1988 No. 358

AGRICULTURE

Pig Carcase (Grading) Regulations (Northern Ireland) 1988

Made	*7th October 1988*
Coming into operation—	
Regulations 1, 2, 3 and 8(1)(a), (4) and (5) and the Schedule	*18th November 1988*
Remainder	*1st January 1989*

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 Economic 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) 1988 and shall come into operation—

(*a*) as respects regulations 1, 2, 3 and 8(1)(*a*), (4) and (5) and the Schedule on 18th November 1988, and

(*b*) as respects the remainder on 1st January 1989.

Interpretation

2.—(1) In these Regulations—

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

"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**);

"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(**e**);

(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. L285, 25.10.85, p. 39

"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**);

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

"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 authorisation in Article 2 of the Commission Decision, the carcase may include the tongue.

(2) In these Regulations—

(*a*) any reference to a slaughterhouse is a reference to a slaughterhouse in which pigs are slaughtered, and

(*b*) except in regulations 6 and 8(1)(*b*) and (*c*), (4) and (5) any such reference is a reference to a slaughterhouse in which there are slaughtered more than 200 pigs per week on a yearly average basis.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings in the Council Regulation, the Commission Regulation and the Commission Decision.

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

Registration

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

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

(3) Where a person ceases to occupy a slaughterhouse he shall within 10 days of the date on which he does so give written notice to the Department of—

(*a*) the date on which he ceased to occupy that slaughterhouse; and

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

Special grading criterion

4. 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.

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

Weighing and grading of pig carcases

5. The occupier of any slaughterhouse shall—

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

(*b*) grade each such carcase in compliance with the requirements of Article 3(1) and (2) of the Council Regulation as read with regulation 4 by application of one of the methods approved by the Commission Decision; and

(*c*) in the case of pig carcases to be marketed uncut in another Member State, mark each pig carcase in the manner prescribed in Article 4(1) of the Council Regulation and Article 4 of the Commission Regulation;

(*d*) in any other case—

(i) mark each pig carcase in the manner so prescribed; or

(ii) make and keep a record relating to each pig carcase in compliance with the requirements of Article 4(2) of the Council Regulation.

Powers of entry and inspection and to obtain evidence

6.—(1) An authorised officer, may, for the purpose of ascertaining whether the provisions of these Regulations have been, or are being, complied with—

(*a*) enter any slaughterhouse at any reasonable time;

(*b*) inspect any pig carcase at that slaughterhouse;

(*c*) examine any relevant commercial records and any record which is required, by virtue of regulation 5(*d*) to be kept in respect of pig carcases graded at that slaughterhouse.

(2) An authorised officer who reasonably suspects that there has been an offence under these Regulations, may, for the purpose of investigating such an offence, take possession of, or take a copy of, or extract from any commercial record or other record appearing to him to be material which is produced pursuant to paragraph (3), or which is in the possession or control of a person whom he reasonably suspects is guilty of such an offence.

(3) The occupier of any slaughterhouse shall on request produce to an authorised officer any relevant commercial records and any record which is required, by virtue of regulation 5(*d*), to be kept in respect of pig carcases graded at that slaughterhouse.

Warrants of authorised officer

7. An authorised officer acting in exercise of the power conferred by regulation 6 shall carry a warrant of his authority so to act, and shall produce it on demand.