STATUTORY RULES OF NORTHERN IRELAND

2001 No. 271

AGRICULTURE

The Beef Labelling (Enforcement) Regulations (Northern Ireland) 2001

Made - - - -	*6th July 2001*
Coming into operation	*20th August 2001*

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 presentation, packaging, labelling, marking and advertising of food intended for sale for human consumption(**3**), in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Beef Labelling (Enforcement) Regulations (Northern Ireland) 2001 and shall come into operation on 20th August 2001.

Interpretation

2.—(1) In these Regulations—

"authorised officer" means any person (whether or not an officer of an enforcement authority) who is authorised in writing by an enforcement authority, either generally or specifically, to act in matters under these Regulations;

"Commission Regulation 1141/97" means Commission Regulation (EC) No. 1141/97 laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products(**4**);

"Commission Regulation 1825/2000" means Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(**5**);

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

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) S.I. 1982/1675
(**4**) O.J. No. L165, 24.6.97, p. 7, as last amended by Commission Regulation (EC) No. 824/98 (O.J. No. L117, 21.4.98, p. 4)
(**5**) O.J. No. L216, 26.8.00, p. 8

"enforcement authority" shall be construed in accordance with regulation 4; and

"Regulation 1760/2000" means 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 and repealing Council Regulation (EC) No. 820/97(**6**).

(2) For the purposes of these Regulations as they apply to Regulation 1760/2000, Commission Regulation 1141/97 and Commission Regulation 1825/2000, the term "marketing" shall be deemed to include the supply of beef, otherwise than on sale, in the course of a business.

(3) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Competent authority

3. The Department shall be the competent authority(**8**) for the purposes of Title II of Regulation 1760/2000, Commission Regulation 1141/97 and Commission Regulation 1825/2000.

Enforcement authorities

4. These Regulations shall be enforced and executed by the Department or any district council, or by the Department and any district council acting jointly, and any authority having such responsibility shall be known for the purposes of the Regulations as "an enforcement authority".

Enforcement of compulsory and voluntary labelling requirements

5.—(1) Any person engaged in the marketing of beef who fails to comply with—

(a) in respect of beef derived from animals slaughtered on or after 1st September 2000, the requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or

(b) in respect of beef derived from animals slaughtered before 1st September 2000, the requirements applicable under Commission Regulation 1141/97,

shall be guilty of an offence.

(2) Where beef has been labelled and marketed in a manner which does not comply—

(a) in respect of beef derived from animals slaughtered on or after 1st September 2000, with the compulsory and voluntary labelling requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or

(b) in respect of beef derived from animals slaughtered before 1st September 2000, with the voluntary labelling requirements applicable under Commission Regulation 1141/97,

an authorised officer may serve a notice on the person in possession of the beef requiring its removal from sale until the beef is re-labelled in accordance with those requirements.

(3) In respect of beef derived from animals slaughtered on or after 1st September 2000, a notice served under paragraph (2) may authorise the beef to be sent directly for processing into products other than those indicated in the first indent of Article 12 of Regulation 1760/2000.

(4) Any person who fails to comply with the provisions of a notice served under paragraph (2) shall be guilty of an offence.

(**6**) O.J. No. L204, 11.8.00, p. 1
(**7**) 1954 c. 33 (N.I.)
(**8**) The Department retains the power to act as competent authority by means of regulation 13(1)(*c*) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 78)

Powers of entry

6.—(1) An authorised officer shall, on producing, if so required, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any premises (excluding premises used only as a dwelling) for the purpose of ascertaining whether—

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

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

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a dwelling) for any such purpose as is mentioned in paragraph (1) and that either—

(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; or

(b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

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

(3) A warrant granted under paragraph (2) shall continue in force for a period of one month.

(4) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(5) Where any land or other property is damaged in the exercise of a power of entry conferred by this regulation, compensation in respect of that damage may be recovered by any person interested in the land or property from the Department or the relevant enforcement authority, as the case may be.

Powers of inspection, sampling and seizure

7. An authorised officer entering any premises by virtue of regulation 6, or of a warrant issued under it, may—

(a) inspect any beef present on those premises;

(b) take samples (and, if necessary, send the samples for laboratory testing) from any beef present on those premises;

(c) inspect any labels and relevant business records (including electronic records) in whatever form they are held except in the case of material which is either excluded or special material under sections 13 and 16 of the Police and Criminal Evidence (Northern Ireland) Order 1989(**9**); and

(d) seize and detain any labels and records (including electronic records) which he has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations.

Protection of officers acting in good faith

8.—(1) An authorised officer shall not be personally liable in respect of any act done by him—

(a) in the execution or purported execution of these Regulations; and

(**9**) S.I. 1989/1341 (N.I. 12)