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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 451**

**AGRICULTURE**

**The Pig Carcase (Grading) Amendment  
(Scotland) Regulations 2006**

*Made* - - - - *1st September 2006*  
*Laid before the Scottish*  
*Parliament* - - - - *4th September 2006*  
*Coming into force* - - *26th September 2006*

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Pig Carcase (Grading) Amendment (Scotland) Regulations 2006 and come into force on 26th September 2006.

(2) These Regulations extend to Scotland only.

**Amendments to the Pig Carcase (Grading) Regulations 1994**

2.—(1) The Pig Carcase (Grading) Regulations 1994<sup>(2)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation)–

- (a) in the definition of “the appropriate Minister” delete “Scotland or” and after “State” insert “and in relation to Scotland means the Scottish Ministers”;
- (b) at the end of the definition of “the Commission Decision”, insert “, as last amended by Commission Decision No. 2006/374(EC)<sup>(3)</sup>”;
- (c) at the end of the definition of “the Commission Regulation”, insert “as last amended by Commission Regulation (EC) No. 1197/2006<sup>(4)</sup>”; and

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act, so far as exercisable within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.I. 1994/2155, amended by S.S.I. 2004/279.

(3) O.J. No. L 142, 30.05.2006, p.34.

(4) O.J. No. L 217, 8.8.2006, p.6.

- (d) in the definition of “pig carcass” for “Articles 2 and 2a” substitute “Articles 3 and 4”.
- (3) In regulation 6 (weighing, etc., of carcasses of pigs)–
  - (a) for paragraph (b) substitute–
    - “(b) except where the MLC is bound by the obligation specified in regulation 7(5)
    - (c)–
      - (i) weigh each such pig carcass in accordance with Article 2(2) of the Council Regulation, except where the occupier cannot generally observe the 45 minute requirement of that Article, the occupier may, in accordance with Article 2(2) of the Commission Regulation, seek the consent of the Scottish Ministers, who are the competent authority for the purposes of that Article, to weigh the carcasses within a longer period;
      - (ii) make a record of the weight of each such pig carcass; and
      - (iii) thereafter calculate the weight of the cold carcass in accordance with the provisions of Article 2(1) of the Commission Regulation or, where the Scottish Ministers have consented under sub-paragraph (i) to the 45 minute period being exceeded, calculate that weight in accordance with Article 2(2) of the Commission Regulation;”;
  - (b) in paragraph (d), for “Article 4(1) or (2) of the Commission Regulation” substitute “Article 4 of the Commission Regulation”.
- (4) In regulation 10 (notices)–
  - (a) in front of “Any” insert “(1)”; and
  - (b) after sub-paragraph (d) insert–
    - “(2) Any notice to be given under these Regulations may also be given by sending it to the person concerned by fax or other means of electronic communication which produces a text in legible form.
    - (3) A notice sent to a person as an electronic communication shall be regarded as sent when the text of it is received in a legible form.
    - (4) In this regulation “electronic communication” is to be construed in accordance with section 15(1) of the Electronic Communications Act 2000(5).”.
- (5) In regulation 11(7) (offences and penalties) for “section 331 of the Criminal Procedure (Scotland) Act 1975” substitute “section 136 of the Criminal Procedure (Scotland) Act 1995”.

St Andrew’s House,  
Edinburgh  
1st September 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations, which apply in relation to Scotland only, amend the provisions of the Pig Carcase (Grading) Regulations 1994 (S.I.1994/2155) (“the 1994 Regulations”). The 1994 Regulations provide for the administration and enforcement of the Community system for grading pig carcasses established by Council Regulation (EEC) No. 3220/84 (O.J. No. L 301, 20.11.84 p.1) as amended, the detailed rules for which are set out in Commission Regulation (EEC) No. 2967/85 (O.J. No. L 285, 25.10.85, p.39) as amended (“the Commission Regulation”).

Commission Decision (EC) No. 2004/370 (O.J. No. L 116, 22.4.2004, p.32) set out specific rules for the grading of pig carcasses in the UK. This Decision has now been amended by Commission Decision (EC) No. 2006/374 (O.J. No. L 142, 30.05.2006, p.34) to remove some of the rules specific to the UK. These Regulations, at regulation 2(2)(b), update the definition of “the Commission Decision” in the 1994 Regulations to incorporate these amendments.

The 1994 Regulations are also amended to—

- (a) update the reference to “the appropriate Minister” (regulation 2(2)(a));
- (b) update the reference to “the Commission Regulation” to refer to the Regulation as amended (regulation 2(2)(c));
- (c) correct the definition of “pig carcase” (regulation 2(2)(d));
- (d) provide for carcasses to be weighed in an alternative way as provided by Article 2(2) of the Commission Regulation (regulation 2(3)(a));
- (e) provide for carcasses to be marked in an alternative way as permitted by Article 4(3) of the Commission Regulation (regulation 2(3)(b));
- (f) provide for notices to be served by fax and other forms of electronic communication (regulation 2(4)); and
- (g) update regulation 11(7) to refer to the Criminal Procedure (Scotland) Act 1995 (regulation 2(5)).

A full Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.