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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 280**

**AGRICULTURE**

**The Beef Carcase (Classification) (Scotland) Regulations 2004**

<i>Made</i>	- - - -	<i>9th June 2004</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th June 2004</i>
<i>Coming into force</i>	- -	<i>2nd July 2004</i>

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

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Beef Carcase (Classification) (Scotland) Regulations 2004 and shall come into force on 2nd July 2004.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“1991 Regulations” means the Beef Carcase (Classification) Regulations 1991<sup>(2)</sup>;

“1995 Regulations” means the Fresh Meat (Hygiene and Inspection) Regulations 1995<sup>(3)</sup>;

“adult bovine animal” has the meaning assigned to it by Article 1(2) of Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal<sup>(4)</sup>;

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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 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- (2) S.I.1991/2242, amended by S.I. 1994/2853 and S.I. 1998/12.
- (3) S.I. 1995/539, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729, S.I. 1997/2074, S.S.I. 2000/62, S.S.I. 2000/171, S.S.I. 2000/288, S.S.I. 2001/160, S.S.I. 2001/358, S.S.I. 2001/429, S.S.I. 2002/35 and S.S.I. 2002/234.
- (4) O.J. No. L 160, 26.6.1999, p.21., amended by Council Regulation (EC) No. 1455/01, O.J. No. L 198, 21.7.2001, p.58, Council Regulation (EC) No. 1512/01, O.J. No. L 201, 26.7.2001, p.1, Commission Regulation 2345/01, O.J. No. L 315, 1.12.2001, p.29, Council Regulation (EC) 806/03, O.J. No. L 122, 16.5.2003, p.1, Council Regulation (EC) No. 1782/03, O.J. No. L 270, 21.10.2003, p.1, and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, O.J. No. L 236, 23.9.2003, p.33.

“approval number” means (in relation to a regulated slaughterhouse) the unique number of that regulated slaughterhouse required to be specified in the centre of a health mark (as defined in regulation 2(1) of the 1995 Regulations);

“authorised officer” means a person authorised by the Scottish Ministers for the purposes of these Regulations;

“classification” means the classification of regulated carcasses in accordance with Articles 3 and 4(1) of Council Regulation (EEC) No. 1208/81 determining the Community scale for the classification of carcasses of adult bovine animals(5);

“classification requirements” means the requirements relating to the classification and identification of carcasses specified in the Community provisions and in regulations 5, 6 and 7 of these Regulations;

“Commission Regulation” means Commission Regulation (EEC) No. 344/91 laying down detailed rules for applying Council Regulation (EEC) No. 1186/90 extending the scope of the Community scale for the classification of adult bovine animals(6);

“Community provision” means a provision of a Regulation of the European Community referred to in column 1 of Schedule 1 to these Regulations which is specified in column 2, and the subject matter of which is described in column 3, of that Schedule;

“exempt carcass” means a regulated carcass which has been obtained in the circumstance specified in the second indent to Article 2(2) of the Commission Regulation;

“exempt occupier” means an occupier of a regulated slaughterhouse to which the first indent to Article 2(2) of the Commission Regulation applies;

“MLC” means the Meat and Livestock Commission established under section 1 of the Agriculture Act 1967(7);

“occupier” means a person carrying on the business of a regulated slaughterhouse;

“prescribed communication” means a communication of the results of classification as required by Article 1(2) of Council Regulation (EEC) No. 1186/90 extending the scope of the Community scale for the classification of carcasses of adult bovine animals(8);

“regulated carcass” means the carcass or half-carcass of an adult bovine animal which has been marked in accordance with regulation 11 of, and Schedule 12 to, the 1995 Regulations(9); and

“regulated slaughterhouse” means a slaughterhouse (as defined by regulation 2(1) of the 1995 Regulations) licensed in accordance with regulation 4 of the 1995 Regulations(10).

(2) Other expressions used in these Regulations have, in so far as the context requires, the same meanings as in the Community provisions.

## Exemption

3. The classification requirements shall not be compulsory in relation to an exempt occupier or an exempt carcass.

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(5) O.J. No. L 123, 7.5.81, p.3, amended by Council Regulation (EEC) No. 1026/91, O.J. No. L 106, 26.4.1991, p.2.

(6) O.J. No. L 41, 14.2.91, p.15, amended by Commission Regulation (EEC) No. 3087/91, O.J. No. L 291, 23.10.1991, p.15, Commission Regulation (EEC) No. 2191/93, O.J. No. L 196, 5.8.1993, p.17, Commission Regulation (EC) No. 1993/95, O.J. L 194, 17.8.1995, p.7, and Commission Regulation (EC) No. 1215/03, O.J. No. L 169, 8.7.03, p.32.

(7) 1967 c. 22; section 1 was amended by section 7 of the Agriculture Act 1986 (c. 49).

(8) O.J. No. L 119, 11.5.90 p.32, amended by the Act of Accession of the Kingdom of Norway, Republic of Austria, Republic of Finland and Kingdom of Sweden O.J. C241. 29.8.94, p.122.

(9) Regulation 11 was amended by S.S.I. 2000/62, and Schedule 12 was amended by S.S.I. 2000/288, S.S.I. 2001/358, S.S.I. 2001/429 and S.S.I. 2002/35.

(10) Regulation 4 was amended by S.I. 1995/3189, S.I. 1996/2235, S.S.I. 2000/62 and S.S.I. 2000/171.

## Registration

4.—(1) Every person who on 3rd July 2004 is, or who on a subsequent date becomes, an occupier shall within 28 days of that date give written notice to the Scottish Ministers of the particulars specified in Schedule 2.

(2) A person who has given notice pursuant to regulation 4(1) of the 1991 Regulations to the Secretary of State of the particulars specified in Schedule 2 to those Regulations shall be deemed to have given notice pursuant to paragraph (1).

(3) Where any change occurs in any of the particulars required to be notified under paragraph (1) the occupier shall within 28 days of the change give written notice to the Scottish Ministers of particulars of the change.

(4) Where an occupier ceases to be an occupier that person shall, within 10 days of such cessation, give written notice to the Scottish Ministers of—

- (a) the date of such cessation; and
- (b) the person (if any) succeeding that person as occupier of that slaughterhouse.

(5) Where a regulated slaughterhouse ceases to be such a slaughterhouse its occupier shall, within 10 days of such cessation, give written notice to the Scottish Ministers of the date of such cessation.

## Labelling instead of marking

5. Subject to—

- (a) the final paragraph of Article 1(2) of the Commission Regulation;
- (b) Article 4(3)(b) and (c) of Commission Regulation (EC) No. 562/00 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 as regards the buying-in of beef<sup>(11)</sup>; and
- (c) Article 3(2)(a) of Commission Regulation (EC) No. 907/00 laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 as regards aid for private storage in the beef and veal sector<sup>(12)</sup>,

an occupier may, instead of marking a regulated carcase in accordance with Article 1(1) of the Commission Regulation, label it in accordance with Article 1(2) of that Regulation, and such labels shall be applied on the positions specified in Article 1(1) of that Regulation.

## Licensed classifiers

6.—(1) Classification shall not be carried out by any person unless that person holds a licence granted under this regulation and complies with the terms and conditions of that licence.

(2) The Scottish Ministers may grant a licence to any person appearing to them to be qualified to carry out classification.

(3) A licence under this regulation—

- (a) shall come into force on the day it is issued;
- (b) shall be in the form prescribed in Schedule 3;
- (c) shall be subject to the conditions specified in the licence; and

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(11) O.J. No. L 68, 16.3.00, p.22, amended by Commission Regulation (EC) No. 2734/00, O.J. No. L 316, 15.12.2000, p.45, Commission Regulation (EC) No. 283/01, O.J. No. L 41, 10.2.2001, p.22, Commission Regulation (EC) No. 503/01, O.J. No. L 73, 15.3.2001, p.16, Commission Regulation (EC) No. 590/01, O.J. No. L 86, 27.3.2001, p.30, Commission Regulation (EC) No. 1082/01, O.J. No. L 149, 2.6.2001, p.19, Commission Regulation (EC) No. 1564/01, O.J. No. L 208, 1.8.2001, p.14, Commission Regulation (EC) No. 1592/01, O.J. No. L 210, 3.8.01, p.18.

(12) O.J. No. L 105, 3.5.00, p.6.

- (d) may be suspended or revoked—
  - (i) for contravention of any condition specified in that licence, or
  - (ii) in the circumstances referred to in the fifth paragraph of Article 3(2) of the Commission Regulation.

### **Licence for automated grading**

7.—(1) Classification shall not be carried out by means of automated grading equipment at any premises unless the occupier holds a licence granted under this regulation for the use of that equipment at those premises, and complies with the terms and conditions of that licence.

(2) The Scottish Ministers may grant a licence to an occupier pursuant to Article 3(1a) of the Commission Regulation authorising the use of automated grading equipment for classification at specified premises in Scotland.

- (3) A licence under this Regulation—
  - (a) shall come into force on the date it is issued;
  - (b) shall be in the form prescribed in Schedule 4;
  - (c) shall be subject to the conditions specified in the licence; and
  - (d) may be suspended or revoked—
    - (i) for contravention of any condition specified in the licence, or
    - (ii) in the circumstances referred to in the fifth paragraph of Article 3(2) of the Commission Regulation.

### **Keeping, retention and production of records**

- 8.—(1) An occupier who is not an exempt occupier shall—
  - (a) keep a record of the particulars specified in Part I of Schedule 5 relating to each regulated carcass which is classified in a regulated slaughterhouse occupied by that person; and
  - (b) keep a record of the particulars specified in Part II of Schedule 5 relating to each exempt carcass which is obtained in a regulated slaughterhouse occupied by that person.
- (2) An exempt occupier shall keep a record of the particulars specified in Part III of Schedule 5.
- (3) A person required, under paragraph (1) or (2) or under a Community provision, to keep a record shall—
  - (a) retain that record for a period of two years from the end of the calendar year to which the record relates; and
  - (b) upon demand by an authorised officer produce or cause to be produced the record for inspection by the authorised officer and shall permit that authorised officer to take copies and make extracts from it.

### **Classifications by the MLC**

9.—(1) The MLC may make an agreement with an occupier to the effect that the MLC may carry out the classification requirements in respect of regulated carcasses at a regulated slaughterhouse occupied by the occupier.

(2) Where an agreement is made under paragraph (1) the MLC shall immediately give written notice to the Scottish Ministers of that agreement.

(3) The MLC shall, as soon as is reasonably practicable after carrying out classification requirements, provide the occupier with the particulars specified in paragraphs 1, 3 and 5 of Part I

of Schedule 5 and any other details relating to those classification requirements as the occupier may reasonably require so as to enable the occupier to give a prescribed communication and to comply with regulation 8.

(4) Where the MLC suspends or revokes an agreement under paragraph (1), it shall immediately give written notice to the occupier and the Scottish Ministers of that fact.

(5) Where the occupier suspends or revokes an agreement under paragraph (1), the occupier shall immediately give written notice to the MLC and the Scottish Ministers of that fact.

### **Powers of authorised officers**

**10.**—(1) An authorised officer may at all reasonable hours and on producing, if so required, a duly authenticated document showing the officer's authority, for the purpose of ascertaining whether any Community provision or these Regulations have been or are being complied with—

- (a) enter any regulated slaughterhouse or any slaughterhouse which that officer reasonably suspects to be a regulated slaughterhouse;
- (b) inspect any regulated carcase or part of such a carcase, or any carcase or part of a carcase which that officer reasonably suspects to be a regulated carcase or part of a regulated carcase, in that slaughterhouse;
- (c) examine any records which an occupier is required to keep, under regulation 8 or a Community provision, 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;
- (d) 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
- (e) retain any such record which the officer has reason to believe may be required as evidence in proceedings under these Regulations.

(2) An authorised officer entering a regulated slaughterhouse or other slaughterhouse by virtue of this regulation may be accompanied by such other persons, to assist the authorised officer for the purposes of these Regulations, and such equipment as the officer considers necessary.

### **Assistance to authorised officers**

**11.** An occupier and the MLC when carrying out the classification requirements under regulation 9 shall give to an authorised officer such assistance as the authorised officer reasonably requests so as to enable the officer to exercise any power conferred under regulation 10.

### **Notices**

**12.**—(1) A written notice to be given under regulations 4 or 9 or any prescribed communication may be given—

- (a) by delivering it to the specified person; or
- (b) by leaving or sending it in a pre-paid letter addressed to the specified person, at the usual or last known place of business or residence of the specified person, or in the case of a body corporate its principal place of business in Great Britain or registered office, or in the case of the MLC its head office, or in the case of the Scottish Ministers at such address as they may specify for these purposes.

(2) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication as defined in the Electronic Communications Act 2000(13), which has been recorded and is consequently capable of reproduction.

(3) A written notice or prescribed communication may be sent to a person as an electronic communication only if that person has consented in writing to the use of that method of communication.

(4) A written notice or prescribed communication sent to a person as an electronic communication shall be regarded as sent when the text of it is received in a legible form.

### **Offences and penalties**

13.—(1) If any person—

- (a) intentionally obstructs an authorised officer (or a person assisting the authorised person in accordance with regulation 10) in the exercise of the powers conferred by regulation 10; or
- (b) fails to comply with a request under regulation 8(3)(b) , 10(1)(d) or 11,

that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person—

- (a) fails to comply with any other requirement imposed on that person under a Community provision or these Regulations;
- (b) contravenes any prohibition contained in a Community provision or these Regulations;
- (c) for the purpose of obtaining a licence under regulation 6 or 7, knowingly or recklessly makes a statement which is false in a material particular; or
- (d) makes an alteration to a licence obtained under regulation 6 or 7,

that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under paragraph (1) or (2) above may, subject to paragraph (4), be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to the knowledge of the procurator fiscal.

(4) No such proceedings shall be commenced by virtue of paragraph (3) more than twelve months from the commission of the offence.

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

- (a) a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in the opinion of the procurator fiscal to warrant the proceedings came to the knowledge of the procurator fiscal shall be conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(6) If any person—

- (a) makes an entry which that person knows to be false in any record which is required to be kept by virtue of regulation 8(1) or (2) or with intent to deceive makes use of any entry which that person knows to be false; or
- (b) with intent to deceive—
  - (i) applies to a regulated carcase or part of such a carcase a mark prescribed by Article 1(1) of the Commission Regulation, or

- (ii) applies to a label attached by virtue of regulation 5 an indication prescribed by Article 1(2) of that Regulation; or
- (c) applies to a regulated carcass or part of such a carcass a mark so closely resembling a mark prescribed by Article 1(1) of the Commission Regulation as to be calculated to deceive; or
- (d) applies to a label attached by virtue of regulation 5 an indication so closely resembling an indication prescribed by Article 1(2) of the Commission Regulation as to be calculated to deceive,

that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(7) Where a body corporate or a partnership is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate;
- (b) any person who was purporting to act in any such capacity; or
- (c) in the case of a partnership, a partner or person who was purporting to act as such,

any such person, as well as the body corporate or partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(8) For the purposes of paragraph (7), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Defence of due diligence**

**14.** It shall be a defence for a person charged with an offence under these Regulations to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence or its commission by a person under the control of the person so charged.

### **Amendment of the Agriculture Act 1967**

**15.** For paragraph 10A of Part I of Schedule 1 to the Agriculture Act 1967(**14**) substitute—

“**10A.** Functions under regulation 9 of the Beef Carcass (Classification) (Scotland) Regulations 2004 (classification by the MLC of certain carcasses).”.

### **Licences, records and agreements under the 1991 Regulations**

**16.** Any licence issued under regulation 6, record kept under regulation 8 or agreement with the MLC under regulation 9 shall be treated as if issued, made or kept under these Regulations.

### **Revocations**

**17.** The 1991 Regulations, the Beef Carcass (Classification) (Amendment) Regulations 1994(**15**) and the Beef Carcass (Classification) (Amendment) Regulations 1998(**16**) are hereby revoked.

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(14) Paragraph 10A was inserted by S.I. 1991/2242.

(15) S.I. 1994/2853.

(16) S.I. 1998/12.

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St Andrew's House, Edinburgh  
9th June 2004

*ROSS FINNIE*  
A member of the Scottish Executive



## SCHEDULE 1

Regulation 2(1)

## Community provisions

<i>(1)</i> Regulations containing Community provision	<i>(2)</i> Provision	<i>(3)</i> Subject Matter
<p><b>1.</b> Council Regulation (EEC) No. 1208/81 determining the scale for the classification of carcasses of adult bovine animals<sup>(17)</sup>.</p>	Article 3(1)	Categories of carcass.
	Article 3(2), read with Annexes I and II	Classes of conformation and fat cover.
	Article 4(1)	Requirements as to the timing and location of classification.
	Article 4(2)	Requirement to identify carcasses and half-carcasses.
<p><b>2.</b> Council Regulation (EEC) No. 1186/90 extending the scope of the Community scale for the classification of carcasses of adult bovine animals<sup>(18)</sup>.</p>	Article 4(3)	Authorisation to remove external fat.
	Article 1(1)	Requirement for regulated slaughterhouses to classify and identify regulated carcasses from 1st January 1992.
<p><b>3.</b> Commission Regulation (EEC) No. 2930/81 adopting additional provisions for the application of the Community scale for the classification of carcasses of adult bovine animals<sup>(19)</sup>.</p>	Article 1(2)	Requirement to give the prescribed communication.
	Article 1, read with Annex	Additional provisions specifying the definition of the classes of conformation and fat cover.
<p><b>4.</b> Commission Regulation (EEC) No. 563/82 laying down detailed rules for the application of Council Regulation (EEC) No. 1208/81<sup>(20)</sup>.</p>	Article 2	Requirements as to the criterion for differentiating between categories of uncastrated male animals.

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(17) O.J. No. L 123, 7.5.81, p.3, amended by Council Regulation (EEC) No. 1026/91, O.J. No. L 106, 26.4.1991, p.2.

(18) O.J. No. L 119, 11.5.90, p.32, amended by the Act of Accession of the Kingdom of Norway, Republic of Austria, Republic of Finland and Kingdom of Sweden, O.J. No. C241, 29.8.94, p.122.

(19) O.J. No. L 293, 13.10.81, p.6, amended by Commission Regulation (EEC) No. 2237/91, O.J. No. L 204, 27.7.91, p.11.

(20) O.J. No. L 67, 11.3.82, p.23, amended by Commission Regulation (EEC) No. 1935/83, O.J. No. L 191, 15.7.1983, p.41, Commission Regulation (EEC) No. 3402/85, O.J. No. L 322, 3.12.1985, p.14, Commission Regulation (EEC) No. 2090/93, O.J. No. L 190, 30.7.1993, p.9, and Commission Regulation (EEC) No. 2181/01, O.J. No. L 293, 10.11.01, p.8.

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<i>(1)</i> <i>Regulations containing Community provision</i>	<i>(2)</i> <i>Provision</i>	<i>(3)</i> <i>Subject Matter</i>
	Article 3	Requirements as to the removal of external fat.
<b>5.</b> Commission Regulation (EEC) No. 344/91 laying down detailed rules for applying Council Regulation (EEC) No. 1186/90(21).	Article 1(1)	Requirements as to the identification of regulated carcasses by marking.
	Article 1(2)	Requirements as to the identification of regulated carcasses by labelling.
	Article 1(2a)	Requirements as to timing of classification.
	Article 1(3)	Prohibition on the removal of marks and labels before boning.
	Article 1(4)	Requirement to indicate the category of carcase.
	Article 1(5)	Requirement to include classes of conformation, fat cover and category on invoices or documents attached thereto when communicating the classifications results under Article 1(2) of Regulation 1186/90.
	Article 3(1b)	Requirements as to identification and keeping of daily control reports where automated grading techniques are used.
	Article 3(1c)	Provision about modification of the technical specification of automated grading techniques.
<b>6.</b> Commission Regulation (EC) No. 295/96 laying down detailed rules for the application of Council Regulation (EEC) No. 1892/87(22).	Article 2(1)	Requirement to record market prices.

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(21) O.J. No. L 41, 14.2.91, p.15, amended by Commission Regulation (EEC) No. 3087/91, O.J. No. L 291, 23.10.1991, p.15, Commission Regulation (EEC) No. 2191/93, O.J. No. L 196, 5.8.1993, p.17, Commission Regulation (EC) No. 1993/95, O.J. No. L 194, 17.8.1995, p.7, and Commission Regulation (EC) No. 1215/03, O.J. No. L 169, 8.7.03, p.32.

(22) O.J. No. L 39, 17.2.96, p.1.

## SCHEDULE 2

Regulation 4(1)

Particulars of a regulated slaughterhouse to be notified to the Scottish Ministers

1. The full name and address of the occupier. Where the occupier is a partnership or joint owners, the full names and addresses of all the partners or joint owners. Where the occupier is a body corporate, the full name, registered office address and registration number of the body.
2. The address, telephone number and approval number of the regulated slaughterhouse.
3. The principal place of business of the occupier.
4. The name under which the regulated slaughterhouse is operated.
5. The date on which the occupier became the occupier of the regulated slaughterhouse.
6. A reasonable forecast (expressed as a weekly average) of the number of adult bovine animals to be slaughtered in the regulated slaughterhouse during the next twelve months, based on the actual number of such animals slaughtered in that slaughterhouse (if any) during the preceding twelve months or other relevant factors.

## SCHEDULE 3

Regulation 6(3)

Form of Classification Licence

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(issuing Department)

(serial number of licence)

**LICENCE TO CLASSIFY CARCASSES OF ADULT BOVINE ANIMALS**

This licence is granted under regulation 6 of the Beef Carcase (Classification) (Scotland) Regulations 2004 ("the Regulations") to:

Title (Mr/Mrs etc.) .....

Name in full .....

of ..... (Name and head office address of employer or, if self employed, home address)

and authorises you to carry out the classification of regulated carcasses in accordance with the Regulations and the Community provisions specified therein.

This licence may be suspended or revoked by the Scottish Ministers in accordance with the Regulations.

The loss of this licence must be reported to the Scottish Executive Environment and Rural Affairs Department ("SHERAD") at once.

If found this licence must be handed in at the nearest police station.

*Conditions*

1. The licence is valid only for use in regulated slaughterhouses in Scotland.
2. It is **not** transferable to any other person.
3. It must be kept in your possession when you are engaged in classification or any activities associated with classification and be made available for inspection by authorised officers of the Scottish Ministers on demand.
4. It becomes invalid if you leave the employment of the employer specified on this licence, or, if self employed, your home address changes.
5. It remains the property of SHERAD.
6. It must be surrendered to SHERAD on demand or on becoming invalid.

Issued by ..... on (date) .....

(photograph of licensee)

Signature .....

(for and on behalf of the Scottish Ministers)

(issuing Department)

(serial number of licence)

LICENCE TO CLASSIFY CARCASSES OF ADULT BOVINE ANIMALS USING AUTOMATED GRADING EQUIPMENT

This licence is granted under regulation 7 of the Beef Carcase (Classification) (Scotland) Regulations 2004 ("the Regulations") to:

Name and address of occupier .....

and authorises the classification of regulated carcasses in accordance with the Regulations, the Community provisions specified therein and the conditions set out below using the following automated grading equipment

..... (Make and serial number of automated grading equipment)

at-

Address of premises .....

This licence may be suspended or revoked by the Scottish Ministers in accordance with the Regulations.

The loss of this licence must be reported to the Scottish Executive Environment and Rural Affairs Department ("SEERAD") at once.

If found this licence must be handed in at the nearest police station.

Conditions

1. The licence is valid only for the use of the specified automated grading equipment in the specified premises.
2. It is not transferable to any other person.
3. It must be kept at the specified premises while the specified automated grading equipment is in use, and be made available for inspection by authorised officers of the Scottish Ministers on demand.
4. It is limited to the classification of regulated carcasses of adult bovine animals belonging to the categories A, B, C, D and E referred to in Article 3(1) of Council Regulation (EEC) No. 1208/81(a).
5. It is limited to the conformation classes (within the meaning of Article 3(2) of and Annex I to Council Regulation (EEC) No. 1208/81) and fat cover classes (within the meaning of Article 3(2) of and Annex II to that Regulation) for which the specified automated grading equipment is authorised pursuant to Article 3(1a) of the Commission Regulation.
6. It remains the property of SEERAD.
7. It must be surrendered to SEERAD on demand or on becoming invalid.
8. A licensed classifier must be present at the premises specified in this licence while automated grading equipment is in use for the purpose of classification in order to identify any regulated carcasses not classified by the automated grading equipment, and to classify those carcasses.

Issued by ..... on (date).....

Signature .....

(For and on behalf of the Scottish Ministers)

(a) OJ No. L 23, 7.5.81, p.3, amended by Council Regulation (EEC) No. 1026/91 O.J. No. L 106, 26.4.91, p.2.

## SCHEDULE 5

Regulation 8

### Records

#### PART I

##### Records to be kept by occupier for each classified regulated carcass

1. The results of the classification.
2. The approval number of the regulated slaughterhouse.
3. The kill or slaughter number of the animal from which the regulated carcass was obtained, as allocated by the occupier.
4. The date of slaughter.
5. The weight of the regulated carcass.
6. A record that the prescribed communication has been effected.
7. The name and Classification Licence serial number of the person who carried out the classification.

#### PART II

##### Records to be kept by occupier for each exempt carcass

1. The approval number of the regulated slaughterhouse.
2. The kill or slaughter number of the animal from which the exempt carcass was obtained, as allocated by the occupier.
3. The name and address of the retailer on whose account the exempt carcass was obtained.

#### PART III

##### Records to be kept by exempt occupier

1. The approval number of the regulated slaughterhouse.
2. Details relating to the number of all adult bovine animals slaughtered in that regulated slaughterhouse, recorded in such form so as to indicate clearly to an authorised officer the number of such animals slaughtered in any consecutive period of twelve months.

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## EXPLANATORY NOTE

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

These Regulations, which extend to Scotland only, provide for the administration and enforcement of the Community system of classification of beef carcasses as required by Commission Regulation (EEC) No. 344/91 laying down detailed rules for applying Council Regulation (EEC) No. 1186/90 to extend the scope of the Community scale for the classification of carcasses of adult bovine animals (O.J. No. L 41, 14.2.91, p.15).

The Regulations consolidate with minor amendments the Beef Carcase (Classification) Regulations 1991, the Beef Carcase (Classification) (Amendment) Regulations 1994 and the Beef Carcase (Classification) (Amendment) Regulations 1998 which are revoked. In particular they–

- (a) make provision for exemptions from the Community system (regulation 3);
- (b) require every occupier of a regulated slaughterhouse to give the Scottish Ministers particulars of that occupier's business (regulation 4);
- (c) authorise certain carcasses to be identified using labels rather than marks (regulation 5);
- (d) make provision for the granting of classification licences (regulation 6);
- (e) require occupiers of regulated slaughterhouses to keep, retain and produce records (regulation 8);
- (f) give the Meat and Livestock Commission power to carry out classification requirements for regulated carcasses and make provision for its entering into agreements with the occupiers of regulated slaughterhouses for such a purpose (regulation 9);
- (g) confer on authorised officers of the Scottish Ministers powers of entry and inspection for the purpose of ensuring compliance with the Community system and these Regulations, and require that reasonable assistance be given to them at their request (regulations 10 and 11);
- (h) provide for the service of notices (regulation 12); and
- (i) create offences and penalties, and provide for defences (regulations 13 and 14).

In addition, these Regulations introduce provision for granting licences for the use of automated grading equipment for the classification of carcasses (regulation 7) as permitted by Commission Regulation (EC) No. 1215/2003 (O.J. No. L 169, 8.7.03, p.32).

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