority of a movement permit issued pursuant to the Regulations to a destination referred to in 17(1)(a). 178

3.137 The requirements governing movement permits are discussed at paragraphs 3.164–3.176. Reference should also be made to the discussion below of the defence available to anyone charged with contravention of Regulation 6.

3.138 Regulation 7 provided that, subject to the exceptions set out in the next paragraph, any offal other than specified offal at a slaughterhouse found to be unfit for human consumption was required:

i. to be sterilised immediately; or

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174 For these purposes ‘issuing authority’ was given the meaning assigned to it by article 2(1) of the Diseases of Animals (Waste Food) Order 1973 (L1 tab 3); ie, the Minister for Agriculture, Fisheries and Food or the Secretary of State for Scotland
175 The term ‘specified offal’ is defined in para. 3.130 ii. above
176 Regulation 6(1)
177 Regulation 6(2)(a)
178 Regulation 6(2)(b); for Regulation 17(1)(a) see para. 3.134 above
ii. to be placed immediately in a room or receptacle designed for the purpose of holding meat awaiting sterilisation and bearing a notice stating that its contents were to be sterilised on the premises, and then to be sterilised at the slaughterhouse.\(^{179}\)

3.139 There were two exemptions from this requirement that were relevant to BSE:

i. in the case of offal other than specified offal found to be unfit (including any green offal not intended to be removed in accordance with the exception at (ii) below), which was intended to be removed from the slaughterhouse under the authority of a movement permit issued pursuant to the Regulations to a destination referred to in Regulation 17(1);\(^{180}\) and

ii. any green offal unfit for human consumption, and any other offal not being specified offal which was in a container the contents of which consisted mainly of green offal, which in either case was intended to be removed from the slaughterhouse to the premises of a processor for sterilisation.\(^{181}\)

3.140 The requirements governing movement permits are discussed at paragraphs 3.164–3.176 below. Reference should also be made to the discussion below of the defence available to anyone charged with contravention of Regulation 6.

**Restrictions on removal from slaughterhouses**

3.141 Subject to the exceptions in paragraphs 3.142 and 3.161 below, the Regulations imposed a prohibition upon any person removing or causing or permitting to be removed from any slaughterhouse of which he was the occupier, any meat unfit for human consumption\(^{182}\) unless that meat:

i. had been sterilised;\(^{183}\)

ii. being carcass meat or specified offal, had been stained, and was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(b) to (e);\(^{184}\)

iii. being carcass meat or specified offal, was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(a);\(^{185}\)

iv. being offal other than specified offal, was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1).\(^{186}\)

3.142 A person was exempted from the requirement to obtain a movement permit for the removal from a slaughterhouse occupied by him of:

\(^{179}\) Regulation 7(1)  
\(^{180}\) Regulation 7(2)(a); for Regulation 17(1) see para. 3.134 above  
\(^{181}\) Regulation 7(2)(c)  
\(^{182}\) Regulation 8(1)  
\(^{183}\) Regulation 8(1)(a)  
\(^{184}\) Regulation 8(1)(b)  
\(^{185}\) Regulation 8(1)(c)  
\(^{186}\) Regulation 8(1)(d)
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i. any green offal intended to be delivered to the premises of a processor for sterilisation,\textsuperscript{187} or

ii. any carcass meat or offal other than green offal if such meat was removed in a container the contents of which consisted mainly of green offal and which was intended to be delivered to the premises of a processor for sterilisation.\textsuperscript{188}

3.143 It was a defence for any person charged with a contravention of, or a failure to comply with, Regulations 6, 7 or 8 to prove that he did not know, and could not with reasonable diligence have ascertained, that the meat was unfit for human consumption.\textsuperscript{189}

Requirements for sterilisation in knacker’s yards

3.144 Subject to the exceptions in the next paragraph, carcass meat and specified offal derived from an animal slaughtered in, or brought into, a knacker’s yard was required to be sterilised immediately after skinning, evisceration, or cutting up (whichever operation was the last carried out at the yard).\textsuperscript{190}

3.145 There were three exemptions from this requirement in the case of carcass meat or specified offal which:

i. was placed immediately after skinning, evisceration, or cutting up (whichever operation was the last carried out at the yard), in a room or receptacle designed for the purpose of holding meat awaiting sterilisation and bearing a notice stating that its contents were to be sterilised on the premises, and then to be sterilised at the yard;\textsuperscript{191} or

ii. was stained at the knacker’s yard immediately after skinning, evisceration, or cutting up (whichever operation was the last carried out at the yard);\textsuperscript{192} or

iii. was intended to be removed from the knacker’s yard under the authority of a movement permit to a destination referred to in Regulation 17(1)(a).\textsuperscript{193}

3.146 The requirements governing movement permits are discussed at paragraphs 3.164–3.176.

3.147 Subject to the exceptions in the next paragraph, any offal other than specified offal derived from an animal slaughtered in, or brought into, a knacker’s yard was required immediately after evisceration:

i. to be sterilised; or

ii. to be placed immediately in a room or receptacle designed for the purpose of holding meat awaiting sterilisation and bearing a notice

\textsuperscript{187} Regulation 8(2)(a)
\textsuperscript{188} Regulation 8(2)(b)
\textsuperscript{189} Regulation 9
\textsuperscript{190} Regulation 10(1)
\textsuperscript{191} Regulation 10(2)
\textsuperscript{192} Regulation 10(3)(a)
\textsuperscript{193} Regulation 10(3)(b)
stating that its contents were to be sterilised on the premises, and then to be sterilised at the yard.\textsuperscript{194}

3.148 For present purposes, there were two exemptions from this requirement:

i. in the case of offal other than specified offal (including any green offal not intended to be removed in accordance with the exception at (ii) below), which was intended to be removed from the knacker’s yard under the authority of a movement permit issued pursuant to the Regulations to a destination referred to in Regulation 17(1);\textsuperscript{195}

ii. any green offal, and any other offal not being specified offal which was in a container the contents of which consisted mainly of green offal, which in either case was intended to be removed from the knacker’s yard to the premises of a processor for sterilisation.\textsuperscript{196}

**Restrictions on removal from knacker’s yards**

3.149 Subject to the exceptions in the next paragraph, the Regulations imposed a prohibition upon any person removing or causing or permitting to be removed from any knacker’s yard of which he was the occupier, any meat unless that meat:

i. had been sterilised;\textsuperscript{197}

ii. being carcass meat or specified offal, had been stained, and was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(b) to (e);\textsuperscript{198}

iii. being carcass meat or specified offal, and was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(a);\textsuperscript{199}

iv. being offal other than specified offal, was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1).\textsuperscript{200}

3.150 A person was exempted from the requirement to obtain a movement permit for the removal from a knacker’s yard occupied by him:

i. of any green offal intended to be delivered to the premises of a processor for sterilisation;\textsuperscript{201} or

ii. of any carcass meat or offal other than green offal if such meat was removed in a container the contents of which consisted mainly of green offal and which was intended to be delivered to the premises of a processor for sterilisation.\textsuperscript{202}

\textsuperscript{194} Regulation 11(1). Regulation 17(1) is discussed in para. 3.134
\textsuperscript{195} Regulation 11(2)(a);
\textsuperscript{196} Regulation 11(2)(b)
\textsuperscript{197} Regulation 12(1)(a)
\textsuperscript{198} Regulation 12(1)(b)
\textsuperscript{199} Regulation 12(1)(c)
\textsuperscript{200} Regulation 17(1)(d). Regulation 17(1) is discussed in para. 3.134 above
\textsuperscript{201} Regulation 12(2)(a)
\textsuperscript{202} Regulation 12(2)(b)
**Responsibilities for Human and Animal Health**

**Requirements affecting unfit meat from a place other than a slaughterhouse or knacker’s yard**

3.151 The Regulations imposed a prohibition upon any person removing or causing or permitting to be removed from any place of which he was the occupier, not being a slaughterhouse or knacker’s yard, any meat unfit for human consumption cut from any variety of cattle, sheep, pig, equine animal or goat which had died or been slaughtered at that place or had been brought there having died or been slaughtered, unless that meat:

i. had been sterilised; \(^{203}\)

ii. being carcass meat or specified offal, had been stained, and was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(b) to (e); \(^{204}\)

iii. being carcass meat or specified offal, was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1)(a); \(^{205}\)

iv. being offal other than specified offal, and was intended and authorised by a movement permit to be delivered to a destination referred to in Regulation 17(1); \(^{206}\)

v. was intended to be delivered to a knacker’s yard. \(^{207}\)

**Requirements on freezing of meat**

3.152 Subject to the exceptions in the next paragraph, the Regulations imposed a prohibition on any person freezing any carcass meat which was unfit for human consumption or specified offal in a slaughterhouse or any carcass meat or specified offal in a knacker’s yard unless that meat had been sterilised or stained. \(^{208}\)

3.153 There were two exemptions from this prohibition:

i. in the case of any meat which was intended to be removed under the authority of a movement permit, from the slaughterhouse or knacker’s yard to a destination referred to in Regulation 17(1)(a); \(^{209}\) and

ii. in the case of any meat from a carcass infested with cysticercus bovis which was frozen in accordance with relevant meat inspection provisions. \(^{210}\)

**Requirements on possession for sale, and sale, of meat**

3.154 Subject to the exceptions in the next paragraph, the Regulations prohibited any person from possessing for the purpose of sale or preparation for sale:

\(^{203}\) Regulation 13(1)(a)
\(^{204}\) Regulation 13(1)(b)
\(^{205}\) Regulation 13(1)(c)
\(^{206}\) Regulation 13(1)(d)
\(^{207}\) Regulation 13(1)(f)
\(^{208}\) Regulation 14(1)
\(^{209}\) Regulation 14(2)
\(^{210}\) Regulation 14(2). The relevant provisions were para. 7 of schedule 2 of the Meat Inspection Regulations 1963 or para. 7 of Part VI of schedule 8 to the Fresh Meat Export (Hygiene and Inspection) Regulations 1981
i. any meat removed from a slaughterhouse, which was unfit for human consumption;

ii. any meat removed from a knacker’s yard; or

iii. any meat unfit for human consumption from an animal which had died or had been slaughtered at a place other than a slaughterhouse or knacker’s yard, or had been brought to such a place after having died or been slaughtered;

unless that meat had been sterilised.  

3.155 There were exemptions from this prohibition in the case of any meat which was in the possession of a person:

i. while in transit under the authority of a movement permit to a destination referred to in Regulation 17(1)(a); and

ii. referred to in Regulation 17(1)(e) at his premises; and, where required by the Regulations, had been stained;

iii. while in transit under the authority of a movement permit to a destination referred to in Regulation 17(1)(b) to (e); and, where required by the Regulations, had been stained;

iv. at premises listed in Regulation 17(1)(a) to (d) for any purpose contemplated in the provisions or with a view to its removal from those premises in accordance for the provisions relating to closure, breakdown or trade dispute [see paragraph 3.161] or while in transit from such premises in accordance with those provisions.

3.156 It was a defence for any person charged with a contravention of this provision to prove:

i. that he did not know, and could not with reasonable diligence have ascertained, that the meat was unfit for human consumption or removed from a knacker’s yard; or

ii. that any meat removed from a slaughterhouse became unfit only after its removal.

3.157 The Regulations imposed a prohibition on any person selling or offering or exposing for sale, by retail, any meat which was unfit for human consumption, or any knacker meat, unless that meat had been sterilised. For the purposes of this prohibition, a sale by retail did not include a sale of meat direct from a slaughterhouse or knacker’s yard to a destination referred to in Regulation 17(1).

3.158 It was a defence for any person charged with a contravention of this provision to prove that he did not know, and could not with reasonable diligence have ascertained, that the meat was meat to which this prohibition applied.

211 Regulation 20(1); “animal” was defined by Regulation 13(2) to mean any variety of cattle, sheep, pig, equine animal, or goat
212 Regulation 20(2)(a) Regulation 17(1) is discussed in para. 3.134 above
213 Regulation 20(2)(b)
214 Regulation 20(2)(c)
215 Regulation 20(2)(d)
216 Regulation 20(3)
217 Regulation 21(1)
218 Regulation 21(2)
219 Regulation 21(3)
Requirements as to storage of meat

3.159 No person was permitted to store any unsterilised meat which was unfit, or not intended, for human consumption:

i. in the same room as any meat which was fit for human consumption, unless that meat was stored according to an arrangement which ensured that it was adequately separated from the meat which was fit for human consumption and that the arrangement had been approved by the appropriate local authority;\(^{220}\) and

ii. unless any container, wrapper, or other packaging used to hold the meat bore a notice of adequate size which was conspicuously visible and contained a distinct, legible and unambiguous statement to the effect that the meat held therein was not for human consumption, together with the name of the packer and the address at which the meat was packed.\(^{221}\)

3.160 It was a defence for any person charged with a contravention of the provisions described in the previous paragraph to prove that he did not know, and could not with reasonable diligence have ascertained, that the meat was unfit, or not intended for, human consumption.\(^{222}\)

Exemption in cases of lack of equipment or exhaustion of supplies

3.161 Meat unfit for human consumption and knacker meat could be removed unsterilised and unstained from a slaughterhouse or knacker’s yard which was not equipped for the sterilisation of meat provided that:

i. all the destinations referred to in Regulation 17(1)\(^{223}\) and to which it was reasonably practicable to deliver that meat were, by reason of permanent or temporary closure of the premises or breakdown of machinery or a trade dispute, unable to receive the meat;

ii. the meat was transported in a vehicle or impervious container which was locked or sealed at all times and which bore a notice of adequate size which was conspicuously visible and contained a distinct, legible and unambiguous statement that the meat contained therein was not for human consumption; and

iii. the meat was removed in accordance with an arrangement in writing with, and under the supervision of, an authorised officer of the local authority in whose district the slaughterhouse or knacker’s yard was situated, to a place where it was buried or destroyed.\(^{224}\)

3.162 Further, carcass meat unfit for human consumption, or specified offal and knacker meat consisting of carcass meat or specified offal, could be removed unsterilised and unstained from a slaughterhouse or knacker’s yard which had

\(^{220}\) Regulation 22(1)
\(^{221}\) Regulation 22(2)
\(^{222}\) Regulation 22(3)
\(^{223}\) Regulation 17(1) is discussed in para. 3.134 above
\(^{224}\) Regulation 16(1)
exhausted, and could not practicably replenish, its supplies of staining fluid, to a
destination referred to in Regulation 17(1)(b) to (d). This could be done if that meat
was delivered in accordance with an arrangement in writing with, and supervised
by, an authorised officer of the local authority.225

3.163 The removal of any meat in accordance with these provisions exempted the
occupier of the slaughterhouse or knacker’s yard from any requirement imposed by
the Regulations to sterilise or stain the meat.226

Requirements on movement

3.164 The 1982 Regulations imposed requirements on destinations and mode of
transport, limiting what could be done at such destinations, and imposing (with
exceptions) a scheme of movement permits. These are described below.

3.165 Meat unfit, or not intended, for human consumption, or knacker meat, could
be removed, in accordance with any movement permit required by the Regulations
to be issued in respect of that movement, to one of the destinations identified in
Regulation 17(1). These are listed in paragraph 3.134 above.

3.166 Meat removed to a destination referred to in Regulation17(1)(b) to (e) was
required to be removed in a vehicle or impervious container which:

i. was kept closed and locked or sealed at all times except when necessary
   for the loading or unloading of the contents or their examination by an
   authorised officer; and

ii. bore a notice of adequate size which was conspicuously visible and
    contained a distinct legible and unambiguous statement to the effect that
    the meat carried therein was not for human consumption.227

3.167 Once meat unfit, or not intended, for human consumption, or knacker meat,
had reached any of the premises referred to in Regulation 17(1)(a) to (e) it could not
be further removed from those premises unless that meat:

i. had been sterilised; or

ii. was removed from the premises referred to in Regulation 17(1)(e), and
    was intended to be delivered to another destination listed in Regulation
    17(1)(a) to (e) and its removal to that destination was authorised by a
    movement permit issued pursuant to the Regulations; or

iii. could not be disposed of at those premises by reason of permanent or
    temporary closure of the premises or breakdown of machinery or a trade
    dispute, and was removed in accordance with an arrangement in writing
    with, and under the supervision of, an authorised officer of the local
    authority in whose district those premises were situated, to another
    destination referred to in Regulation 17(1)(a) to (d) or a place where it
    was buried or destroyed.228

225 Regulation 16(2)
226 Regulation 16(3)
227 Regulation 17(2); in the case of meat removed from a slaughterhouse or knacker's yard, the notice was to be affixed by the
   occupier of the slaughterhouse or knacker's yard
228 Regulation 17(3)
3.168 Regulation 19 set out the procedure to be followed in those cases where the Regulations required removal of meat from certain premises to take place under the authority of a movement permit. At least two working days before the day on which the unsterilised meat was to be removed from such premises, the occupier of the premises or owner of the meat had to apply to the local authority, giving the following information:

i. the intended removal date;
ii. the description of the meat;
iii. the address and description of the premises to which the meat was to be delivered; and
iv. the expected date of arrival of the meat at those premises.229

3.169 Upon receipt of an application the local authority was required, without undue delay, to satisfy itself that the premises to which it was intended to deliver the unsterilised meat were of a kind referred to in Regulation 17(1) and were capable of processing or otherwise disposing of the meat. If the premises were situated in the district of another local authority, the authority to whom the application was made was required to notify that other authority that the application had been made, and was required to take into account any information obtained from that authority in reaching its decision on the nature of the premises.230

3.170 When the occupier of any premises, or the owner of any meat, to which the Regulation applied, regularly delivered unsterilised meat of a specific description to a particular destination, the authority in whose district the premises or meat were situated was required – on receiving an application stating the description of that meat and the address and description of its destination – to authorise in advance each such movement by issuing whatever quantity of movement permits it considered appropriate.231

3.171 Movement permits were to be in the form specified in the schedule to the Regulations. The permit was divided into Parts I to V. When satisfied of the matters referred to in Regulation 19(2),232 a local authority was required to complete Part I of the permit and issue to the applicant an original and three copies of the permit.233 Part I was as follows:

229 Regulation 19(1)
230 Regulation 19(2)
231 Regulation 19(4)
232 That is, that the premises to which it was intended to deliver the unsterilised meat were of a kind referred to in Regulation 17(1) and were capable of processing or otherwise disposing of the meat
233 Regulation 19(3)
3.172 The occupier of the premises from which the unsterilised meat was removed under the authority of a movement permit was required to complete Part II of the document delivered to him and to give the original and two copies to the driver of the vehicle by which the meat was removed and to keep the other copy for two years. Part II was as follows:
When the driver delivered the meat to the premises named in the movement permit, he was required to give that permit to the occupier of those premises. The occupier was then required to complete Part III of the permit and to acknowledge receipt of the meat thus delivered to him by signing the original and two copies and was required, within seven days of receiving the meat, to send the original and one copy to the local authority in whose district his premises were situated. The occupier was required to retain the other copy for two years from the date on which he received that meat. Part III was as follows:
3.174 If the driver was unable to deliver the meat to the premises named in the movement permit, he was required without delay to inform or cause to be informed either the local authority which had issued the permit, or the local authority in whose area the delivery premises were situated. That authority was required without delay to authorise the delivery of the meat to another destination referred to in Regulation 17(1), or, if no such alternative destination was available, require the meat to be returned to the premises from which it had been removed, or to be buried or destroyed under its supervision. The driver was required to hand the movement permit to the occupier of the premises to which the meat was delivered, or, in the case of its burial or destruction, to the supervising authority. 238

3.175 The occupier of the premises to which the meat was delivered was required to complete Part IV of the movement permit, acknowledge receipt of the meat to which the permit related by signing the original and its two copies and, within seven days of the receipt of the meat, to send the original and one copy to the local authority in whose district his premises were situated. 239 The occupier was required to retain the other copy for two years from the date on which he received the meat to which it related. 240 Part IV was as follows:

3.176 Any local authority which was sent a movement permit was required to complete Part V of that permit and to send the original to the authority which had issued it and retain the copy for two years. 241 Part V was as follows:

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238 Regulation 19(9)
239 Regulation 19(10)
240 Regulation 19(11)
241 Regulation 19(12)
Any person required to retain a document under Regulation 19 was required to make that document available for inspection by an authorised officer at any reasonable time.\footnote{242}

**Enforcement**

3.177 The local authority was required to enforce and execute the provisions of the Regulations in its district.\footnote{243} The primary means of enforcement was provided by powers conferred upon authorised officers by the Food and Drugs Act 1955.\footnote{244} Section 100(1) of the Act gave an authorised officer of a council a right to enter any premises at all reasonable hours, on producing, if required, authenticated documents showing his authority, for the purpose of:

i. ascertaining whether there was or had been on, or in connection with, the premises any contravention of the Regulations; and

ii. performing the functions of the council under the Regulations.

3.178 Admission to a private dwelling house was not to be demanded by right unless 24 hours’ notice of the intended entry had been given to the occupier.

3.179 If a Justice of the Peace (JP), on sworn information in writing:

i. was satisfied that there was reasonable ground for entry into any premises for any such purpose set out above; and

ii. was also satisfied either:

- that admission to the premises had been refused, or a refusal was apprehended and that notice of the intention to apply for a warrant had been given to the occupier; or

- that an application for admission, or the giving of such a notice would defeat the object of the entry, or that the case was one of urgency, or that the premises were unoccupied or the occupier was temporarily absent;

the JP had a power by warrant under his hand to authorise any authorised officer to enter the premises, if need be by force.\footnote{245} An authorised officer entering any

\footnotesize{\textsuperscript{242} Regulation 19(13) \textsuperscript{243} Regulation 26(2) \textsuperscript{244} L11 tab 20 \textsuperscript{245} L11 tab 20 Section 100(2)}
3.180 In addition, an authorised officer of a council, on producing, if required, authenticated documents showing his authority, had a right at all reasonable hours to enter any vehicle, stall or place other than premises for any purpose for which he was empowered under section 100. In such circumstances, the provisions outlined above in relation to entry to premises applied to any vehicle, stall or place other than premises as if a reference to the occupier referred to the person in charge of the vehicle, stall or place other than premises.

3.181 Under the 1982 Regulations, an authorised officer had, at all reasonable times a power to examine any meat not fit or not intended for human consumption which had been sold, was offered or exposed for sale or was in the possession of, or had been deposited with or consigned to, any person for the purpose of sale or preparation for sale. The authorised officer had a further power to seize the meat and remove it in order for it to be dealt with by a JP, if it appeared to the authorised officer that the meat was required by the Regulations:

i. to be sterilised, but it had not been sterilised;

ii. to be stained, but it had not been stained;

iii. to bear a notice, but it did not bear a notice; or

iv. to be accompanied by a movement permit, but it was not.

3.182 Having seized any meat under this power, the officer was required to inform the person in whose possession the meat was found of his intention to have it dealt with by a JP. Anyone liable for prosecution under the terms of the Regulations was entitled, if he attended before the JP, to be heard and to call witnesses. If the JP considered that the meat brought before him — whether seized under the provisions of this regulation or not — was meat to which the Regulations applied and was required to be, but had not been, dealt with in accordance with those Regulations, he was required to condemn it and order it to be destroyed or to be dealt with under the Regulations. If the JP refused to condemn any such meat, the council was required to compensate the owner of the meat for any depreciation in its value resulting from its seizure and removal.

3.183 The Regulations also provided that if an authorised officer had reason to suspect that any vehicle or container contained any meat to which the Regulations applied and which was intended for sale or was in the course of delivery after sale, then he had a power to examine the contents, and, if necessary, detain the vehicle or container. If he found any meat which was required to be but had not been dealt with in accordance with the Regulations, the authorised officer was able to seize the meat and remove it as described above.

246 Section 100(3)
247 Section 101(1)
248 Section 101(2)
249 L1 tab 5 Regulation 23(1)
250 Regulation 23(2)
251 Ibid.
252 Regulation 23(3)
253 Regulation 23(4)
254 Regulation 24(1)
3.184 Any person contravening or failing to comply with any provision of the Regulations, or knowingly or recklessly making a false statement or declaration in the Regulations for the movement of meat, was guilty of an offence. This rendered him liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months, or to both, and, in the case of continuing offence, to a further fine not exceeding £5 for each day during which the offence continued after conviction.255

3.185 All of the above restrictions in the 1982 Regulations were subject to the application of provisions of the Food and Drugs Act 1955 as follows:

i. section 113 provided that a person against whom proceedings were brought was entitled to bring before the court in proceedings any person to whose act or default he alleged that the contravention of the provisions in question was due and seek to prove that the contravention was due to the act or default of that person;

ii. section 115(2) imposed restrictions upon the circumstances in which it was possible for it to be a defence in a set of proceedings under the Act that a warranty had been given that any article or substance could be lawfully sold or dealt with under the name or description or for the purpose under or for which it was sold or dealt with;

iii. section 116 set out offences of applying to an article or substance a warranty or certificate of analysis given in relation to another article or substance and of giving of a false warranty in writing, and provisions relating to those offences; and

iv. section 128 provided that an officer of the council acting in good faith in the execution or purported execution of the Act and within the scope of his employment was not to be held personally liable, and that the council had a power to indemnify the officer against any damages and costs in circumstances where he was not legally entitled to require such an indemnity.256

3.186 Table 3.3 at the end of this Annex summarises the principal requirements as to sterilisation and removal of unfit meat under the 1982 Regulations.

Chartered Institute of Environmental Health (CIEH) criticisms of the system

3.187 The CIEH was one of the groups at the forefront of the lobbying for legislative change which took place in the wake of ‘Operation Meathook’.257 However, while the regime set up by the 1982 Regulations built upon suggestions by the CIEH, these were not adopted in their entirety and the CIEH continued to have serious concerns about the scope and terms of the regime.258

3.188 The CIEH evidence to the Inquiry attached the transcript of a talk given by Mr K J Tyler, the CIEH Secretary, at the CIEH Congress in 1982. Mr Tyler had

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255 Regulation 26(1)
256 Regulation 27
257 Described earlier in this Annex at paras 3.122–3.124
258 M43 tabs 4 and 8
quoted from a letter sent by the CIEH’s Meat Legislation Review Group to MAFF on 7 June 1982 commenting upon the draft proposals for the 1982 Regulations:

The Institution raises as a fundamental objection the proposed exclusion of offal and poultry meat from the full requirements of the regulations, and in particular to staining and sterilisation. However, following consultations with various sections of the food trade and the Pet Food Manufacturers Association, the Institution may be prepared to make some concessions in respect of offal. The Institution is adamant that all offal emanating from knacker yards and unfit offal from slaughterhouses should be included within the staining and sterilisation requirements. In relation to imported offal for use by the pet food trade the Institution is prepared to consider foregoing the staining and sterilisation requirements but only if the licensing requirements for this importation are tightened up, i.e. that only bona fide petfood processors of this inedible offal are licensed to import. In other words the Institution would be opposed to a dealer importing this product and then hawking it around the market in the hope of finding a buyer.259

3.189 However, a decision was taken to exempt, ‘non-specified offal’ from the stricter requirements applied to carcass meat and ‘specified offal’.260 Mr Tyler had commented:

We now have three different types of offal: Specified, Green, Any other. Some is stained some is not, some is sterilised some is not, dependent on where it is going. Some whether it is stained, sterilised or not requires a movement permit. I hope that all local authorities understand and interpret the regulations in the same manner or confusion may well reign. Perhaps I am being rather too pessimistic, yes the regulations are complicated and the paperwork which the institution wanted, ‘the ‘paper’ control’, but only when the Ministry did not meet our original demands for all meat and offal to be either stained or sterilised and for there to be no exemptions to that rule. Had that been the case no paperwork would have been required.261

3.190 Even after the 1982 Regulations were introduced, the CIEH continued to harbour concerns about the broader unfit meat regime. In a 1990 paper entitled ‘The Illegal Trade in Unfit Meat for Human Consumption’, it drew attention to a number of these:

LEGISLATIVE FRAMEWORK

The original report called for changes in legislation available to enforcement authorities. Yet subsequent changes in the Meat (Staining and Sterilisation) Regulations and the Food Act 1984 failed to effectively control unfit meat.

– There were no changes in the existing unsatisfactory system of meat marking. The IEHO recommended a system of roller marking.

– It is still not an offence to possess an unauthorised meat inspection stamp.
There has been no change in the reference to ‘for sale’ in the Meat Inspection Regulations. Constant enforcement problems are experienced when the ‘owner’ insists that a carcass is not intended for sale for human consumption. (This will change with the inception of the Food Safety Act.)

The BVA has introduced a new form for the Veterinary Certificate for Slaughterhouse Admission for Sick and Injured Animals, yet there is no legal requirement for proper documentation, and vets may continue to submit ‘back of cigarette packet’ certificates. There are still instances where vets certify dead animals for admission to a slaughterhouse, although this is illegal.

There are no inspection requirements for knacker’s yards, which may be adjacent to slaughterhouses and which should be under similar control.

Knacker activities at unfit meat places such as zoos and hunt kennels are still outside the scope of licensing requirements.

There are no requirements for the labelling of boxed meat at the wholesale stage despite stringent controls at the later, retail stage.

RECOMMENDATIONS

A. All local authorities should urgently seek to identify areas of potential risk. In particular, EHOs should step up their checks of meat arriving at school and hospital kitchens and other institutions. Core samples should be taken for bacteriological examination and checks made back through the meat supply chain.

B. The Institution should set up a liaison network with other involved professions to establish closer working relationships.

C. Legislative controls must be introduced to cover knacker’s yards and other associated activities, including hunt kennels. Legislation must be quickly introduced to alter the meat stamping system.

D. Casualty slaughter be must carefully controlled, while preserving the prime motive of preventing suffering to the animal.

E. Collection areas of knacker men/fallen stock collectors must be defined, with fixed unfit meat labelling to vehicles and it made an offence to sell dead animals to anyone other than a licensed operator.

F. Careful consideration should be given to the effectiveness of the Meat (Staining and Sterilisation) Regulations and to seek changes where necessary.
Meat (Sterilisation and Staining)(Amendment) Regulations 1984

3.191 The 1982 Regulations were amended by the Meat (Sterilisation and Staining)(Amendment) Regulations 1984. What follows is a brief description of those amendments insofar as they are relevant to the discussion of the 1982 Regulations above.

3.192 The definition of ‘specified offal’ was amended to mean the hearts, kidneys, livers and lungs derived from an animal which, in the case of a carcass in a slaughterhouse, had been rejected by an authorised person as unfit for human consumption by reason of any disease or pathological condition other than:

i. ascariasis, fascioliasis, or telangiectasis; or
ii. changes caused by the operations of stunning, slaughter or dressing of the animal.263

3.193 A Regulation was introduced disapplying the 1982 Regulations in respect of meat removed or intended to be removed from any place or premises by, or under the authority of, a veterinary surgeon for examination by him or on his behalf.264

3.194 A further prohibition was introduced against any person bringing, or causing or permitting to be brought, into England and Wales from Scotland or Northern Ireland any meat unfit for human consumption.265 The exemptions from this prohibition were identical to those which existed in relation to the removal of unfit meat from a slaughterhouse (as outlined in paragraph 3.141 above), save for the fact that importation of meat from Scotland and Northern Ireland required the meat to be accompanied to the destination by a consignment note or permit266 rather than a movement permit.

3.195 The driver of the vehicle in which the meat was delivered to any premises, accompanied by a consignment note or a permit, was required to give that note or copy of that permit to the occupier of those premises. The occupier was required to retain that document for two years and within seven days to send a copy to the local authority in whose area his premises were located. The document was required to be available for inspection by an authorised officer at any reasonable time. Upon receipt of the copy, the local authority was required forthwith to notify in writing of the arrival of the consignment:

i. in the case of an importation from Scotland, the local authority from whose district the meat was imported;
ii. in the case of an importation from Northern Ireland, the Department of Agriculture Northern Ireland.

263 L17 tab 18 Regulation 3(c)
264 L17 tab 18 Regulation 4
265 L17 tab 18 Regulation 6
266 A ‘consignment note’ was defined as a consignment note issued in pursuance of Part III of the Meat and Poultry Meat (Staining and Sterilisation) Scotland Regulations 1983, and a ‘permit’ was defined as meaning a permit issued under the provisions of section 16 of the Meat Shipping Regulations (Northern Ireland) 1964, authorising the removal of meat to the premises to which it was to be delivered
This prohibition resulted in consequential amendments to the range of persons authorised to declare ‘specified offal’ as unfit\textsuperscript{267} and to the prohibition on possession for sale, the exemptions from that prohibition and the defences to it in Regulation 20 of the 1982 Regulations.

3.196 Regulation 7 of the 1984 Regulations amended the list\textsuperscript{268} of destinations to which unfit meat could be delivered under the authority of a movement permit. The first destination was amended to include a ‘pharmaceutical extract supplier’ – ie, a person whose business consisted, wholly or mainly, of the collection, storage, and preparation of glands, liquid extracts and other materials derived from the carcasses of animals, prior to their removal to a manufacturing chemist for the manufacture of pharmaceutical products.

3.197 The third destination was amended to prohibit the removal to a zoo, menagerie, fur farm, maggot farm, or greyhound kennels of carcass meat or offal rejected by an authorised person as unfit for human consumption by reason of tuberculosis. The fifth destination was amended so as to make removal or storage prior to further removal permissible only where the subsequent removal was to a processor; further removal to a ‘manufacturing chemist’ was no longer permitted.

3.198 Finally, subsequent removal, under Regulation 17(3) of the 1982 Regulations, from any of the listed destinations was now to be permitted in circumstances where the meat was removed from a hospital, medical or veterinary school, laboratory or similar institution in accordance with an arrangement in writing with, and under the supervision of, an authorised officer of the local authority in whose district the premises were situated to another destination listed in Regulation 17(1)(a) to (d) or to a place where it was buried or destroyed.

\textsuperscript{267} That is, it added those authorised under the Food and Drugs (Scotland) Act 1956 and the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962

\textsuperscript{268} in Regulation 17 of the 1982 Regulations – see para. 3.134 above
### Table 3.3: Meat (Sterilisation & Staining) Regulations 1982: Principal requirements as to sterilisation & removal (excluding poultry and imported meat)

<table>
<thead>
<tr>
<th>Category of meat</th>
<th>Required to sterilise on premises unless excepted</th>
<th>Exception if stained</th>
<th>Exception if [unstained] to be removed under MP to Reg.17(1)(a) destination</th>
<th>Exception if [unstained] to be removed under MP to any Reg.17(1) destination</th>
<th>Exception if [unstained] to be removed under MP to Reg.17(1)(b) to (e) destination</th>
<th>Prohibition on removal unless sterilised or excepted</th>
<th>Exception if to be delivered [unstained] under MP to Reg.17(1)(a) destination</th>
<th>Exception: if to be delivered [without MP] to Reg.17(1)(b) destination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slaughter house</td>
<td>Yes, Reg.6(1)</td>
<td>Yes, Reg.6(2)(a)</td>
<td>Yes, Reg.6(2)(b)</td>
<td>Yes, Reg.8(1)(a)</td>
<td>Yes, Reg.8(1)(b)</td>
<td>Yes, Reg.8(1)(c)</td>
<td>Yes, Reg.8(1)(d)</td>
<td>Yes, if stained and in container mainly of green offal, Reg.8(1)(b) &amp; (2)(b)</td>
</tr>
<tr>
<td>CM or SO *</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ditto other offal**</td>
<td>Yes, Reg.7(1)</td>
<td></td>
<td>Yes, Reg.7(2)(a)</td>
<td>Yes, if GO/mainly GO *** Reg.7(2)(c)</td>
<td>Yes, Reg.8(1)(a)</td>
<td>Yes, Reg.8(1)(d)</td>
<td>Yes, [unstained] if GO/mainly GO *** Reg.8(2)</td>
<td></td>
</tr>
<tr>
<td>Knacker’s yard CM or SO #</td>
<td>Yes, Reg.10(1)</td>
<td>Yes, Reg.10(3)(a)</td>
<td>Yes, Reg.10(3)(b)</td>
<td>Yes, Reg.12(1)(a)</td>
<td>Yes, Reg.12(1)(b)</td>
<td>Yes, Reg.12(1)(c)</td>
<td>Yes, Reg.12(1)(d)</td>
<td>Yes, if stained and in container mainly of green offal, Reg.12(1)(b) &amp; (2)(b)</td>
</tr>
<tr>
<td>Ditto other offal ##</td>
<td>Yes, Reg.11(1)</td>
<td></td>
<td>Yes, Reg.11(2)(a)</td>
<td>Yes, if GO/mainly GO *** Reg.11(2)(b)</td>
<td>Yes, Reg.12(1)(a)</td>
<td>Yes, Reg.12(1)(d)</td>
<td>Yes, [unstained] if GO/mainly GO *** Reg.12(2)</td>
<td></td>
</tr>
<tr>
<td>Other place CM or SO +</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Ditto other offal ++</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Yes, Reg.13(1)(a)</td>
<td>Yes, Reg.13(1)(d)</td>
<td></td>
</tr>
</tbody>
</table>

* carcass meat or specified offal found unfit for human consumption at slaughterhouse
** offal (other than specified offal) found unfit for human consumption at slaughterhouse
*** green offal, and other non-specified offal in container of mainly green offal
# carcass meat or specified offal at knacker’s yard
## offal (other than specified offal) at knacker’s yard
+ carcass meat or specified offal unfit for human consumption cut from animal at place other than slaughterhouse or knacker’s yard and not intended for knacker’s yard
++ offal, other than specified offal, unfit for human consumption cut from animal at place other than slaughterhouse or knacker’s yard and not intended for knacker’s yard