

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 carcasses 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 carcasses(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 carcasses(a) as amended by Council Regulation (EEC) No. 3530/86(b);

“the Department” means the Department of Agriculture for Northern Ireland;

“pig carcass” 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 carcass 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 carcasses

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 carcasses 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 carcasses 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 carcasses 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.

Offences and penalties

8.—(1) If any person—

- (a) fails without reasonable excuse to comply with regulation 3;
- (b) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 6(1) and (2); or
- (c) fails without reasonable excuse to comply with a request under regulation 6(3),

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

(2) If any person without reasonable excuse contravenes, or fails to comply with, any provision of regulation 5 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) If any person—

- (a) makes an entry which he knows to be false in a material particular in any record which is required to be kept by virtue of regulation 5(a) or (d) or, with intent to deceive, makes use of any entry which he knows to be false; or
- (b) applies to any pig carcase, without due authority and with intent to deceive, any mark prescribed by virtue of Article 4(1) of the Council Regulation or applies to any pig carcase a mark so closely resembling a mark so prescribed as to be calculated to deceive,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(4) It shall be a defence for a person charged with an offence under paragraphs (1)(a), (1)(c) or (2) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) Where an offence under this regulation, which has been committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 7th October 1988.

(L.S.)

I. C. Henderson

Assistant Secretary

PARTICULARS OF THE OCCUPIER OF A SLAUGHTERHOUSE TO BE
NOTIFIED TO THE DEPARTMENT

1. (i) If an individual, his name and address;
(ii) If a joint owner or a partnership, the full names and addresses of the joint owners or partners;
(iii) If a body corporate, the full name and registered office of the body corporate.
2. The address of the slaughterhouse.
3. The principal place of business of the occupier, if different from item 2.
4. The name under which the slaughterhouse is operated, if different from item 1.
5. The date on which he became occupier of the slaughterhouse if later than 1st January 1989.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the administration and enforcement of the Community system of grading of pig carcasses in slaughterhouses of which the weekly average throughput exceeds 200 pigs. That system, which requires pig carcasses to be graded after slaughter in accordance with common rules by reference to the proportion which their lean meat content bears to their total weight, was established by Council Regulation (EEC) No. 3220/84 (O.J. No. L301, 20.11.84, p. 1) ("the Council Regulation"), for which detailed rules are laid down by Commission Regulation (EEC) No. 2967/85 (O.J. No. L285, 25.10.85, p. 39) ("the Commission Regulation"). Council Regulation (EEC) No. 3220/84 was amended by Council Regulation (EEC) No. 3530/86 (O.J. No. L326, 21.11.86, p. 8). The Community Regulations provide, *inter alia*, for—

- (a) the definition of the term "pig carcass" (Article 2 of the Council Regulation);
- (b) the principles by reference to which the lean meat content of a pig carcass is to be assessed (Article 2 of the Council Regulation and Article 3 of the Commission Regulation);
- (c) the methods by means of which the weight of a cold pig carcass is to be calculated (Article 2 of the Commission Regulation);
- (d) the scale of grades which is to be applied in respect of each pig carcass (Article 3 of the Council Regulation); and
- (e) the marking of pig carcasses after grading (Article 4 of the Council Regulation and Article 4 of the Commission Regulation).

In implementation of those provisions, these Regulations—

- (a) add to the grading scale which applies by virtue of Article 3(2) of the Council Regulation an additional grade indicating a minimum lean meat content of 60% designated by the letter "S" (regulation 4);
- (b) require occupiers of slaughterhouses to which these Regulations apply—
 - (i) to give the Department of Agriculture certain particulars of their businesses (regulation 3);
 - (ii) to weigh and grade pig carcasses in accordance with the requirements of the Council Regulation as read with Commission Decision No. 88/234/EEC (O.J. No. L105, 26.4.88, p. 15) which authorises the use of specified methods for grading pig carcasses and the calculation of the weight of cold pig carcasses by reference to a specified scale of absolute reductions of the hot weight (Commission Decision 88/234/EEC was amended by Commission Decision 88/478/EEC (O.J. No. L234, 24.8.88, p. 17) (regulation 5(a) and (b));
 - (iii) to mark any carcass to be exported uncut to another Member State with an indication of its grade in accordance with the requirements of the Community Regulations (regulation 5(c)); and

- (iv) to mark any other carcase in accordance with the requirements of the Community Regulations or to make and keep a record relating to it (regulation 5(d));
- (c) confer on persons authorised by the Department of Agriculture powers of entry and inspection for the purpose of ensuring compliance with the Regulations and power to take possession of records where an offence is reasonably suspected (regulation 6);
- (d) create offences and penalties, and provide for defences (regulation 8).

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.