

2006 No. 2192

AGRICULTURE, ENGLAND

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

<i>Made</i>	- - - -	<i>7th August 2006</i>
<i>Laid before Parliament</i>		<i>11th August 2006</i>
<i>Coming into force</i>	- -	<i>5th September 2006</i>

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community.

In exercise of the powers conferred on him by that section, he makes the following Regulations:

Title, commencement and application

1.—(1) These Regulations may be cited as the Pig Carcase (Grading) (Amendment) (England) Regulations 2006 and come into force on 5th September 2006.

(2) These Regulations apply in relation to England only.

Amendments to the Pig Carcase (Grading) Regulations 1994

2.—(1) The Pig Carcase (Grading) Regulations 1994(c) are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) —

(a) at the end of the definition of “the Commission Decision”, add “, as last amended by Commission Decision (EC) No. 2006/374”(d);

(b) at the end of the definition of “the Commission Regulation”, add “, as amended by Commission Regulation (EC) No. 3127/94”(e).

(3) For paragraph (b) of regulation 6 (weighing, etc., of carcases of pigs), substitute—

“(b) except where the MLC is bound by the obligation specified in regulation 7(5)(c)—

(i) weigh each such pig carcase in accordance with Article 2(2) of the Council Regulation, and where he cannot generally observe the 45-minute requirement of that Article he may in accordance with Article 2(2) of the Commission Regulation seek the consent of the Secretary of State, who is the competent authority for the purposes of that Article, to exceed that period;

(a) S.I. 1972/1811.

(b) 1972 c.68.

(c) S.I. 1994/2155, amended by S.I. 2003/2949 and S.I. 2004/1505.

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

(e) O.J. No. L 330, 21.12.1994, p.43.

- (ii) make a record of the weight of each such pig carcase; and
- (iii) thereafter calculate the weight of the cold carcase in accordance with the provisions of Article 2(1) of the Commission Regulation or, where he has the consent of the Secretary of State under sub-paragraph (i), in accordance with Article 2(2) of the Commission Regulation.”.

(4) In regulation 6(d), for “Article 4(1) or (2) of the Commission Regulation” substitute “Article 4 of the Commission Regulation”.

(5) In regulation 10, after paragraph (b), insert —

“(bb) by sending it to him by fax or other means of electronic communication which produces a text in legible form;”.

Revocations

3. The Pig Carcase (Grading) (Amendment) (England) Regulations 2003(**a**) and the Pig Carcase (Grading) (Amendment) (England) Regulations 2004(**b**) are revoked.

7th August 2006

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2003/2949.
(b) S.I. 2004/1505.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, amend the provisions of the Pig Carcase (Grading) Regulations 1994 (S.I.1994/2155). Those Regulations provide for the administration and enforcement of the Community system for grading pig carcasses established by Council Regulation (EEC) No. 3220/84 (OJ No. L301, 20.11.84 p.1) as amended, the detailed rules for which are set out in Commission Regulation (EEC) No. 2967/85 (OJ No. L285, 25.10.85, p.39) as amended (“the Commission Regulation”).

Commission Decision (EC) No. 2004/370 (OJ No. L116, 22.4.2004, p.32) sets 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 (OJ No. L142, 30.05.2006, p.34) to remove some of the rules specific to the UK. These Regulations, at regulations 2(2)(a) and 2(3), amend the Pig Carcase (Grading) Regulations 1994 to incorporate these amendments.

These Regulations are also amended to—

- (a) update the reference to the Commission Regulation to refer to the Regulation as amended (regulation 2(2)(b));
- (b) provide for carcasses to be weighed in an alternative way as provided by Article 2(2) of the Commission Regulation (regulation 2(3));
- (c) provide for carcasses to be marked in an alternative way as permitted by the Article 4(3) of Commission Regulation (EEC) No. 2967/85 (regulation 2(4)); and
- (d) provide for notices to be served by fax and other electronic communication (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.

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