
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 216

**The Carcase Classification and Price
Reporting Regulations (Northern Ireland) 2018**

PART 5

ENFORCEMENT AND OFFENCES

Notices

18.—(1) Any notice required or authorised under these Regulations to be given to any person must be in writing.

(2) Any such notice may be given by—

- (a) delivering it to the person;
- (b) leaving it at the person's proper address; or
- (c) sending it by post to the person at that address.

(3) Where any such notice is to be given to a body corporate, it may be given to an officer of the body.

(4) For the purpose of this regulation, the proper address of any person to whom a notice is to be given is the person's last known address, except that in the case of a body corporate or an officer of the body, the proper address is the address of the registered or principal office of the body.

(5) In this regulation—

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; and

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate.

Powers of entry

19.—(1) An authorised officer may at any reasonable hour and on producing, if so required, a duly authenticated authorisation, enter an approved slaughterhouse and any associated premises in which carcases may be handled or records relating to those carcases may be kept, for the purpose of ascertaining whether—

- (a) any offence under these Regulations is being or has been committed on the premises; or
- (b) there is on the premises any evidence of any such offence.

(2) The authorised officer may be accompanied by such other persons as the authorised officer considers necessary.

(3) If a lay magistrate, on sworn information in writing, is satisfied that there is reasonable ground for entry into premises for any purpose in paragraph (1) and that either —

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the operator; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the operator temporarily absent,

the lay magistrate may by signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(4) A warrant granted under this regulation continues in force for three months.

(5) An officer who enters any unoccupied premises, or premises from which the operator is temporarily absent, must leave them as effectively secured against unauthorised entry as they were before entry.

Powers of authorised officers

20. An authorised officer entering premises under these Regulations may—

- (a) inspect any bovine carcase or pig carcase or part of such a carcase, or any carcase or part of a carcase which the officer reasonably suspects to be a bovine or pig carcase or part of such a carcase;
- (b) examine any record which an operator is required to keep under regulation 8, 12, 16 or 17 or under the Commission Delegated Regulation or the Commission Implementing Regulation, and where any such record is kept by means of a computer, have access to and inspect and check the operation of any computer and associated apparatus or material which is or has been in use in connection with that record;
- (c) require that copies of or extracts from any such record be produced and, where such record is kept by means of a computer, require it to be produced in a form in which it may be taken away; and
- (d) retain any such record which the authorised officer has reason to believe may be required as evidence in proceedings under these Regulations.

Enforcement notices

21.—(1) If the Department has reason to believe that a person has committed an offence under these Regulations, the Department may give that person an enforcement notice in accordance with paragraph (2).

(2) An enforcement notice must—

- (a) state the Department's grounds for believing that an offence has been committed;
- (b) specify the matter that constitutes the offence;
- (c) specify what that person must stop doing, or the measures that, in the Department's opinion, the person must take in order to comply with these Regulations;
- (d) require the person to stop doing the action specified in the notice, or to take the measures specified in the notice or measures at least equivalent to them, within the period (being not less than 14 days) specified in the notice;
- (e) inform the person of the right of appeal conferred by regulation 22; and
- (f) inform the person of the period within which such an appeal may be brought.

(3) Any person who contravenes or fails to comply with an enforcement notice is guilty of an offence.

Appeals against enforcement notices

22.—(1) A person may appeal to a magistrates' court against an enforcement notice if that person has reason to believe that the notice should not have been given.

(2) A person may appeal within 21 days beginning with the date on which the notice was given.

(3) The procedure is by way of complaint for an order; and the Magistrates' Court (Northern Ireland) Order 1981 applies to the proceedings.

(4) On an appeal the court may either cancel or affirm the notice and, if the court affirms the notice, it may do so either in its original form or with such modifications as the court thinks fit.

Offences: European beef provisions

23.—(1) Any person who—

- (a) fails to comply with any requirement under a European beef provision, or
- (b) contravenes any prohibition contained in a European beef provision,

is guilty of an offence.

(2) But where an operator or the person responsible for the classification of bovine carcasses draws up a record in compliance with the conditions referred to in regulation 8 (records instead of marking) no offence is committed by failure to comply with or contravening the Part 2 European beef provisions.

(3) In this regulation, "Part 2 European beef provision" means a provision which is specified in column 2 of Part 2 of Schedule 1.

Offences: European pig provision

24.—(1) Any person who—

- (a) fails to comply with any requirement under a European pig provision, or
- (b) contravenes any prohibition contained in a European pig provision,

is guilty of an offence.

(2) But where an operator or the person responsible for the classification of pig carcasses draws up a record in compliance with the conditions referred to in regulation 16 (records instead of marking) no offence is committed by failure to comply with or contravening the Part 2 European pig provisions.

(3) In this regulation, "Part 2 European pig provision" means a provision which is specified in column 2 of Part 2 of Schedule 2.

Offences: notifications by operators

25. Any person who fails to comply with any requirement of regulation 5 (notification by operators) is guilty of an offence.

Offences: licences (bovine carcasses)

26.—(1) If classification of a bovine carcass is carried out at an approved slaughterhouse—

- (a) without a licence granted under regulation 9, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(2) If classification of a bovine carcass is carried out at an approved slaughterhouse by means of automated grading equipment—

- (a) without a licence granted under regulation 10 for the use of that equipment at that slaughterhouse, or
- (b) in breach of any terms or condition of such a licence,

the person who carries out that classification and the operator of that slaughterhouse are each guilty of an offence.

(3) Any person who makes an alteration to a licence granted under regulation 9 or 10 is guilty of an offence.

Offences: authorised grading methods (pig carcasses)

27. If classification of a pig carcass is carried out at an approved slaughterhouse using a grading method or grading technique in a manner which fails to comply with the requirements of regulation 15, the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

Offences: records and marks

28.—(1) Any person who fails to comply with any requirement of regulation 12 (records: bovine carcasses) or regulation 17 (records: pig carcasses) is guilty of an offence.

(2) Any person who marks a bovine carcass or part of such a carcass—

- (a) as prescribed by Article 8(1), (2)(a), (3)(a) (read with the second paragraph of Article 8(3)), (4) and (5) of the Commission Delegated Regulation, or
- (b) in a way closely resembling the marking prescribed by those provisions,

which is likely to mislead, is guilty of an offence.

(3) Any person who marks a pig carcass or part of such a carcass—

- (a) as prescribed by Article 8(1), (2)(b), (3)(c) (read with the second paragraph of Article 8(3)), (4) and (5) of the Commission Delegated Regulation, or
- (b) in a way closely resembling the marking prescribed by those provisions,

which is likely to mislead, is guilty of an offence.

Offences: obstruction etc.

29. Any person who—

- (a) without reasonable excuse, obstructs any person acting under these Regulations,
- (b) without reasonable cause, fails to give any person acting under these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations,
- (c) gives any person acting under these Regulations any information knowing it to be false or misleading, or
- (d) fails to produce any document or record when required to do so by any person acting under these Regulation,

is guilty of an offence.

Period for bringing prosecution

30.—(1) Proceedings for an offence under regulations 21(3), 23, 24, 25, 26, 27, 28(1) or 29 may be brought within a period of 12 months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor’s opinion, to justify proceedings.

(2) But no such proceedings may be brought more than 18 months from the commission of the offence.

(3) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence sufficient to justify the proceedings is conclusive evidence of that fact;
- (b) a certificate stating the matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

31.—(1) If an offence under these Regulations committed by a body corporate is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer, that officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.

(3) In this regulation, “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Defence of due diligence

32. It is a defence for a person charged with an offence under these Regulations to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by them or by a person under their control.

Offences: penalties

33.—(1) A person guilty of an offence under—

- (a) regulation 21(3) (enforcement notices),
- (b) regulation 23 (European beef provisions),
- (c) regulation 24 (European pig provisions),
- (d) regulation 25 (notifications by operators),
- (e) regulation 26 (licences (bovine carcasses)),
- (f) regulation 27 (authorised grading methods: (pig carcasses)),
- (g) regulation 28(1) (records), or
- (h) regulation 29 (obstruction etc.)

is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under regulation 28(2) or (3) (misleading marks etc.) is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.