STATUTORY RULES OF NORTHERN IRELAND

2005 No. 28

AGRICULTURE

The Beef Carcase (Classification) Regulations (Northern Ireland) 2005

Made - - - -	*7th February 2005*
Coming into operation	*14th March 2005*

The Department of Agriculture and Rural Development, being a Department 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 Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Beef Carcase (Classification) Regulations (Northern Ireland) 2005 and shall come into operation on 14th March 2005.

Interpretation

2.—(1) In these Regulations –

"1992 Regulations" means the Beef Carcase (Classification) Regulations (Northern Ireland) 1992(**3**);

"1997 Regulations" means the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**4**);

"adult bovine animal" has the meaning assigned to it by Article 1(2) of Council Regulation (EC) No 1254/99 on the common organisation of the market in beef and veal(**5**);

"approval number" means (in relation to a regulated slaughterhouse) the unique number of that regulated slaughterhouse required to be specified in the centre of a health mark (as defined by regulation 2(1) of the 1997 Regulations);

(**1**) S.I.2000/2812
(**2**) 1972 c. 68
(**3**) S.R. 1992 No. 1
(**4**) S.R. 1997 No. 493
(**5**) O.J. No. L160, 26.6.99, p. 21, as last amended by Council Regulation (EC) No. 1782/03 (O.J. No. L270, 21.10.03, p. 1)

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

"classification" means the classification of regulated carcases in accordance with Articles 3 and 4(1) of Council Regulation (EEC) No. 1208/81 determining the Community scale for the classification of carcases of adult bovine animals(**6**);

"classification requirements" means the requirements relating to the classification and identification of carcases specified in the Community provisions and in regulations 5, 6 and 7 of these Regulations;

"Commission Regulation" means Commission Regulation (EEC) No. 344/91 laying down detailed rules for applying Council Regulation (EEC) No. 1186/90 extending the scope of the Community scale for the classification of carcases of adult bovine animals(**7**);

"Community provision" means a provision of a regulation of the European Community referred to in column 1 of Schedule 1 to these Regulations which is specified in column 2, and the subject matter of which is described in column 3, of that Schedule;

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

"exempt carcase" means a regulated carcase which has been obtained in the circumstance specified in the second indent to Article 2(2) of the Commission Regulation;

"exempt occupier" means an occupier of a regulated slaughterhouse to whom the first indent to Article 2(2) of the Commission Regulation applies;

"LMC" means the Livestock and Meat Commission for Northern Ireland established under section 1 of the Livestock Marketing Commission Act (Northern Ireland) 1967(**8**);

"occupier" means a person carrying on the business of a regulated slaughterhouse;

"prescribed communication" means a communication of the results of classification as required by Article 1(2) of Council Regulation (EEC) No. 1186/90 extending the scope of the Community scale for the classification of carcases of adult bovine animals(**9**);

"regulated carcase" means the carcase or half-carcase of an adult bovine animal which has been marked in accordance with regulation 10 of, and Schedule 12 to, the 1997 Regulations(**10**); and

"regulated slaughterhouse" means a slaughterhouse (as defined by regulation 2(1) of the 1997 Regulations) licensed in accordance with regulation 4 of the 1997 Regulations(**11**).

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Community provisions.

(3) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Exemption

3.—(1) Subject to paragraph (2), the classification requirements shall not be compulsory in relation to an exempt occupier or an exempt carcase.

(2) Notwithstanding the exemptions from the classification requirements granted under paragraph (1), regulations 4, 8(2) and 10 to 14 shall apply to an exempt occupier.

(**6**) O.J. No. L123, 7.5.81, p. 3 as amended by Council Regulation (EEC) No. 1026/91 (O.J. No. L106, 26.4.91, p. 2)
(**7**) O.J. No. L41, 14.2.91, p. 15, as last amended by Commission Regulation (EC) No. 1215/03 (O.J. No. L169, 8.7.03, p. 32)
(**8**) 1967 c. 21 (N.I.)
(**9**) O.J. No. L119, 11.5.90 p. 32, as amended by the Act of Accession of the Kingdom of Norway, Republic of Austria, Republic of Finland and Kingdom of Sweden (O.J. No. C. 241, 29.8.94, p. 122)
(**10**) Regulation 10 was amended by S.R. 2000 No. 78, and Schedule 12 was amended by S.R. 1996 No. 49, S.R. 2000 No. 191 and S.R. 2000 No. 287
(**11**) Regulation 4 was amended by S.R. 2000 No. 78 and S.R. 2000 No. 191
(**12**) 1954 c. 33 (N.I.)

Registration

4.—(1) Every person who on 14th March 2005 is, or who on a subsequent date becomes, an occupier shall within 28 days of that date give written notice to the Department of the particulars specified in Schedule 2.

(2) A person who has given notice pursuant to regulation 4(1) of the 1992 Regulations of the particulars specified in Schedule 2 to those Regulations shall be deemed to have given notice pursuant to paragraph (1).

(3) Where any change occurs in any of the particulars required to be notified under paragraph (1) the occupier shall within 28 days of the change give written notice to the Department of particulars of the change.

(4) Where an occupier ceases to be an occupier he shall within 10 days of such cessation, give written notice to the Department of –

(a) the date of such cessation; and

(b) the person (if any) succeeding him as occupier of that slaughterhouse.

(5) Where a regulated slaughterhouse ceases to be such a slaughterhouse its occupier shall, within 10 days of such cessation, give written notice to the Department of the date of such cessation.

Labelling instead of marking

5. Subject to –

(a) the final paragraph of Article 1(2) of the Commission Regulation;

(b) Article 4(3)(b) and (c) of Commission Regulation (EC) No. 562/00 laying down detailed rules for the application of Council Regulation (EC) No. 1254/99 as regards the buying-in of beef(**13**); and

(c) Article 3(2)(a) of Commission Regulation (EC) No. 907/00 laying down detailed rules for the application of Council Regulation (EC) No. 1254/99 as regards aid for private storage in the beef and veal sector(**14**),

an occupier may, instead of marking a regulated carcase in accordance with Article 1(1) of the Commission Regulation, label it in accordance with Article 1(2) of that Regulation, and such labels shall be applied on the positions specified in Article 1(1) of that Regulation.

Licensed classifiers

6.—(1) Classification shall not be carried out by any person unless he holds a licence granted under this regulation and complies with the terms and conditions of that licence.

(2) The Department may grant a licence to any person appearing to it to be qualified to carry out classification.

(3) A licence under this regulation –

(a) shall come into force on the date of issue of the licence;

(b) shall be in the form prescribed in Schedule 3;

(c) shall be subject to the conditions specified in the licence; and

(d) may be suspended or revoked –

(i) for contravention of any condition specified in that licence, or

(**13**) O.J. No. L68, 16.3.00, p. 22, as last amended by Commission Regulation (EC) No. 1592/01 (O.J. No. L210, 3.8.01, p. 18)
(**14**) O.J. No. L105, 3.5.00, p. 6

(ii) in the circumstances referred to in the fifth paragraph of Article 3(2) of the Commission Regulation.

Licence for automated grading

7.—(1) Classification shall not be carried out by means of automated grading equipment at any premises unless the occupier holds a licence granted under this regulation for the use of that equipment at those premises, and complies with the terms and conditions of that licence.

(2) The Department may grant a licence to an occupier pursuant to Article 3(1a) of the Commission Regulation authorising the use of automated grading equipment for classification at premises in Northern Ireland.

(3) A licence under this Regulation –

(a) shall come into force on the day it is issued;

(b) shall be in the form prescribed in Schedule 4;

(c) shall be subject to the conditions specified in the licence; and

(d) may be suspended or revoked –

(i) for contravention of any condition specified in the licence, or

(ii) in the circumstances referred to in the fifth paragraph of Article 3(2) of the Commission Regulation.

Keeping, retention and production of records

8.—(1) An occupier who is not an exempt occupier shall –

(a) keep a record of the particulars specified in Part I of Schedule 5 relating to each regulated carcase which is classified in a regulated slaughterhouse occupied by him; and

(b) keep a record of the particulars specified in Part II of Schedule 5 relating to each exempt carcase which is obtained in a regulated slaughterhouse occupied by him.

(2) An exempt occupier shall keep a record of the particulars specified in Part III of Schedule 5.

(3) A person who under paragraph (1) or (2) is required to keep a record shall –

(a) retain that record for a period of two years from the end of the calendar year to which the record relates; and

(b) upon demand by an authorised officer produce or cause to be produced the record for inspection by the authorised officer and shall allow him to take copies and make extracts from it.

Classifications by the LMC

9.—(1) The LMC may, under an agreement with the occupier, carry out the classification requirements in respect of regulated carcases at a regulated slaughterhouse occupied by him.

(2) Where an agreement is made under paragraph (1) the LMC shall immediately give written notice to the Department of that agreement.

(3) The LMC shall as soon as is reasonably practicable after carrying out classification requirements provide the occupier with the particulars specified in paragraphs 1, 3 and 5 of Part I of Schedule 5 and any other details relating to those classification requirements as the occupier may reasonably require so as to enable him to give the prescribed communication and to comply with regulation 8.

(4) Where the LMC suspends or revokes an agreement under paragraph (1), it shall immediately give written notice to the occupier and the Department of that fact.

(5) Where the occupier suspends or revokes an agreement under paragraph (1), he shall immediately give written notice to the LMC and the Department of that fact.

Powers of authorised officers

10.—(1) An authorised officer may at all reasonable hours and on producing, if so required, a duly authenticated document showing his authority, for the purpose of ascertaining whether the Community provisions or these Regulations have been or are being complied with –

(a) enter any regulated slaughterhouse or any slaughterhouse which he reasonably suspects to be such a slaughterhouse;

(b) inspect any regulated carcase or part of such a carcase, or any carcase or part of a carcase which he reasonably suspects to be such a carcase or part of such a carcase, in that slaughterhouse;

(c) examine any records which an occupier is required to keep, under regulation 8 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;

(d) 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

(e) retain any such record which he has reason to believe may be required as evidence in proceedings under these Regulations.

(2) An authorised officer entering a regulated slaughterhouse or other slaughterhouse by virtue of this regulation may take with him such other persons and such equipment as he considers necessary.

Assistance to authorised officers

11. An occupier, and the LMC when carrying out the classification requirements under regulation 9, shall give to an authorised officer such assistance as he may reasonably request so as to enable him to exercise any power conferred under regulation 10.

Offences and penalties

12.—(1) If any person –

(a) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 10; or

(b) fails to comply with a request under regulation 8(3)(b), 10(1)(d) or 11,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person –

(a) fails to comply with any other requirement imposed on him under a Community provision or these Regulations;

(b) contravenes any prohibition contained in a Community provision or these Regulations;

(c) for the purpose of obtaining a licence under regulation 6 or 7 knowingly or recklessly makes a statement which is false in a material particular; or

(d) makes an alteration to such a licence,