

2010 No. 1090

AGRICULTURE, ENGLAND

**The Beef and Pig Carcase Classification (England) Regulations
2010**

<i>Made</i>	- - - -	<i>26th March 2010</i>
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PART 1

PART 2

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The Secretary of State, being a Minister 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 Union, makes these Regulations in exercise of the powers conferred by that section and paragraph 1A of Schedule 2 to that Act^(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

(a) S.I. 1972/1811.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51). The function of the former Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

- (a) Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(a), and
- (b) Commission Regulation (EC) No 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof(b).

PART 1

GENERAL PROVISIONS

Title, commencement and application

1. These Regulations may be cited as the Beef and Pig Carcase Classification (England) Regulations 2010; they apply in England and come into force on 1st June 2010.

Interpretation

2.—(1) In these Regulations—

“the 1994 Regulations” means the Pig Carcase (Grading) Regulations 1994(c);

“the 2004 Regulations” means the Beef Carcase (Classification) (England) Regulations 2004(d);

“adult bovine animal” means a bovine animal the live weight of which is more than 300 kilograms;

“approved slaughterhouse” means an establishment used for slaughtering and dressing adult bovine animals or pigs, the meat of which is intended for human consumption, and which—

(a) is approved or conditionally approved under Article 31(2) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(e), or

(b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(f)) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(g);

“authorised officer” means a person authorised by the Secretary of State for the purposes of these Regulations, but does not include a person appointed for the purpose of considering an appeal under regulation 11;

(a) OJ No L 299, 16.11.2007, p 1, to which there are amendments not relevant to these Regulations.
(b) OJ No L 337, 16.12.2008, p 3.
(c) S.I. 1994/2155, amended in relation to England by S.I. 2003/2949, 2004/1505, 2006/2192 and 2008/576.
(d) S.I. 2004/1317.
(e) OJ No L 165, 30.4.2004, p 1. The revised text of the Regulation is contained in a corrigendum (OJ No L 191, 28.5.2004, p 1), and there are further amendments not relevant to these Regulations.
(f) OJ No L 139, 30.4.2004, p 55. The revised text of the Regulation is contained in a corrigendum (OJ No L 226, 25.6.2004, p 22), and there are further amendments not relevant to these Regulations.
(g) S.I. 1995/539, revoked in relation to England by S.I. 2005/2059, in relation to Scotland by S.S.I. 2005/505 and in relation to Wales by S.I. 2005/3292.

“bovine carcase” means a carcase or half-carcase of a slaughtered adult bovine animal bearing a health mark provided for in Article 5(2) of, and Chapter III of Section I of Annex I to, Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption^(a); and in this definition, “carcase” means the whole body as presented after bleeding, evisceration and skinning, and “half-carcase” means the product obtained by separating such a carcase symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis;

“classification”, except as otherwise indicated in regulation 6, means—

- (a) the classification of bovine carcasses in accordance with the European beef provisions, or
 - (b) the classification of pig carcasses in accordance with the European pig provisions,
- as the case may be, and cognate terms are to be construed accordingly;

“clean pig” means a pig which has not been used for breeding;

“Commission Regulation” means Commission Regulation (EC) No 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof;

“Council Regulation” means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;

“European beef provision” means a provision which is specified in column 2 of Schedule 1, the subject matter of which is described in column 3 of that Schedule;

“European pig provision” means a provision which is specified in column 2 of Schedule 2, the subject matter of which is described in column 3 of that Schedule;

“operator” means a person carrying on the business of an approved slaughterhouse;

“pig carcase” means the body of a slaughtered clean pig, bled and eviscerated, whole or divided down the mid-line; and

“prescribed communication” means a communication of the results of classification as required by Article 7(1) of the Commission Regulation.

(2) Other terms used in these Regulations that are also used in the Commission Regulation or the Council Regulation have the meaning they bear in those Regulations.

(3) In these Regulations—

- (a) any reference to the Commission Regulation is a reference to the Commission Regulation as amended from time to time, and
- (b) any reference to the Council Regulation is a reference to the Council Regulation as amended from time to time.

Notices

3.—(1) Any notice required or authorised under these Regulations to be given to any person must be in writing.

(2) Any such notice may be given by—

- (a) delivering it to the person;
- (b) leaving it at the person’s proper address; or
- (c) sending it by post to the person at that address.

(a) OJ No L 139, 30.4.2004, p 206. The revised text of the Regulation is contained in a corrigendum (OJ No L 226, 25.6.2004, p 83); relevant amendments were made by Commission Regulation (EC) No 2074/2005 (OJ No L 338, 22.12.2005, p 27), Commission Regulation (EC) No 2076/2005 (OJ No L 338, 22.12.2005, p 83), Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p 1) and Commission Regulation (EC) No 1021/2008 (OJ No L 277, 18.10.2008, p 15).

(3) Where any such notice is to be given to a body corporate, it may be given to an officer of the body.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978^(a) (service of documents by post) in its application to this regulation, the proper address of any person to whom a notice is to be given is the person's last known address, except that in the case of a body corporate or an officer of the body, the proper address is the address of the registered or principal office of the body.

(5) In this regulation—

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; and

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate.

Revocations

4. The following are revoked—

- (a) the 1994 Regulations, only in so far as they apply in relation to England;
- (b) the Pig Carcase (Grading) (Amendment) (England) Regulations 2003^(b);
- (c) the 2004 Regulations;
- (d) the Pig Carcase (Grading) (Amendment) (England) Regulations 2004^(c);
- (e) the Pig Carcase (Grading) (Amendment) (England) Regulations 2006^(d); and
- (f) the following provisions of the Agriculture and Horticulture Development Board Order 2008^(e), only in so far as they apply in relation to England—
 - (i) in paragraph 8 of Schedule 5, the entry relating to the 1994 Regulations, and
 - (ii) article 18 in so far as it relates to that entry.

PART 2

NOTIFICATIONS BY OPERATORS

Notifications by operators

5.—(1) Every person who on 1st June 2010 is, or who on a subsequent date becomes, an operator, must within 28 days of that date give notice to the Secretary of State of the particulars specified in paragraph (3).

(2) A person who has given notice under—

- (a) regulation 4(1) or (2) of the 1994 Regulations, or
- (b) regulation 4(1) of the 2004 Regulations,

is deemed to have given notice under paragraph (1).

(3) The particulars referred to in paragraph (1) are—

- (a) the full name and address of the operator;
- (b) where the operator is a partnership or joint owners, the full names and addresses of all the partners or joint owners;

(a) 1978 c. 30.
(b) S.I. 2003/2949.
(c) S.I. 2004/1505.
(d) S.I. 2006/2192.
(e) S.I. 2008/576.

(c) where the operator is a body corporate, the full name, registered office address and registration number of the body; and

(d) the address, telephone number and approval number of the slaughterhouse.

(4) Where any change occurs in any of the particulars specified in paragraph (3), the operator must within 28 days of the change give notice to the Secretary of State of particulars of the change.

(5) Where an operator (“O”) ceases to be the operator of an approved slaughterhouse, O must within 10 days of such cessation give notice to the Secretary of State of—

(a) the date of such cessation; and

(b) the person (if any) succeeding O as operator of that slaughterhouse.

(6) Where an approved slaughterhouse ceases to be such a slaughterhouse its operator must within 10 days of such cessation give notice to the Secretary of State of the date of such cessation.

PART 3

BOVINE CARCASSES

Application of these Regulations to small-scale bovine operators

6.—(1) A small-scale bovine operator is not required to classify bovine carcasses.

(2) These Regulations do not apply to a small-scale bovine operator which does not classify bovine carcasses.

(3) But if a small-scale bovine operator chooses to classify bovine carcasses, these Regulations apply in relation to that operator and the classification of those carcasses.

(4) In paragraphs (2) and (3), “classify” means classify in accordance with the European beef provisions or otherwise than in accordance with those provisions, and “classification” is to be construed accordingly.

(5) In this regulation, “small-scale bovine operator” means an operator of an approved slaughterhouse at which not more than 75 adult bovine animals per week as an annual average are slaughtered.

(6) Nothing in this regulation prevents the application of these Regulations to an operator in relation to pig carcasses if pigs are also slaughtered in that operator’s slaughterhouse.

Competent authority etc.: bovine carcasses

7.—(1) The Secretary of State is the competent authority for the purposes of—

(a) Article 9 of the Commission Regulation (authorisation of automated grading techniques);

(b) Article 10(2)(b) of the Commission Regulation (classification by automated grading techniques); and

(c) Article 16 of the Commission Regulation (reporting of weekly prices to the competent authority and calculation of weekly prices).

(2) The Secretary of State is responsible for on-the-spot checks as described in Article 11 of the Commission Regulation.

Labelling instead of marking

8. Subject to—

(a) the final paragraph of Article 6(4) of the Commission Regulation,

- (b) Article 4(3)(c) of Commission Regulation (EC) No 1669/2006^(a) laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef^(b), and
- (c) point I(a) of Annex I to Commission Regulation (EC) No 826/2008 laying down common rules for the granting of private storage aid for certain agricultural products^(c),

an operator may, instead of marking a bovine carcass in accordance with Article 6(3) of the Commission Regulation, label it in accordance with Article 6(4) of that Regulation.

Licence to carry out classification

9.—(1) The Secretary of State must grant a licence to carry out classification of bovine carcasses to any person who applies for such a licence and who appears to the Secretary of State to be qualified to carry out classification, but the Secretary of State may refuse to grant such a licence if the Secretary of State is satisfied that the applicant is not a fit and proper person to carry out classification of bovine carcasses.

(2) In addition to the power to revoke a licence in the circumstances mentioned in Article 12(2) of the Commission Regulation (incorrect classifications or identifications), the Secretary of State may suspend or revoke a licence granted to a person under this regulation—

- (a) if the person has contravened any of the terms or conditions of that licence; or
- (b) if the Secretary of State is satisfied that the person holding that licence is no longer a fit and proper person to carry out classification of bovine carcasses.

(3) Where the Secretary of State takes any decision in relation to a licence under this regulation which gives rise to a right of appeal under regulation 11, the Secretary of State must inform the person concerned of—

- (a) the right of appeal; and
- (b) the details of the person to whom an appeal may be made.

Licence for automated grading

10.—(1) The Secretary of State may grant, to the operator of an approved slaughterhouse, a licence authorising the use of automated grading equipment for classification of bovine carcasses at that slaughterhouse.

(2) In addition to the power to revoke a licence in the circumstances mentioned in Article 12(2) of the Commission Regulation, the Secretary of State may suspend or revoke a licence granted to an operator under this regulation—

- (a) if the operator has contravened any of the terms or conditions of that licence; or
- (b) if the Secretary of State considers that the automated grading equipment no longer meets the standards required by Article 9 of, and Annex II to, the Commission Regulation, whether for reasons connected with the equipment itself or with the operator's manner of use of the equipment.

(3) Where the Secretary of State takes any decision in relation to a licence under this regulation which gives rise to a right of appeal under regulation 11, the Secretary of State must inform the operator concerned of—

- (a) the right of appeal; and
- (b) the details of the person to whom an appeal may be made.

(a) OJ No L 312, 11.11.2006, p 6, to which there are amendments not relevant to these Regulations.
(b) OJ No L 160, 26.6.1999, p 21, to which there are amendments not relevant to these Regulations.
(c) OJ No L 223, 21.8.2008, p 3, to which there are amendments not relevant to these Regulations.

Appeals regarding licences

11.—(1) A person may appeal against—

- (a) a decision by the Secretary of State to refuse an application by that person for a licence under regulation 9 or 10;
- (b) a term or condition imposed by the Secretary of State in a licence granted to that person under regulation 9 or 10; or
- (c) a decision by the Secretary of State to suspend or revoke a licence granted to that person under regulation 9 or 10.

(2) The appeal must be made to a person appointed for the purpose by the Secretary of State.

(3) The appointed person must consider the appeal (but may not consider any new information not available to the Secretary of State at the time of the original decision) and any representations made by the Secretary of State, and must report in writing, with a recommended course of action, to the Secretary of State.

(4) The Secretary of State must then reach a final decision and notify the appellant of that decision and the reasons for it.

Records: bovine carcasses

12.—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 3 relating to each bovine carcass which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

PART 4

PIG CARCASSES

Exemption for small-scale pig operators

13.—(1) These Regulations do not apply to an operator of an approved slaughterhouse at which not more than 200 clean pigs per week as an annual average are slaughtered.

(2) But nothing in paragraph (1) prevents the application of these Regulations in relation to bovine carcasses if adult bovine animals are also slaughtered in that operator's slaughterhouse.

Competent authority etc.: pig carcasses

14.—(1) The Secretary of State is the competent authority for the purposes of Article 22(2) of the Commission Regulation (carcass weight).

(2) The Secretary of State is responsible for on-the-spot checks as described in Article 24 of the Commission Regulation.

Records instead of marking

15. Except where a pig carcass is to be marketed uncut in another member State, an operator may, instead of marking a pig carcass in accordance with Article 21(3) of the Commission Regulation—

- (a) identify a pig carcass, and
- (b) complete a record in relation to that carcass,

as provided for by Article 21(4) of that Regulation.

Records: pig carcasses

16.—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 4 relating to each pig carcass which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

PART 5

ENFORCEMENT AND OFFENCES

Powers of entry

17.—(1) An authorised officer may at any reasonable hour and on producing, if so required, a duly authenticated authorisation, enter an approved slaughterhouse and any associated premises in which carcasses may be handled or records relating to those carcasses may be kept, for the purpose of ascertaining whether—

- (a) any offence under these Regulations is being or has been committed on the premises; or
- (b) there is on the premises any evidence of any such offence.

(2) The officer may be accompanied by such other persons as the officer considers necessary, including any representative of the European Commission.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into premises for any purpose in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the operator; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the operator temporarily absent,

the justice may by signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(4) A warrant granted under this regulation continues in force for three months.

(5) An officer who enters any unoccupied premises, or premises in which the operator is temporarily absent, must leave them as effectively secured against unauthorised entry as they were before entry.

Powers of authorised officers

18. An authorised officer entering premises under these Regulations may—

- (a) inspect any bovine carcass or pig carcass or part of such a carcass, or any carcass or part of a carcass which the officer reasonably suspects to be a bovine carcass or pig carcass or part of such a carcass, on those premises;
- (b) examine any record which an operator is required to keep under regulation 12 or 16 or under the Commission Regulation, 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;
- (c) 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
- (d) retain any such record which the officer has reason to believe may be required as evidence in proceedings under these Regulations.

Enforcement notices

19.—(1) If the Secretary of State (“S”) has reason to believe that a person (“P”) has committed an offence under these Regulations, S may give P a notice (an enforcement notice) in accordance with paragraph (2).

(2) An enforcement notice must—

- (a) state S’s grounds for believing this;
- (b) specify the matter that constitutes the offence;
- (c) specify what P must stop doing, or the measure that, in S’s opinion, P must take in order to comply with these Regulations;
- (d) require P to stop doing the action specified in the notice, or take the measures specified in the notice, or measures at least equivalent to them, within the period (being not less than 14 days) specified in the notice;
- (e) inform P of the right of appeal conferred by regulation 20; and
- (f) inform P of the period within which such an appeal may be brought.

(3) Any person who contravenes or fails to comply with an enforcement notice is guilty of an offence.

Appeals against enforcement notices

20.—(1) A person may appeal to a magistrates’ court against an enforcement notice if that person has reason to believe that the notice should not have been given.

(2) A person may appeal within the period of one month beginning with the date on which the notice was given.

(3) The procedure is by way of complaint for an order, and the Magistrates’ Court Act 1980(a) applies to the proceedings.

(4) On an appeal the court may either cancel or affirm the notice and, if the court affirms the notice, it may do so either in its original form or with such modifications as the court thinks fit.

Penalty notices

21.—(1) If the Secretary of State has reason to believe that a person has committed an offence under these Regulations, the Secretary of State may give that person a notice (a penalty notice) in accordance with paragraphs (2) and (3).

(2) A penalty notice may be of any amount up to a maximum of £5,000.

(3) A penalty notice must—

- (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence;
- (b) state the amount of the penalty;
- (c) state the period during which, by virtue of regulation 22, proceedings will not be taken for the offence;
- (d) state the address at which the penalty may be paid; and
- (e) state that payment must not be made in cash.

Restriction on proceedings for penalty offence

22.—(1) Where a person is given a penalty notice—

(a) 1980 c. 43; sections 51 and 52 have been substituted by the Courts Act 2003 (c. 39), section 47.

- (a) no proceedings may be brought against that person for the offence to which that notice relates before the end of the period of 28 days, beginning with the date on which the notice was given; and
- (b) that person may not be convicted of the offence if the penalty is paid in accordance with regulation 23 before the end of that period.

(2) Paragraph (1) does not apply if the penalty notice is withdrawn in accordance with regulation 24.

Payment of penalty

23.—(1) Payment of any penalty must be made to the Secretary of State by sending it by post or by such method as may be specified in the notice.

(2) In any proceedings a certificate purporting to be signed by or on behalf of the Secretary of State stating that payment of a penalty was or was not received by the date specified in the certificate is evidence of the facts stated.

Withdrawal of penalty notice

24.—(1) A penalty notice may be withdrawn if the Secretary of State has reason to believe that it ought not to have been given (whether to the person named in the penalty notice or otherwise).

(2) A penalty notice may be withdrawn by the Secretary of State giving notice to the person named in the penalty notice before or after payment of the penalty.

(3) Where a penalty notice is withdrawn, the Secretary of State must repay any penalty paid under the penalty notice to the person named in the penalty notice within 28 days, beginning with the date on which notice of the withdrawal of the penalty notice was sent.

Offences: European beef provisions

25.—(1) Subject to regulation 8 (labelling instead of marking), any person who—

- (a) fails to comply with any requirement under a European beef provision, or
- (b) contravenes any prohibition contained in a European beef provision,

is guilty of an offence.

(2) But a person falling within paragraph (3) does not commit an offence if that person—

- (a) fails to comply with any requirement under a Part 2 European beef provision; or
- (b) contravenes any prohibition contained in a Part 2 European beef provision.

(3) A person falls within this paragraph if the person is—

- (a) an operator of an approved slaughterhouse which itself bones all the bovine carcasses which it obtains; or
- (b) responsible for the classification of bovine carcasses in such a slaughterhouse.

(4) In this regulation, “Part 2 European beef provision” means a provision of the Commission Regulation which is specified in column 2 of Part 2 of Schedule 1.

Offences: European pig provisions

26. Subject to regulation 15 (records instead of marking), any person who—

- (a) fails to comply with any requirement under a European pig provision, or
- (b) contravenes any prohibition contained in a European pig provision,

is guilty of an offence.

Offences: notifications by operators

27. Any person who fails to comply with any requirement of regulation 5 (notifications by operators) is guilty of an offence.

Offences: licences (bovine carcasses)

28.—(1) If classification of a bovine carcass is carried out at an approved slaughterhouse—

- (a) without a licence granted under regulation 9, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(2) If classification of a bovine carcass is carried out at an approved slaughterhouse by means of automated grading equipment—

- (a) without a licence granted under regulation 10 for the use of that equipment at that slaughterhouse, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(3) Any person who makes an alteration to a licence granted under regulation 9 or 10 is guilty of an offence.

Offences: records and marks

29.—(1) Any person who fails to comply with any requirement of regulation 12 (records: bovine carcasses) or regulation 16 (records: pig carcasses) is guilty of an offence.

(2) Any person who—

- (a) applies to a bovine carcass or part of such a carcass a mark—
 - (i) prescribed by Article 6(3) of the Commission Regulation, or
 - (ii) closely resembling a mark prescribed by that provision, which is likely to mislead;
- (b) applies to a pig carcass or part of such a carcass a mark—
 - (i) prescribed by Article 21(3) of the Commission Regulation, or
 - (ii) closely resembling a mark prescribed by that provision, which is likely to mislead;
- (c) applies to a label relating to a bovine carcass or part of such a carcass an indication—
 - (i) prescribed by Article 6(4) of that Regulation, or
 - (ii) closely resembling an indication prescribed by that provision, which is likely to mislead; or
- (d) applies to a pig carcass or part of such a carcass a label prescribed by the last subparagraph of Article 21(3) of the Commission Regulation which is likely to mislead,

is guilty of an offence.

Offences: obstruction etc.

30. Any person who—

- (a) without reasonable excuse, obstructs any person acting under these Regulations,

- (b) without reasonable cause, fails to give any person acting under these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations,
- (c) gives any person acting under these Regulations any information knowing it to be false or misleading, or
- (d) fails to produce any document or record when required to do so by any person acting under these Regulations,

is guilty of an offence.

Period for bringing prosecution

31.—(1) Proceedings for an offence under regulation 19(3), 25, 26, 27, 28, 29(1) or 30 may be brought within a period of 12 months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor’s opinion, to justify proceedings.

(2) But no such proceedings may be brought more than 18 months from the commission of the offence.

(3) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence sufficient to justify the proceedings is conclusive evidence of that fact;
- (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

32.—(1) If an offence under these Regulations committed by a body corporate is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer, that officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.

(3) In this regulation, “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Defence of due diligence

33. It is a defence for a person charged with an offence under these Regulations (“P”) to prove that P took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by P or by a person under P’s control.

Offences: punishment

34.—(1) A person guilty of an offence under—

- (a) regulation 19(3) (enforcement notices),
- (b) regulation 25 (European beef provisions),
- (c) regulation 26 (European pig provisions),
- (d) regulation 27 (notifications by operators),
- (e) regulation 28 (licences (bovine carcasses)),
- (f) regulation 29(1) (records), or
- (g) regulation 30 (obstruction etc.),

is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under regulation 29(2) (misleading marks etc.) is liable—

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

(b) on conviction on indictment, to a fine.

Jim Fitzpatrick

Minister of State

26th March 2010

Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 2

European provisions: bovine carcasses

PART 1

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Council Regulation	Annex V, point A(II), together with Article 2(3) and (4) and 6(6) of the Commission Regulation	Requirement to indicate the category of carcase as specified in these provisions
	Annex V, point A(III), together with Article 3 of, and Annex I to, the Commission Regulation	Requirement to indicate, in relation to a carcase, the class of conformation and fat cover, as specified in these provisions
	Annex V, point A(IV)	Requirement to present carcasses in the specified manner
	Annex V, point A(V), first sub-paragraph	Requirement for approved slaughterhouses to classify carcasses in accordance with the Community scale
Commission Regulation	Article 6(1)	Requirement as to the place of classification and identification
	Article 6(2)	Requirements as to the time of classification, identification and weighing
	Article 7(1) and (2) and the first sub-paragraph of Article 7(3)	Requirements as to the prescribed communication

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
	Article 9(4)	Prohibition on modifications of the technical specifications of licensed automatic grading techniques without approval of the Secretary of State
	Article 10	Requirements as to classification by automated grading techniques
	Article 13(2) and (5) and Annex III	Requirements concerning weighing of the carcase and adjustments to the weight
	Article 13(3)	Requirement to present carcase in specified manner, for the purpose of establishing market prices
	Article 15	Requirements as to recording of prices
	Article 16(1), (2) and (3)	Requirements as to reporting of prices

PART 2

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Commission Regulation	Article 6(3)	Requirements as to marking of carcasses to indicate the category and class of conformation and fat cover
	Article 6(4)	Requirements in relation to labelling of a carcase
	Article 6(5)	Prohibition on removal of marks and labels before boning

SCHEDULE 2

Regulation 2

European provisions: pig carcasses

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Council Regulation	Annex V, point B(II)	Requirement to classify carcasses into one of the specified classes
	Annex V, point B(III), as modified by Articles 3 and 4 of Commission Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom(a)	Requirement to present carcasses in a manner specified in these provisions
	Annex V, point B(IV), subparagraph 1, together with Article 1 of, and Annex I to, Commission Decision 2004/370/EC	Requirement to grade carcasses by methods authorised by the Commission
Commission Regulation	Article 21(1)	Requirement as to timing of classification of carcasses
	Article 21(3)	Requirements as to marking or labelling of carcasses
	Article 21(4)	Requirements as to identifying a carcass and keeping a record in respect of it
	Article 21(5)	Prohibition on removing fat, muscle or other tissue before weighing, grading and marking
	Article 22(1) and (2)	Requirements as to weighing of carcass and weight adjustments
	Article 23(1), (2) and Annex IV	Requirements concerning assessment of lean-meat content of carcasses

(a) OJ No L 116, 22.4.2004, p 32, to which there are amendments not relevant to these Regulations.

SCHEDULE 3

Regulation 12

Records: bovine carcasses

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

SCHEDULE 4

Regulation 16

Records: pig carcasses

1. The results of the classification.
2. The approval number of the slaughterhouse.
3. The kill or slaughter number of the animal from which the carcass was obtained, as allocated by the operator.
4. The date of slaughter.
5. The warm weight of the carcass, together with a note of—
 - (a) any adjustment made for the cold carcass weight, and
 - (b) any coefficient applied.
6. The lean meat percentage of the carcass.
7. An indication as to whether the tongue, flare fat, kidneys and diaphragm were attached or removed.
8. The name and signature of the person who carried out the classification.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, revoke and remake the provisions of the Pig Carcase (Grading) Regulations 1994 (S.I. 1994/2155) and the Beef Carcase (Classification) (England) Regulations 2004 (S.I. 2004/1317). The Regulations enforce Article 42 of, and Annex V to, Council Regulation (EC) No 1234/2007 (OJ No L 299, 16.11.2007, p 1), which relate to Community scales for the classification of carcasses, and Commission Regulation (EC) No 1249/2008 (OJ No L 337, 16.12.2008, p 3), which sets out further details regarding the implementation of those scales for the classification of carcasses. The Regulations relate to the carcasses of adult bovine animals and pigs.

The Regulations provide for notifications to be made to the Secretary of State by operators of slaughterhouses which slaughter adult bovine animals or pigs (regulation 5).

They contain provisions regarding the holding of licences by persons who classify bovine carcasses or in relation to classification of such carcasses by automated grading equipment (regulations 9 to 11).

They require the keeping of certain records (regulations 12 and 16 and Schedules 3 and 4).

Part 5 of the Regulations concerns enforcement, and makes provision relating to the powers of authorised officers, enforcement notices, penalty notices, and criminal proceedings. Regulations 19(3) and 25 to 30 set out the offences under the Regulations, which are all punishable on summary conviction by a fine not exceeding level 5 on the standard scale, except for offences under regulation 29(2) (false records and marks).

In particular regulations 25 and 26 provide that breach of specified provisions of European Union legislation (set out in Schedules 1 and 2) is an offence.

A full impact assessment has been produced and placed in the library of each House of Parliament. It is available on the Defra website at www.defra.gov.uk.

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