STATUTORY RULES OF NORTHERN IRELAND

2010 No. 231

AGRICULTURE

The Beef and Pig Carcase Classification Regulations (Northern Ireland) 2010

Made - - - -	*30th June 2010*
Coming into operation	*6th August 2010*

The Department of Agriculture and Rural Development is 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 European Union, makes these Regulations in exercise of the powers conferred by that section and paragraph 1A of Schedule 2 to that Act(**3**)

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Department of Agriculture and Rural Development 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) 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**).

PART 1

GENERAL PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Beef and Pig Carcase Classification Regulations (Northern Ireland) 2010 and shall come into operation on 6th August 2010.

(**1**) S.I. 2000/2812
(**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**) O.J. No. L 299, 16.11.2007, p. 1, to which there are amendments not relevant to these Regulations
(**5**) O.J. No. L 337, 16.12.2008, p. 3

Interpretation

2.—(1) In these Regulations—

"the 1994 Regulations" means the Pig Carcase (Grading) Regulations (Northern Ireland) 1994(**6**);

"the 2005 Regulations" means the Beef Carcase (Classification) Regulations (Northern Ireland) 2005(**7**);

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

"approved body" means the LMC or any other body approved by the Department;

"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(**8**), 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(**9**)) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**10**);

"authorised officer" means a person authorised by the Department for the purposes of these Regulations;

"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(**11**); 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 5, means—

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

(b) the classification of pig carcases 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 carcases and the reporting of prices thereof;

(**6**) S.R. 1994 No. 384 as amended by S.R. 2006 No. 253 and S.R. 2007 No. 271
(**7**) S.R. 2005 No. 28
(**8**) O.J. No. L 165, 30.4.2004, p. 1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 191, 28.5.2004, p. 1), and there are further amendments not relevant to these Regulations
(**9**) O.J. No. L 139, 30.4.2004, p. 55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.2004, p. 22), and there are further amendments not relevant to these Regulations
(**10**) S.R. 1997 No. 493, revoked by S.R. 2005 No. 356
(**11**) O.J. No. L 139, 30.4.2004, p. 206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.2004, p. 83); relevant amendments were made by Commission Regulation (EC) No. 2074/2005 (O.J. No. L 338, 22.12.2005, p. 27), Commission Regulation (EC) No. 2076/2005 (O.J. No. L 338, 22.12.2005, p. 83), Council Regulation (EC) No. 1791/2006 (O.J. No. L 363, 20.12.2006, p. 1) and Commission Regulation (EC) No. 1021/2008 (O.J. No. L 277, 18.10.2008, p.15)

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

"electronic communication" has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001(**12**);

"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;

"LMC" means the Livestock and Meat Commission for Northern Ireland(**13**) established under section 1 of the Livestock Marketing Commission Act (Northern Ireland) 1967(**14**)

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

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

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

"the Department" means the Department of Agriculture and Rural Development.

(2) The Interpretation Act (Northern Ireland) 1954(**15**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) 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.

(4) 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;

(c) sending it by post to the person at that address; or

(d) subject to paragraph (6), by being sent to them by an electronic communication.

(3) For the purposes of this regulation and section 24 of the Interpretation Act (Northern Ireland) 1954 (Service of documents) 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.

(4) Paragraph (5) applies if a person to be given a notice under these Regulations has specified an address ("the specified address") within the United Kingdom other than their proper address

(**12**) 2001 c.9 (N.I.); section 4(1) was amended by section 406(1) and paragraph 170 of Schedule 17 of the Electronic Communications Act 2003 (c.21)
(**13**) Formerly the Livestock Marketing Commission for Northern Ireland: *see*S.I. 1994/1891 (N.I. 6) Article 8
(**14**) 1967 c. 21 (N.I.)
(**15**) 1954 c. 33 (N.I.)

(as decided under paragraph (3)) as the one at which they, or someone on their behalf, will accept documents of the same description as a notice given under these Regulations.

(5) The specified address is also to be treated for the purposes of this regulation and section 24 of the Interpretation Act (Northern Ireland) 1954 in its application to this regulation as the person's proper address.

(6) If a notice under these Regulations to be given to a person is sent by an enforcement authority by an electronic communication, it is to be treated as given only if—

(a) the person to whom the notice is given has indicated a willingness to the enforcement authority to receive notices by an electronic communication and provided an address suitable for that purpose; and

(b) the notice is sent to the address provided by that person.

PART 2

NOTIFICATIONS BY OPERATORS

Notifications by operators

4.—(1) Every person who on 6th August 2010 is, or who on a subsequent date becomes, an operator, must within 28 days of that date give notice to the Department 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 2005 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) 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 Department 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 Department 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 Department of the date of such cessation.

PART 3

BOVINE CARCASES

Application of these Regulations to small-scale bovine operators

5.—(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" 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 carcases if pigs are also slaughtered in that operator's slaughterhouse.

Competent authority etc.: bovine carcases

6.—(1) The Department 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 Department is responsible for on-the-spot checks as described in Article 11 of the Commission Regulation.

Labelling instead of marking

7. 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(**16**) laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 as regards the buying-in of beef(**17**); 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(**18**),

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

(**16**) O.J. No. L 312, 11.11.2006, p. 6, to which there are amendments not relevant to these Regulations
(**17**) O.J. No. L 160, 26.6.1999, p. 21, to which there are amendments not relevant to these Regulations
(**18**) O.J. No. L 223, 21.8.2008, p. 3, to which there are amendments not relevant to these Regulations