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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1360 (W. 88)**

**FOOD, WALES**

**The Beef Labelling (Enforcement) (Wales) Regulations 2001**

*Made* - - - - - *29th March 2001*

*Coming into force* - - - - - *1st April 2001*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 6(4), 17(2) and 26(3) of the Food Safety Act 1990(1), after having regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) of that Act, makes the following Regulations:

**Title, application and commencement**

1. These Regulations may be cited as the Beef Labelling (Enforcement) (Wales) Regulations 2001; they shall apply to Wales and shall come into force on 1st April 2001.

**Interpretation**

2.—(1) In these Regulations—

“Commission Regulation 1141/97” (*“Rheoliad y Comisiwn 1141/97”*) means Commission Regulation (EC) No. 1141/97(2) laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products;

“Commission Regulation 1825/2000” (*“Rheoliad y Comisiwn 1825/2000”*) means Commission Regulation (EC) No. 1825/2000(3) laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products;

“National Assembly” (*“Cynulliad Cenedlaethol”*) means the National Assembly for Wales.

“Regulation 1760/2000” (*“Rheoliad 1760/2000”*) means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council(4) establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97.

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(1) 1990 c. 16; Functions expressed as exercisable by “the Secretary of State” are now exercisable in relation to Wales by the National Assembly for Wales pursuant to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 48(4A) was added by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 21.  
(2) OJ No. L165, 24.6.97, p.7, as last amended by Commission Regulation (EC) No. 824/98 (OJ No. L117, 21.4.98, p. 4).  
(3) OJ No. L216, 26.8.00, p.8.  
(4) OJ No. L204, 11.8.00, p.1.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations.

### **Competent authority**

3. The National Assembly shall be the competent authority for the purposes of Title II of Regulation 1760/2000, Commission Regulation 1141/97 and Commission Regulation 1825/2000.

### **Enforcement of compulsory and voluntary labelling requirements**

4.—(1) Any person who fails to comply with—

- (a) in respect of beef derived from animals slaughtered on or after 1 September 2000, the requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or
- (b) in respect of beef derived from animals slaughtered before 1 September 2000, the requirements applicable under Commission Regulation 1141/97,

shall be guilty of an offence.

(2) Where beef has been labelled and marketed in a manner which does not comply—

- (a) in respect of beef derived from animals slaughtered on or after 1 September 2000, with the compulsory or voluntary labelling requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or
- (b) in respect of beef derived from animals slaughtered before 1 September 2000, with the voluntary labelling requirements applicable under Commission Regulation 1141/97,

an officer of an enforcement authority within the meaning of paragraph (1) of regulation 5 or a person authorised by the National Assembly may serve a notice on the person in possession of the beef requiring its removal from sale until the beef is re-labelled in accordance with those requirements.

(3) In respect of beef derived from animals slaughtered on or after 1 September 2000, a notice served under paragraph (2) above may authorise the beef to be sent directly for processing into products other than those indicated in the first indent of Article 12 of Regulation 1760/2000.

(4) Any person who fails to comply with the provisions of a notice served under paragraph (2) above shall be guilty of an offence.

### **Enforcement Authorities**

5.—(1) Subject to the following provisions of this regulation, the enforcement authorities for the purposes of the enforcement of these Regulations shall be, as respects each county and county borough, the council of that county or county borough.

(2) These Regulations shall be enforced as respects abattoirs, cutting plants and wholesalers by the authorities referred to in paragraph (1) of this regulation and by the National Assembly.

### **Penalties**

6. A person guilty of an offence under any provision of these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Application of various provisions of the Food Safety Act 1990**

7.—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and unless

the context otherwise requires any reference to those provisions in that Act shall be construed as a reference to those provisions as applied for the purposes of these Regulations -

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence);
- (d) section 30(8) (documentary evidence);
- (e) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) and (2);
- (f) section 36 (offences by bodies corporate); and
- (g) section 44 (protection of officers acting in good faith).

(2) Sections 32 and 33 of the Food Safety Act 1990 (powers of entry, obstruction etc. of officers) shall apply for the purposes of these Regulations as they apply for the purposes of that Act; and any reference to the Act in those sections shall be construed for the purposes of these Regulations as including a reference to—

- (a) Title II of Regulation 1760/2000 and Commission Regulation 1825/2000 in respect of beef derived from animals slaughtered on or after 1 September 2000; and
- (b) Commission Regulation 1141/97 in respect of beef derived from animals slaughtered before 1 September 2000.

### **Revocation**

**8.** The Beef Labelling (Enforcement) Regulations 1998<sup>(5)</sup> are revoked in so far as they apply to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(6)</sup>

29th March 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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<sup>(5)</sup> S.I. 1998/616.

<sup>(6)</sup> 1998, c 38.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations provide for the enforcement in Wales of—

- (a) Title II of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ No. L204, 11.8.00, p.1) (“the Council Regulation”) and Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 as regards the labelling of beef and beef products (OJ No. L216, 26.8.00, p. 8) (“the Commission Regulation”), in respect of beef derived from animals slaughtered on or after 1 September 2000; and
- (b) Commission Regulation (EC) No. 1141/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products, in respect of beef derived from animals slaughtered before 1 September 2000.

These Regulations—

- make the National Assembly for Wales the competent authority for the purposes of the Council Regulation and the Commission Regulations (regulation 3);
- create an offence of failure to comply with the requirements applicable under the Council Regulation and the Commission Regulation (EC) No. 1825/2000 where any such failure is in respect of beef derived from animals slaughtered on or after 1 September 2000 (regulation 4(1)(a));
- create an offence of failure to comply with the requirements applicable under Commission Regulation 1141/97 where any such failure is in respect of beef derived from animals slaughtered before 1 September 2000 (regulation 4(1)(b));
- provide a power for enforcement authorities to issue notices requiring persons to remove from sale any beef that has been labelled in a manner that does not comply with the requirements of the Council Regulation, the Commission Regulation (EC) No. 1825/2000 or Commission Regulation 1141/97 (regulation 4(2));
- create an offence of failure to comply with a notice issued under regulation 4(2) (regulation 4(4));
- identify the enforcement authorities (regulation 5);
- set a penalty for any offence under the Regulations (regulation 6);
- apply various enforcement provisions of the Food Safety Act 1990 (regulation 7); and
- revoke the Beef Labelling (Enforcement) Regulations 1998 in relation to Wales.