Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Beef and Veal Labelling (Wales) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2011 No. 991 (W.145)

AGRICULTURE, WALES

The Beef and Veal Labelling (Wales) Regulations 2011

Made - - - -	*29 March 2011*
Laid before the National Assembly for Wales - -	*30 March 2011*
Coming into force - -	*21 April 2011*

The Welsh Ministers are designated [F1] for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 [F2] in relation to food (including drink) including the primary production of food.

Having carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F3], the Welsh Ministers make these Regulations in exercise of the powers in section 2(2) of the European Communities Act 1972.

F1 S.I. 2005/1971. By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 c. 32 — functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

F2 1972 c. 68.

F3 OJ No L 31, 1.2.2002, p.1 as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188. 18.7.2009, p.14).

Title, application, commencement and interpretation

1.—(1) The title of these Regulations is the Beef and Veal Labelling (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 21 April 2011.

(3) In these Regulations—

"local authority" ("*awdurdod lleol*") means in relation to an area the county council or county borough council for that area;

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984 [F4], a port health authority for that district constituted by order under section 2(4) of that Act.

F4 1984 c. 22.

The competent authority

2.—(1) The Welsh Ministers are the competent authority for the purposes of—

(a) Title II of Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products [F5][F6, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council];

(b) Commission Regulation (EC) No 1825/2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000[F7];

[F8(c) Article 78 of, and [F9Part 1 of Annex 7 to, Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products], as amended from time to time;]

(d) Commission Regulation (EC) No 566/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less [F10][F11, as last amended by Commission Implementing Regulation (EU) 565/2013].

F5 OJ No L 204, 11.8.2000, p 1 as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).

F6 Words in reg. 2(1)(a) inserted (7.12.2018) by The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **3(a)**

F7 OJ No L 216, 26.8.2000, p 8 as last amended by Commission Regulation (EC) 275/2007 (OJ No L76, 16.3.2007, p.12)

F8 Reg. 2(1)(c) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **3(2)**

F9 Words in reg. 2(1)(c) substituted (7.12.2018) by The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **3(b)**

F10 OJ No L 160, 19.6.2008, p.22.

F11 Words in reg. 2(1)(d) inserted (7.12.2018) by The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **3(c)**

The enforcement authorities

3.—(1) In relation to retail supply these Regulations are enforced by the local authority.

(2) Otherwise these Regulations are enforced by the local authority, port health authority and Welsh Ministers.

Offences under European legislation

4.—(1) Any person who fails to comply with any of the following provisions in EU legislation is guilty of an offence—

(a) the following provisions of Regulation (EC) No 1760/2000 of the European Parliament and the Council—

(i) Article 11 (requirement to label);

(ii) Article 13(1) (general rules);

(iii) Article 13(2) (indications on the label);

(iv) Article 13(5) (additional information on the label);

(v) Article 14 (labelling of minced beef);

(vi) Article 15 (beef from third countries);

F12(vii) . . . . . .

F12(viii) . . . . . .

(b) the following provisions of Commission Regulation (EC) No 1825/2000—

(i) Article 1 (traceability);

(ii) Article 2 (labelling);

(iii) Article 4 (size and composition of a group);

(iv) Article 5(2) (minced beef);

(v) Article 5a (trimmings);

(vi) Article 5b (pre-packaged cut meat);

(vii) Article 5c (non-pre-packaged cut meat);

(viii) Article 6(3) (beef in small retail packages);

(ix) Article 7 (access to premises and records);

[F13(c) The following provisions of **[**F14Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products**]**, as amended from time to time—

(i) i)Article 78 and paragraph II of Part I of Annex VII (classification at the slaughterhouse);

(ii) Article 78 and paragraph III of Part I of Annex VII (sales descriptions);

(iii) Article 78 and paragraph IV of Part I of Annex VII (compulsory indication on the label);

(iv) Article 78 and paragraph V of Part I of Annex VII (recording).**]**

(d) the following provision of Commission Regulation (EC) No 566/2008—

(i) Article 4(1) (compulsory information on the label);

(ii) Article 4(2) (indication of age);

(iii) Article 5 (recording information).

(2) For the purposes of **[**F15**[**F16point 4(2) of Part 1 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products**]**, as amended from time to time**]**, the required information must be displayed near the meat so as to allow the final consumer to readily identify the information which must be clearly legible.

(3) Records (including electronic records) must be retained for a period of 12 months from the end of the calendar year in which the record was made.

F12 Reg. 4(1)(a)(vii)(viii) omitted (7.12.2018) by virtue of The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **4(a)(i)**

F13 Reg. 4(1)(c) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **3(3)**

F14 Words in reg. 4(1)(c) substituted (7.12.2018) by The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **4(a)(ii)**

F15 Words in reg. 4(2) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **3(4)**

F16 Words in reg. 4(2) substituted (7.12.2018) by The Beef and Veal Labelling (Wales) (Amendment) Regulations 2018 (S.I. 2018/1188), regs. 1(2), **4(b)**

Notices

5.—(1) Where beef or veal has been labelled and marketed in a manner that does not comply with these Regulations, an authorised officer of an enforcement authority may serve a notice on the person in possession of the beef or veal requiring–

(a) its immediate relabeling in accordance with these Regulations, or

(b) its immediate removal from sale until it is relabelled in accordance with these Regulations or otherwise disposed of,

and any person who fails to comply with that notice is guilty of an offence.

(2) A notice must state the right of appeal to a magistrates' court and the period within which the appeal may be brought.

(3) Any person who is aggrieved by a notice may appeal to a magistrates' court.

(4) The procedure is by way of complaint for an order, and the Magistrates' Court Act 1980 [F17] applies to the proceedings.

(5) The period within which an appeal may be brought is one month from the date on which the notice was served.

(6) 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 may in the circumstances think fit.

(7) A person who is aggrieved by any decision of a magistrates' court on an appeal under this regulation may appeal to the Crown Court.

F17 1980 c. 43; sections 51 and 52 have been substituted by the Courts Act 2003 (c. 39), **section 47**.

Powers of entry

6.—(1) An authorised officer of an enforcement authority may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of ascertaining whether—

(a) there is or has been on the premises any contravention of these Regulations; or

(b) there is on the premises any evidence of any contravention of these Regulations.

(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 any premises for any purpose in paragraph (1) and that—

(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 occupier,

(b) an application for admission would defeat the object of the entry, or

(c) the premises are unoccupied or the occupier temporarily absent,

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