WELSH STATUTORY INSTRUMENTS

# 2011 No. 1826 (W.198)

# AGRICULTURE, WALES

## The Beef and Pig Carcase Classification (Wales) Regulations 2011

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| *Made - - - -* | *21 July 2011* |
| *Laid before the National Assembly for Wales - -* | *25 July 2011* |
| *Coming into force - -* | *1 September 2011* |

The Welsh Ministers being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the EU, make these Regulations in exercise of the powers conferred by that section and paragraph 1A of Schedule 2 to that Ac(**3**)).

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

(a) Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(**4**), 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 carcases and the reporting of prices thereof(**5**).

(**1**) By virtue of article 3 of the European Communities (Designation) (No. 5) Order 2010, S.I. 2010/2690.
(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**3**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.
(**4**) OJ No L 299, 16.11.2007, p.1, to which there are amendments not relevant to these Regulations.
(**5**) OJ No L 337, 16.12.2008, p.3.

# PART 1

## GENERAL PROVISIONS

### Title, commencement and application

**1.**—(1) The title of these Regulations is the Beef and Pig Carcase Classification (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 1 September 2011.

### Interpretation

**2.**—(1) In these Regulations—

"adult bovine animal" ("*anifail buchol llawn-dwf*") means a bovine animal the live weight of which is more than 300 kilograms;

"approved slaughterhouse" ("*lladd-dy cymeradwy*") 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(**6**), 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(**7**)) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(**8**);

"authorised officer" ("*swyddog awdurdodedig*") means a person authorised by the Welsh Ministers for the purposes of these Regulations, but does not include a person appointed for the purpose of considering an appeal under regulation 11;

"bovine carcase" ("*carcas buchol*") 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(**9**); and in this definition, "carcase" ("*carcas*") means the whole body as presented after bleeding, evisceration and skinning, and "half-carcase" ("*hanner carcas*") 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" ("*dosbarthu*"), except as otherwise indicated in regulation 6, means—

(a) the classification of bovine carcases in accordance with the European beef provisions, or

(**6**) 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.

(**7**) 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.

(**8**) 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.

(**9**) 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).

(b) the classification of pig carcases in accordance with the European pig provisions,

(c) as the case may be, and cognate terms are to be construed accordingly;

"clean pig" ("*mochyn glân*") means a pig which has not been used for breeding;

"Commission Regulation" ("*Rheoliad y Comisiwn*") 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 carcases and the reporting of prices thereof;

"Council Regulation" ("*Rheoliad y Cyngor*") 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" ("*darpariaeth eidion Ewropeaidd*") 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" ("*darpariaeth moch Ewropeaidd*") 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" ("*gweithredwr*") means a person carrying on the business of an approved slaughterhouse;

"pig carcase" ("*carcas mochyn*") means the body of a slaughtered clean pig, bled and eviscerated, whole or divided down the mid-line;

"prescribed communication" ("*cyfathrebiad rhagnodedig*") means a communication of the results of classification as required by Article 7(1) of the Commission Regulation;

"the 1991 Regulations" ("*Rheoliadau 1991*") means the Beef Carcase (Classification) Regulations 1991(**10**); and

"the 1994 Regulations" ("*Rheoliadau 1994*") means the Pig Carcase (Grading) Regulations 1994(**11**)

(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 EU instruments.

(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.

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

(**10**) S.I. 1991/2242.
(**11**) S.I. 1994/2155, amended in relation to Wales by S.I. 2004/106 (W. 13).

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978(**12**) (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" ("*cyfarwyddwr*"), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; and

"officer" ("*swyddog*"), 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 1991 Regulations, in so far as they apply in relation to Wales;

(b) the 1994 Regulations, in so far as they apply in relation to Wales;

(c) the Beef Carcase (Classification) (Amendment) Regulations 1994(**13**);

(d) the Pig Carcase (Grading) (Amendment) (Wales) Regulations 2004(**14**); and

(e) the following provisions of the Agriculture and Horticulture Development Board Order 2008(**15**), only in so far as they apply in relation to Wales—

(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 1 September 2011 is, or who on a subsequent date becomes, an operator, must within 28 days of that date give notice to the Welsh Ministers of the particulars specified in paragraph (3).

(2) A person who has given notice under—

(a) regulation 4(1) or (2) of the 1991 Regulations, or

(b) regulation 4(1) or (2) of the 1994 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;

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

(**12**) 1978 c. 30.
(**13**) S.I. 1994/2853.
(**14**) S.I. 2004/106 (W. 13).
(**15**) S.I. 2008/576.

(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 Welsh Ministers 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 Welsh Ministers 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 Welsh Ministers of the date of such cessation.

# PART 3

## BOVINE CARCASES

**Application of these Regulations to small-scale bovine operators**

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

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

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

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

(5) In this regulation, "small-scale bovine operator" ("*gweithredwr buchol ar raddfa fach*") 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 carcases if pigs are also slaughtered in that operator's slaughterhouse.

**Competent authority etc: bovine carcases**

**7.**—(1) The Welsh Ministers are 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 Welsh Ministers are 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,