1994 No. 384

AGRICULTURE

Pig Carcase (Grading) Regulations (Northern Ireland) 1994

Made . . . . . *10th October 1994*

Coming into operation . . *14th November 1994*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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 Pig Carcase (Grading) Regulations (Northern Ireland) 1994 and shall come into operation on 14th November 1994.

Interpretation

2.—(1) In these Regulations—

"authorised officer" means a person (whether or not an officer of the Department) authorised by the Department for the purposes of these Regulations;

"clean pig" means a pig which has not been used for breeding;

"the Commission Decision" means Commission Decision 88/234/EEC authorising methods for grading pig carcases in the United Kingdom(**c**) as amended by Commission Decision 88/478/EEC(**d**), Commission Decision 92/557/EEC(**e**), Commission Decision 93/445/EEC(**f**), Commission Decision 94/336/EC(**g**) and Commission Decision 94/567/EC(**h**);

"the Commission Regulation" means Commission Regulation (EEC) No. 2967/85 laying down detailed rules for the application of the Community scale for grading pig carcases(**i**);

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**c**) O.J. No. L105, 26.4.88, p. 15
(**d**) O.J. No. L234, 24.8.88, p. 17
(**e**) O.J. No. L358, 8.12.92, p. 22
(**f**) O.J. No. L208, 19.8.93, p. 36
(**g**) O.J. No. L150, 16.6.94, p. 34
(**h**) O.J. No. L215, 20.8.94, p. 28
(**i**) O.J. No. L285, 25.10.85, p. 39

"Community provision" means any requirement as to weighing, grading, marking or identifying of pig carcases or the making or keeping of any record in relation thereto under the Council Regulation, the Commission Regulation or the Commission Decision;

"the Council Regulation" means Council Regulation (EEC) No. 3220/84 determining the Community scale for grading pig carcases(**a**), as amended by Council Regulation (EEC) No. 3530/86(**b**) and Council Regulation (EC) No. 3513/93(**c**);

"the Department" means the Department of Agriculture for Northern Ireland;

"exempt carcase" means the carcase of a pig—

(*a*) which has been used for breeding; or

(*b*) which has been obtained in a slaughterhouse in which there are slaughtered not more than 200 clean pigs per week on a yearly average basis;

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

"pig carcase" has the meaning assigned to it by the first indent of Article 2(1) of the Council Regulation, except that, in pursuance of the derogations contained in Articles 2 and 2a of the Commission Decision, the carcase may include—

(*a*) the tongue;

(*b*) the flare fat, the kidneys and the diaphragm; or

(*c*) the tongue, the flare fat, the kidneys and the diaphragm;

"slaughterhouse" means a slaughterhouse in which pigs are slaughtered.

(2) The Interpretation Act (Northern Ireland) 1954(**d**), except section 20(2) and (3), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Exemption

3. Regulation 6 shall not apply in relation to any exempt carcase.

Registration

4. —(1) Subject to paragraphs (3) and (4), every person who is or becomes an occupier on the day these Regulations come into operation shall within 28 days of that day serve written notice on the Department of the particulars specified in the Schedule.

(2) Every person who becomes an occupier on any day after the day these Regulations come into operation shall within 28 days of becoming an occupier serve written notice on the Department of the particulars specified in the Schedule.

(**a**) O.J. No. L301, 20.11.84, p. 1
(**b**) O.J. No. L326, 21.11.86, p. 8
(**c**) O.J. No. L320, 22.12.93, p. 5
(**d**) 1954 c. 33 (N.I.)

(3) An occupier who—

(*a*) has notified particulars in compliance with paragraph (1) of regulation 3 of the Pig Carcase (Grading) Regulations (Northern Ireland) 1988(**a**) (whether or not he has notified a change in those particulars in compliance with paragraph (2) of that regulation); and

(*b*) on the day these Regulations come into operation continues to be the occupier of the slaughterhouse in relation to which he notified those particulars,

shall not be under any obligation to give particulars as required by paragraph (1).

(4) Notwithstanding paragraph (3), an occupier described in that paragraph shall, on being required by written notice served on him by the Department at any time, serve on the Department written notice of the particulars specified in the Schedule or such of those particulars as the Department may specify in its notice, within such period (not being less than 28 days) as shall also be specified in the Department's notice.

Special grading criterion

5. There shall be added to the grading scale which applies by virtue of Article 3(2) of the Council Regulation the additional grade referred to in Article 3(3) of that Regulation.

Weighing etc. of carcases of pigs

6. An occupier shall—

(*a*) forthwith prepare each carcase of a pig slaughtered in his slaughterhouse so that it becomes a pig carcase;

(*b*) weigh each such pig carcase in accordance with the provisions of Article 2(2) of the Council Regulation, make a record of the weight of each such pig carcase and thereafter calculate the weight of the cold carcase by reference to the provisions of Article 3 of the Commission Decision;

(*c*) grade each such pig carcase in compliance with the requirements of Article 3(1) and (2) of the Council Regulation as read with regulation 5, by the application of one of the methods approved by the Commission Decision;

(*d*) in the case of each such pig carcase to be marketed whole in another Member State, mark it in the manner prescribed by Article 4(1) of the Council Regulation and Article 4(1) or (2) of the Commission Regulation; and

(*e*) in the case of each such pig carcase to be marketed whole or in cuts in the United Kingdom or in cuts in another Member State—

(i) mark it in the manner so prescribed; or

(a) S.R. 1988 No. 358

(ii) make and keep a record relating to it in compliance with the requirements of Article 4(2) of the Council Regulation and identify it in accordance with Article 5 of the Commission Regulation.

Powers of authorised officers

7.—(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 any Community provision or these Regulations have been or are being complied with—

(*a*) enter any slaughterhouse or any other premises which he reasonably suspects to be a slaughterhouse;

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

(*c*) examine any records which an occupier is required to keep under regulation 6(*e*)(ii) and any other records in the possession or under the control of an occupier relating to the slaughter of pigs at any slaughterhouse of that occupier 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;

(*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 any slaughterhouse or other premises by virtue of this regulation may take with him such other persons and such equipment as he considers necessary.

Assistance to authorised officers

8. An occupier shall give to an authorised officer such assistance as the authorised officer may reasonably request so as to enable the authorised officer to exercise any power conferred under regulation 7.

Offences and penalties

9.—(1) If any person—

(*a*) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 7; or

(*b*) fails to comply with a notice served by the Department under regulation 4(4), a requirement made under regulation 7(1)(*d*) or a request made under regulation 8,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.