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STATUTORY INSTRUMENTS

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**1996 No. 2097**

**FOOD**

**The Fresh Meat (Beef Controls) (No. 2) Regulations 1996**

*Made* - - - - *7th August 1996*  
*Laid before Parliament* *9th August 1996*  
*Coming into force* - - *1st September 1996*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 16(1)(f), 26, 45(1) and 48(1) of the Food Safety Act 1990(1), after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Fresh Meat (Beef Controls) (No. 2) Regulations 1996 and shall come into force on 1st September 1996.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires —

“cattle birth record document” means a document which—

- (a) is issued and authenticated by the Minister of Agriculture, Fisheries and Food or the Secretary of State in respect of a bovine animal for which no national administrative document has been issued; and
- (b) records the date of birth and the ear-tag number of the bovine animal to which it relates;

“cattle passport” has the meaning given in the Cattle Passports Order 1996(2);

“meat” means any part of an animal that is suitable for human consumption;

“national administrative document” means a document issued in pursuance of article 3 of Commission Regulation (EEC) No. 3886/92(3) laying down detailed rules for the application

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40) and section 6(6) was added by section 76 of, and paragraph 16 of Schedule 16 to, that Act.  
(2) S.I.1996/1686.  
(3) O.J. No. L391, 31.12.92, p. 20.

of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89, as last amended by Commission Regulation (EC) No. 1850/95(4); and

“sell” includes possess for sale, and offer, expose or advertise for sale.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, except where the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

### **Prohibition of sale of meat from older bovine animals**

3.—(1) Subject to paragraph (2) of this regulation, no person shall sell for human consumption any meat derived from a bovine animal slaughtered on or after 29th March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to a national administrative document, cattle birth record document or cattle passport relating to the animal that at the time of slaughter the animal was no more than two years and six months old.

(2) Paragraph (1) above shall not apply to meat derived from a bovine animal—

- (a) which was accompanied, at the time of slaughter, by a slaughter certificate issued under the Beef Assurance Scheme set out in Schedule 1;
- (b) which was admitted to a slaughterhouse in accordance with regulation 18(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995(5) and accompanied by a veterinary certificate issued under the Beef Assurance Scheme, or
- (c) which was born, reared and slaughtered in any of the countries specified in Schedule 2.

### **The Beef Assurance Scheme**

4.—(1) A producer may apply to the Minister for the registration of a herd of bovine animals under the Beef Assurance Scheme and, where the herd meets the conditions of eligibility for that scheme set out in Part I of Schedule 1, the Minister shall so register the herd to which the application relates.

(2) The Minister shall remove from the register of herds under the Beef Assurance Scheme any herd in respect of which the conditions of continued membership set out in Part II of Schedule 1 are not met.

(3) A producer whose herd is registered under the Beef Assurance Scheme shall ensure that—

- (a) any animal belonging to that herd which is sent for slaughter for sale for human consumption complies with the conditions set out in Part III of Schedule 1 for the issue of a slaughter certificate; and
- (b) the carcase of any slaughtered animal belonging to that herd which is admitted to a slaughterhouse in accordance with regulation 18(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995 complies with the conditions set out in Part IV of Schedule 1 for the issue of a veterinary certificate.

### **Offences and penalties**

5.—(1) If any person contravenes any provision of these Regulations he shall be guilty of an offence and shall be liable—

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

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(4) O.J. No. L177, 28.7.95, p. 45.

(5) S.I. 1995/539, amended by S.I. 1995/3189 and S.I. 1996/1148.

- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both.
- (2) Paragraph (1) does not apply to anything done or omitted by the Minister.
- (3) No prosecution for an offence under paragraph (1) above shall be begun after the expiry of—
  - (a) three years from the commission of the offence; or
  - (b) one year from its discovery by the prosecutor,whichever is the earlier.

### **Application of various sections of the Act**

6. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

section 2 (extended meaning of “sale” etc.);

section 3 (presumptions that food is intended for sale for human consumption);

section 9 (inspection and seizure of suspected food), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;

section 33 (obstruction etc. of officers);

section 36 (offences by bodies corporate), with the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and

section 44 (protection of officers acting in good faith), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority.

### **Enforcement**

7. In premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 these Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Scotland and Wales, and in any other premises, by the food authority in whose area the premises are situated.

### **Revocation**

8. The Fresh Meat (Beef Controls) Regulations 1996(6) are hereby revoked.

7th August 1996

*Tony Baldry*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

6th August 1996

*Stephen Dorrell*  
Secretary of State,  
Department of Health

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6th August 1996

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

7th August 1996

*Jonathan Evans*  
Parliamentary Under Secretary of State, Welsh  
Office

## SCHEDULE 1

Regulations 3(2)(a) and (b) and 4

### THE BEEF ASSURANCE SCHEME

#### PART I

##### CONDITIONS OF ELIGIBILITY

1. The herd shall be an all beef herd.
2. Any other beef herd in the same ownership or kept on the same holding shall be managed as a separate herd, so that none of the following are common to the herds; calving facilities, housing or grazing, or bulls, if used. Separate records shall be kept under the Bovine Animals (Records, Identification and Movement) Order 1995.
3. No animals kept, reared and used for milk production shall have been present on the same holding within the seven years prior to the application.
4. Any animals born or reared in a dairy herd shall be removed from the herd before it is registered.
5. There shall have been no confirmed cases of BSE—
  - (a) in the herd;
  - (b) in any animal originating from the herd; or
  - (c) in any herd to which animals now in the herd to which the application relates have ever belonged.
6. The herd shall have been in existence for four years, which shall be verifiable from farm records.
7. Over the seven year period prior to the date of application, to the best of the applicant's knowledge no animal in the herd shall have been fed any feed containing meat and bone meal. In order to satisfy himself on this point the applicant shall make all necessary enquiries of suppliers of feed to the holding.
8. Over the four year period prior to the date of application, no animal in the herd shall have been fed any compound feed other than—
  - (a) home mixed feed using no meat and bone meal; or
  - (b) proprietary feed from a mill which only produced feed for ruminants.

#### PART II

##### CONDITIONS OF CONTINUED MEMBERSHIP

1. All movements and deaths of animals shall be notified to the Minister in the form set out in the booklet issued to members of the Beef Assurance Scheme.
2. Animals may only be added to a registered herd where—
  - (a) the herd from which the additional animal is obtained is also a registered herd; or
  - (b) the animal is a replacement breeding animal from a beef herd which satisfies the requirements of paragraph 5 of Part I above.
3. The herd shall continue to meet the requirements set out in paragraphs 1 to 5 of Part I above.

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4. No animal in the herd shall be fed—
  - (a) any feed containing meat and bone meal; or
  - (b) any compound feed other than—
    - (i) home mixed feed using no meat and bone meal; or
    - (ii) proprietary feed from a mill which only produces feed for ruminants.
5. The owner of a registered herd shall pay to the Minister such reasonable charge as he may from time to time determine to be the annual membership fee for the Beef Assurance Scheme, which charge shall not exceed the appropriate share of the administration costs of the Scheme.

### PART III

#### CONDITIONS FOR THE ISSUE OF A SLAUGHTER CERTIFICATE

1. The animal shall be part of a herd which, at the time of issue of the certificate, is registered under the Beef Assurance Scheme and complies with the rules in Part I of this Schedule.
2. The animal shall have been born in the herd to which it belongs at the time of issue of the certificate, or in another herd registered under the Beef Assurance Scheme.
3. The animal shall never have formed part of a herd not registered under the Beef Assurance Scheme.
4. The animal shall have two eartags bearing the official number of the animal, one of which must be readable at a distance.
5. The animal shall not be more than 42 months old.

### PART IV

#### CONDITIONS FOR THE ISSUE OF A VETERINARY CERTIFICATE

1. The carcase shall be that of an animal forming part of a herd which, at the time of slaughter, was registered under the Beef Assurance Scheme and complied with the rules in Part I of this Schedule.
2. The carcase shall be that of an animal born in the herd to which it belonged at the time of slaughter, or in another herd registered under the Beef Assurance Scheme.
3. The carcase shall be that of an animal which never formed part of a herd not registered under the Beef Assurance Scheme.
4. The carcase shall have two ear tags bearing the official number of the animal.
5. The carcase shall be that of an animal not more than 42 months old.

#### SCHEDULE 2

Regulation 3(2)(c)

#### COUNTRIES EXEMPTED FROM REGULATION 3(1)

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Argentina	Paraguay
Australia	Poland

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Botswana	South Africa
Brazil	Swaziland
Mauritius	Uruguay
Namibia	United States of America
New Zealand	Zimbabwe

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### EXPLANATORY NOTE

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

These Regulations continue to make it an offence to sell for human consumption meat derived from bovine animals slaughtered on or after 29 March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to certain documentary evidence that at the time of slaughter the animal was no more than two years and six months old.

The existing exemption from this prohibition (for meat from bovine animals which were born, reared and slaughtered in any of the countries listed in Schedule 2) is now supplemented by a new exemption for meat from bovine animals which belonged to a herd registered under the Beef Assurance Scheme (regulation 3(2)).

The operating rules of the Beef Assurance Scheme are set out in regulation 4 and Schedule 1.

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Animal Health Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey, KT6 7NF.