STATUTORY RULES OF A GENERAL CHARACTER ISSUED IN 1992

1992 No. 1

AGRICULTURE

The Beef Carcase (Classification) Regulations (Northern Ireland) 1992

Made	*2nd January 1992*
Coming into operation . .	*29th January 1992*

The Department of Agriculture for Northern Ireland, 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 Economic Community, acting in exercise of the powers conferred upon 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, which may be cited as the Beef Carcase (Classification) Regulations (Northern Ireland) 1992 shall apply in Northern Ireland and shall come into force on 29th January 1992.

Interpretation

2.—(1) In these Regulations—

"adult bovine animal" has the meaning assigned to it by Article 1(2) of Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(**c**) as amended(**d**);

"authorised officer" means a person (whether or not an officer of the Department) 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(**e**) as amended(**f**);

"classification requirements" means the requirements relating to the classification and identification of carcases specified in the Community provisions and in regulations 5, 6, 7 and 8;

(**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. L148, 28.6.68, p. 24 (O.J./S.E. vol. I, p. 187)

(**d**) Relevant amending regulations of the European Communities are Council Regulation (EEC) No. 425/77 (O.J. No. L61, 5.3.77, p. 1) and Council Regulation (EEC) No. 3905/87 (O.J. No. L370, 30.12.87, p. 7)

(**e**) O.J. No. L123, 7.5.81, p. 3

(**f**) Amended by Council Regulation (EEC) No. 1026/91 (O.J. No. L106, 26.4.91, p. 2)

"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 adult bovine animals(**a**);

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

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

"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 registered slaughterhouse to whom the first indent to Article 2(2) of the Commission Regulation applies;

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

"occupier" in relation to any registered slaughterhouse means a person carrying on the business of that slaughterhouse;

"pistola cut carcase" means a regulated carcase where after classification and identification—

(*a*) the pistola and flank are separated by a horizontal cut immediately opposite to the middle of the last lumbar vertebra then continuing downwards in the line parallel to the fillet so that this is practically free from attached parts of the flank and severed from the thirteenth to the sixth rib (inclusive) by a line parallel to the dorsal edge of the vertebral spine; and

(*b*) the hindquarters are separated from the forequarters by a horizontal cut between the fifth and sixth ribs extending through the backbone.

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

"registered slaughterhouse" means a slaughterhouse registered in accordance with the provisions of section 3(1A) of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**d**) which implements in part the provisions of Council Directive

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(**a**) O.J. No. L41, 14.2.91, p. 15
(**b**) 1967 c. 21 (N.I.)
(**c**) O.J. No. L119, 11.5.90, p. 32
(**d**) 1962 c. 13 (N.I.)

64/433/EEC on health problems affecting intra-Community trade in fresh meat as amended(**a**);

"regulated carcase" means a carcase or half carcase(**b**) of an adult bovine animal slaughtered in Northern Ireland which has been marked in accordance with the provisions of Article 3.1(*a*) of Council Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat(**c**) as amended;

"veterinary approval number" means the serial number allocated in relation to the approval of a registered slaughterhouse in accordance with the provisions of Article 10.1 of Council Directive 64/433/EEC as amended.

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

Exemption

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

(2) Notwithstanding the exemption from the classification requirements granted under paragraph (1), regulations 4, 9(2), 11, 12, 13 and 14 shall apply in relation to an exempt occupier.

Registration

4.—(1) Every person who on the day after the date on which this regulation comes into force is, or on a subsequent date becomes, an occupier of a registered slaughterhouse shall within 28 days of that date give written notice to the Department of the particulars specified in Schedule 2.

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

(3) Where an occupier of a registered slaughterhouse ceases to be its occupier he shall within 10 days of the date 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.

(4) Where a registered 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.

(**a**) Relevant amending directives of the European Communities are Council Directive 66/601/EEC (O.J. No. L192, 28.10.66, p. 3302; O.J./S.E. 1965-66, p. 244), Council Directive 69/349/EEC (O.J. No. L256, 11.10.69, p. 5; O.J./S.E. vol. II, p. 431), Council Directive 83/90/EEC (O.J. No. L59, 5.3.83, p. 10), Council Directive 85/586/EEC (O.J. No. L372, 31.12.85, p. 44) Council Directive 88/288/EEC (O.J. No. L124, 18.5.88, p. 28) and Council Directive 91/497/EEC O.J. No. L268, 24.9.91, p. 69

(**b**) *See* Article 2 of Council Regulation (EEC No. 1208/81 for a definition of "carcase" and "half carcase"

(**c**) Articles 3.1(*a*) and 10.1 of Council Directive 64/433/EEC are implemented in Northern Ireland by the provisions of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (1962 c. 13 (N.I.))

Position of marks

5. Subject to regulation 7, the marks to be applied on a regulated carcase in accordance with Article 1(1) of the Commission Regulation shall be applied on the positions specified in that Article or (except as regards a pistola cut carcase) on the positions specified in paragraph 1 of Schedule 3.

Labelling instead of marking

6. Subject to regulation 7, an occupier of a registered slaughterhouse may instead of marking a regulated carcase in accordance with Article 1(1) of the Commission Regulation and regulation 5, label it in accordance with Article 1(2) of the Commission Regulation and such labels shall be applied on the positions specified in Article 1(1) of that Regulation or (except as regards a pistola cut carcase) on the positions specified in paragraph 1 of Schedule 3.

Marking of carcases intended for intervention or for private storage aid

7. Regulations 5 and 6 shall not apply in relation to a regulated carcase to which—

(*a*) Article 4(3) of Commission Regulation (EEC) No. 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector(**a**) as amended(**b**) applies; or

(*b*) Article 2(2) of Commission Regulation (EEC) No. 3445/90 laying down detailed rules for granting private storage aid for beef and veal(**c**) applies.

Licensing of Classifiers

8.—(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 for the purposes of paragraph (1) to any person appearing to it to be qualified to carry out classifications.

(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 4 and shall be subject to such conditions as are also specified in that form; and

(*c*) may be suspended or revoked—

(i) for contravention of any condition subject to which the licence was granted; or

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

(**a**) O.J. No. L91, 4.4.89, p. 5

(**b**) The relevant amending regulation of the European Communities is Commission Regulation (EEC) No. 1726/90 (O.J. No. L160, 26.6.90, p. 31)

(**c**) O.J. No. L333, 30.11.90, p. 30

Keeping, retention and production of records

9.—(1) An occupier of a registered slaughterhouse 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 registered 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 registered 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 such record relates; and

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

Classifications by the LMC

10.—(1) An occupier of a registered slaughterhouse may request the LMC to carry out the classification requirements at any such slaughterhouse occupied by him.

(2) An occupier shall—

(*a*) make a request under paragraph (1) by written notice, to be given to the LMC not less than six months before the date on which he requires the LMC to commence the carrying out of the classification requirements at that slaughterhouse; and

(*b*) within 30 days from the date of such notice, agree with the LMC a classification charge.

(3) The LMC may—

(*a*) notwithstanding paragraph (2)(*a*), accept a notice of less than six months; and

(*b*) notwithstanding paragraph (2)(*b*), agree with an occupier a classification charge at any time.

(4) If the occupier and the LMC fail to agree a classification charge, the LMC may refuse to carry out the classification requirements and in such event shall notify the occupier in writing of such refusal.

(5) Where the LMC has received notice of a request to carry out the classification requirements at a registered slaughterhouse and agreed with the occupier a classification charge, the LMC shall—

(*a*) forthwith notify that occupier in writing of:

(i) its agreement to carry out the classification requirements at that slaughterhouse;