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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1215**

**The Carcase Classification and Price Reporting (Wales) Regulations 2018**

**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 this regulation, “small-scale bovine operator” means an operator of an approved slaughterhouse at which fewer than 150 adult bovine animals per week as an annual average are slaughtered.
- (5) Any small-scale bovine operator who, until the coming into force of these Regulations, was required to classify bovine carcasses under the 2011 Regulations is not by that reason alone deemed to have chosen to do so for the purposes of paragraph (3).
- (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 authorities: bovine carcasses**

- 7.—(1) The Welsh Ministers are the competent authority for the purposes of—
- (a) Article 12(2)(b) of the Commission Delegated Regulation (additional provisions on classification by automated grading techniques);
  - (b) Articles 13 and 14 of the Commission Delegated Regulation and Article 14 of the Commission Implementing Regulation (reporting of market prices and calculation of average price per class);
  - (c) Article 17(2) of the Commission Delegated Regulation (supplementary provisions for reporting of market prices for carcasses);
  - (d) Article 4(1) of the Commission Implementing Regulation (making and keeping reports for on-the-spot checks).
- (2) The Welsh Ministers are responsible for—
- (a) Article 10 of the Commission Delegated Regulation (authorisation of automated grading methods);
  - <sup>F1</sup>(b) .....

- (c) on-the-spot checks as described in Articles 2 and 3 of the Commission Implementing Regulation.

#### Textual Amendments

- F1** Reg. 7(2)(b) omitted (31.12.2020) by virtue of [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **9(3)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Licence to carry out classification

**8.—(1)** The Welsh Ministers may grant a licence to carry out visual classification of bovine carcasses to any person who applies for such a licence and who appears to the Welsh Ministers to be qualified to carry out the classification, if the Welsh Ministers are satisfied that the applicant is a fit and proper person to carry out classification of bovine carcasses.

(2) The licence may be made subject to such terms and conditions as the Welsh Ministers consider necessary for the purposes of paragraph (1).

(3) In addition to the power to revoke a licence in the circumstances mentioned in Article 4(2) of the Commission Implementing Regulation (incorrect classification, presentations or identifications), the Welsh Ministers may suspend or revoke a licence granted to a person under this regulation if—

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

(4) Where the Welsh Ministers take any decision in relation to a licence under this regulation which gives rise to a right to appeal under regulation 10, the Welsh Ministers must—

- (a) inform the person of the decision in writing;
- (b) give the reasons; and
- (c) explain that there is a right of appeal to a person appointed by the Welsh Ministers.

#### Licence for automated grading

**9.—(1)** The Welsh Ministers 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, if the Welsh Ministers are satisfied that the equipment and the manner of its operation would meet the standards required by Articles 9(b) and 10(2) (read with Part A of Annex IV) of the Commission Delegated Regulation.

(2) The licence may be made subject to such terms and conditions as are necessary to ensure compliance with those standards.

(3) In addition to the power to revoke a licence in the circumstances mentioned in Article 4(2) of the Commission Implementing Regulation, the Welsh Ministers may suspend or revoke a licence granted to an operator under this regulation if—

- (a) the operator has contravened any of the terms or conditions of the licence; or
- (b) the Welsh Ministers consider that the automated grading equipment no longer meets the standards required by the Commission Delegated Regulation, whether for reasons connected with the equipment itself or with the operator's manner of operation of the equipment.

(4) Where the Welsh Ministers take any decision in relation to a licence under this regulation which gives rise to a right to appeal under regulation 10, the Welsh Ministers must—

- (a) inform the person of the decision in writing;

- (b) give the reasons; and
- (c) explain that there is a right of appeal to a person appointed by the Welsh Ministers.

### **Appeals regarding licences**

**10.**—(1) A person may appeal against—

- (a) a decision by the Welsh Ministers to refuse an application by that person for a licence under regulation 8 or 9;
- (b) a term or condition imposed by the Welsh Ministers in a licence granted to that person under regulation 8 or 9; or
- (c) a decision by the Welsh Ministers to suspend or revoke a licence under regulation 8 or 9.

(2) The appeal must be made to a person appointed for the purpose by the Welsh Ministers.

(3) The Welsh Ministers may also make written representations to the appointed person concerning the decision.

(4) The appointed person must consider the appeal and any representations made by the Welsh Ministers and must report in writing to the Welsh Ministers with the person's conclusions on the appeal and a recommendation as to the manner in which the matter should be finally determined by the Welsh Ministers.

(5) The Welsh Ministers must then reach a final determination and notify the person who made the appeal of that decision and the reasons for it.

### **Records: bovine carcasses**

**11.**—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 3 relating to each bovine carcase 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Carcase Classification and Price Reporting (Wales) Regulations 2018, PART 3.