

**2014 No.**

**FOOD, ENGLAND**

**The Meat Products (England) Regulations 2014**

*Made* - - - - *\*\*\*2014*

*Laid before Parliament* *\*\*\*2014*

*Coming into force* - -- *13th December 2014*

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The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4)(a), 16(1)(a) and (e)(b), 26(1)(a) and 48(1)(c) of the Food Safety Act 1990(d) and now vested in the Secretary of State(e).

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- (a) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c. 28), and S.I. 2002/794.
- (b) Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
- (c) Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
- (d) 1990 c. 16.
- (e) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.

The Secretary of State has had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(a) of the Food Safety Act 1990.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(b).

### **Citation, application, commencement and expiry**

1.—(1) These Regulations may be cited as the Meat Products (England) Regulations 2014, they apply in England only and come into force on 13th December 2014.

(2) These Regulations cease to have effect on 13th December 2021.

### **Interpretation**

2. In these Regulations—

“the Act” means the Food Safety Act 1990;

“FIC” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(c);

“ingredient” has the meaning given in Article 2(2)(f) of FIC;

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue;

“regulated product” means—

(a) any food that contains no other ingredient except for meat;

(b) any food that contains at least one of the following as an ingredient—

(i) meat;

(ii) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004(d) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;

(iii) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail of any mammalian or bird species recognised as fit for human consumption;

“uncooked”, in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

### **Scope**

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

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(a) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.

(b) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p 14).

(c) OJ No L 304, 22.11.2011, p 18.

(d) OJ No L 139, 30.4.2004, p 55, last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.6.2013, p 1).

- (a) that is not intended for sale for human consumption; or
- (b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003(a) apply.

(3) These Regulations do not apply in respect of any product that is brought into England from an EEA State (other than the United Kingdom), a member State (other than the United Kingdom), or from another part of the United Kingdom, in which, in each case, that product (or that type of product) was lawfully marketed.

(4) In this regulation—

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety; and

“mass caterer” has the meaning given in Article 2(2)(d) of FIC.

### **Restrictions on the use of certain names**

4.—(1) No person may sell or advertise a regulated product using a name that appears in column 1 of Schedule 1 as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(2) No person may sell or advertise a food using a name that appears in column 1 of Schedule 1, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product—

- (a) is an ingredient of the food, and
- (b) it complied with the appropriate requirements in columns 2 and 3 of Schedule 1 at the time of preparation of the food.

(3) In this regulation “sell” includes offer or expose for sale and includes have in possession for sale, and “sale” must be construed accordingly.

### **Parts of the carcass in uncooked regulated products**

5.—(1) Subject to paragraph (3), no person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) from any mammalian species has been used as an ingredient in the preparation of that product.

(2) The specified parts of a carcass are brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition in paragraph (1) does not extend to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” includes chipolata, frankfurter, link, salami and any similar product.

### **Enforcement**

6. It is the duty of each food authority within its area and each port health authority within its district to enforce these Regulations.

### **Improvement notice – application of section 10(1) and (2) of the Act**

7.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modification.

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(a) S.I. 2003/3207, amended by S.I. 2005/2626, 2630, 2007/2591, 2011/2131, 2013/[to be completed when our domestic Food Information Regulations have been made].

(2) For subsection (1), substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with regulations 4(1) or (2) or 5(1) of the Meat Products (England) Regulations 2014, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”.

### **Appeal against improvement notice – application of section 37(1) and (6) and 39 of the Act**

**8.**—(1) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7 of the Meat Products (England) Regulations 2014, may appeal to the First-tier Tribunal.”; and

(b) in subsection (6)—

- (i) for “(3) or (4)”, substitute “(1)”; and
- (ii) in paragraph (a), for “a magistrates’ court or to the sheriff”, substitute “the First-tier Tribunal”.

(2) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 7 of the Meat Products (England) Regulations 2014, the First-tier Tribunal may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the Tribunal may in the circumstances think fit.”; and

(b) in subsection (3), omit “for want of prosecution”.

### **Application and modification of other provisions of the Act**

**9.** The provisions of the Act specified in column 1 of Schedule 2 apply for the purposes of these Regulations with the modifications specified in column 2 of that Part.

### **Revocations**

**10.** The following Regulations are revoked—

- (a) the Meat Products (England) Regulations 2003(a);
- (b) the Meat Products (England) (Amendment) Regulations 2008(b); and
- (c) regulation 18(4) of the Food Additives (England) Regulations 2009(a).

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(a) S.I. 2003/2075, as amended by S.I. 2008/517, 2011/1043.

(b) S.I. 2008/517.

## Review

11.—(1) Before 13<sup>th</sup> December 2019, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

*Name*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

Date

## SCHEDULE 1

Regulation 4(1) and (2)

### Reserved Descriptions

In this Schedule—

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride alone is to be regarded as a curing salt when used in a regulated product only if used in sufficient quantity to have a significant preserving effect on the product.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
<i>Name of food</i>	<i>Meat or cured meat content requirements</i>			<i>Additional requirements</i>
	The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:			
	Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only	Meat or, as the case may be, cured meat from other species or other mixtures of meat	
1. <b>Burger</b> - whether or not forming part of another word, but	67%	55%	62%	1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef,

(a) S.I. 2009/3238, to which there are amendments not relevant to these Regulations.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
excluding any name falling within items 2 or 3 of this Schedule.				pork or a mixture of both.
<b>2. Economy Burger</b> - whether or not “burger” forms part of another word.	50%	41%	47%	2. Where either of the names “burger” or “economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.
<b>3. Hamburger</b> - whether or not forming part of another word.	67%	Not applicable	62%	3. Where any of the names “burger”, “economy burger” or “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food. 4. Where any of the names “burger”, “economy burger” or “hamburger” are used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food.
<b>4. Chopped X</b> , there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat.	75%	62%	70%	No additional requirement.
<b>5. Corned X</b> , there being inserted in place of “X” the name “meat” or the name of a type of	120%	120%	120%	1. The food must consist wholly of meat that has been corned. 2. Where the name of the food includes the name of a

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
meat, unless qualified by words which include the name of a food other than meat.				type of meat, the meat used in the preparation of the food must be wholly of the named type. 3. The total fat content of the food must not exceed 15%.
<b>6. Luncheon meat or luncheon X,</b> there being inserted in place of “X” the name of a type of meat or cured meat.	67%	55%	62%	No additional requirement.
<b>7. Meat pie or meat pudding</b> The name “ <b>pie</b> ” or “ <b>pudding</b> ” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat. <b>Game pie</b> Based on the weight of the ingredients when the food is uncooked. But if the food weighs— – not more than 200 g and not less than 100 g. – less than 100 g.	12.5%	12.5%	12.5%	No additional requirement.
	11%	11%	11%	
	10%	10%	10%	
<b>8. Scottish pie or Scotch pie</b> Based on the weight of the ingredients when the food is uncooked.	10%	10%	10%	No additional requirement.
9. The name “ <b>pie</b> ” or “ <b>pudding</b> ” qualified by the words “meat” or “cured meat” or by the name of a				No additional requirement.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
<p>type of meat or cured meat and also qualified by the name of a food other than meat or cured meat—</p> <p>(a) where the former (meat-related) qualification precedes the latter</p> <p>(b) where the latter (non-meat-related) qualification precedes the former</p> <p>Based, in both cases, on the weight of the ingredients when the food is uncooked.</p>	7%	7%	7%	
<p>6%</p>	6%	6%	6%	
<p><b>10. Pasty, pastie Bridie or sausage roll</b> Based on the weight of the ingredients when the food is uncooked.</p>	6%	6%	6%	No additional requirement.
<p><b>11. Sausage</b> (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), <b>link, chipolata</b> or <b>sausage meat</b>. Where the name is qualified by the name “pork” but not by the name of any other type of meat. In all other cases</p>	42%	Not applicable	Not applicable	No additional requirement.
	32%	26%	30%	
Notes:				
1. In relation to items 4, 5 and 6, the percentages in column 2 are based on the weight of the raw				



<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
meat used to make the food as a percentage of the weight of the cooked finished product. In relation to the other items, the percentages are based on the weight of the raw meat used to make the food ('the meat ingredient') as a percentage of the total weight of all the ingredients used to make the food (including the meat ingredient) at the time of their use as ingredient.		
<p>2. The quantity of meat specified in the table must be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII to FIC, including any downward adjustment needed in a case where the total fat and connective tissue content in the regulated product exceeds the values indicated in the table in point 17 of Part B of Annex VII to FIC.</p>		

## SCHEDULE 2

Regulation 9

### Application and modification of other provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(a) (extended meaning of "sale" etc.)	For "this Act" (in both places occurring) substitute "the Meat Products (England) Regulations 2014".
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for "this Act" substitute "the Meat Products (England) Regulations 2014".
Section 20 (offences due to fault of another person)	For "any of the preceding provisions of this Part" substitute "section 10(2), as applied by regulation 7(1) of the Meat Products (England) Regulations 2014,".
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for "any of the preceding provisions of this Part" substitute "section 10(2), as applied by regulation 7(1) of the Meat Products (England) Regulations 2014,".
Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For "this Act" substitute "the Meat Products (England) Regulations 2014".
Section 33 (obstruction etc. of officers)	In subsection (1), for "this Act" (in each place occurring) substitute "the Meat Products (England) Regulations 2014".
Section 35(1)(b) and (2) (punishment of offences)	In subsection (1), after "section 33(1) above", insert ", as applied and modified by regulation 9 of, and Schedule 2 to, the Meat Products (England) Regulations 2014,". After subsection (1), insert the following subsection— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 7(1) of the Meat Products (England) Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In subsection (2)—
	(a) for "any other offence under this Act", substitute "an offence under section 33(2), as applied by regulation 9 of, and Schedule 2 to, the Meat Products (England) Regulations 2014,"; and

(a) Section 2(1)(b) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.

(b) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

	(b) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum”.
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 7(1) of the Meat Products (England) Regulations 2014,”.
Section 36A(a) (offences by Scottish partnerships)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 7(1) of the Meat Products (England) Regulations 2014,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place occurring) substitute “the Meat Products (England) Regulations 2014”.

## EXPLANATORY NOTE

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

These Regulations revoke and replace the Meat Products (England) Regulations 2003 (S.I. 2003/2075). They apply to England (regulation 1(1)). They will cease to have effect on 13th December 2021 (regulation 1(2)).

The Regulations prohibit the use of specified names in the sale and advertising of regulated products if the products do not satisfy specific compositional requirements (regulation 4 and Schedule 1).

The Regulations prohibit, subject to an exception, the sale of uncooked regulated products which include among their ingredients specified parts of the carcass of any mammalian species of animal (regulation 5).

The Regulations impose an obligation on food authorities and port health authorities to enforce the Regulations (regulation 6).

The Regulations apply section 10(1) and (2) of the Food Safety Act 1990 (1990 c. 16) with modifications, enabling an improvement notice to be served to require compliance with regulation 4(1) or (2) (regulation 7). The provisions, as applied, make the failure to comply with an improvement notice an offence. In addition, the Regulations apply sections 37(1) and (6) and 39 of the Food Safety Act 1990 with modifications, enabling a decision to serve an improvement notice to be appealed (regulation 8).

The Regulations also apply certain other provisions of the Food Safety Act 1990, with modifications (regulation 9 and Schedule 2).

As well as revoking the Meat Products (England) Regulations 2003, the Regulations revoke the Meat Products (England) (Amendment) Regulations 2008 (S.I. 2008/517) (regulation 10).

Regulation 11 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(2) provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the Regulations in force with or without amendments or to revoke them early.

A full impact assessment of the effect these Regulations will have on the costs of business, the voluntary sector and the public sector is available from the Food Policy Unit, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is

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(a) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999.

published with the Explanatory Memorandum alongside the Regulations on  
[www.legislation.gov.uk](http://www.legislation.gov.uk).