

2010 No. 155

AGRICULTURE

**The Beef and Veal Labelling Regulations (Northern Ireland)
2010**

Made - - - - - *14th April 2010*

Coming into operation - *17th May 2010*

The Department of Agriculture and Rural Development—

- (a) being a Department designated(a), for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(b) in relation to food (including drink) including the primary production of food; and
- (b) having carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c),

makes these Regulations in accordance with section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Beef and Veal Labelling Regulations (Northern Ireland) 2010 and shall come into operation on 17th May 2010.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“authorised officer” means any person who is authorised in writing by an enforcement authority, either generally or specifically, to act in matters under these Regulations;

“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(e);

(a) S.I. 2003/2901

(b) 1972 c. 68

(c) O.J. No. L31, 1.2.2002, p.1, as amended by Commission Regulation (EC) No. 202/2008 (O.J. No. L60, 4.3.2008, p.17)

(d) 1954 c. (N.I.)

(e) O.J. No. L216, 26.8.2000, p.8, as last amended by Commission Regulation (EC) No. 275/2007 (O.J. No. 76, 16.3.2007, p.12)

“Council Regulation 1234/2007” means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(a);

“Commission Regulation 566/2008” means Commission Regulation 566/2008 laying down the detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less(b)

“the Department” means the Department of Agriculture and Rural Development;

“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(c)

The competent authority

3. The Department shall be the competent authority for the purposes of Title II of Regulation 1760/2000, Commission Regulation 1825/2000, Article 113b of, and Annex XIa to, Council Regulation 1234/2007(d) and Commission Regulation 566/2008.

The 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 these Regulations as “an enforcement authority”.

Offences

5.—(1) A person who fails to comply with any of the following is guilty of an offence—

(a) the following provisions of Regulation (EC) No. 1760/2000—

(i) Article 11 (requirement to label);

(ii) Article 13(1) (general rules);

(iii) Article 13(2) (indications on the label);

(iv) Article 13(5) (additional information on the label);

(v) Article 14 (labelling of minced beef);

(vi) Article 15 (beef from third countries);

(vii) Article 16(4) (voluntary labelling);

(viii) Article 17(1) (voluntary labelling of beef from third countries);

(b) the following provisions of Commission Regulation (EC) No. 1825/2000—

(i) Article 1 (traceability);

(ii) Article 2 (labelling);

(iii) Article 4 (size and composition of group);

(iv) Article 5(2) (minced beef);

(v) Article 5a (trimmings);

(vi) Article 5b (pre-packaged cut meat);

(a) O.J. No. L299, 16.11.2007, p.1, as last amended by Commission Regulation (EC) No. 183/2009 (O.J. No. L 63, 7.3.2009, p.9)

(b) O.J. No. L160, 19.6.2008, p.22

(c) O.J. No. L204, 11.8.2000, p.1, as last amended by Council Regulation (EC) No. 1791/2006 (O.J. No. L 363, 20.12.2006, p.1)

(d) Article 113b and Annex XIa were added by Council Regulation (EC) 361/2008 (O.J. No. L121, 7.5.2008, p.1)

- (vii) Article 5c (non-pre-packaged cut meat);
- (viii) Article 6(3) (beef in small retail packages);
- (ix) Article 7 (access to premises and records);
- (c) the following provisions of Council Regulation (EC) No. 1234/2007—
 - (i) Article 113b (marketing of the meat of bovine animals aged 12 months or less);
 - (ii) paragraph II of Annex XIa (classification at the slaughterhouse);
 - (iii) paragraph III of Annex XIa (sales descriptions);
 - (iv) paragraph IV of Annex XIa (compulsory information on the label);
 - (v) paragraph V of Annex XIa (optional information on the label);
 - (vi) paragraph VI of Annex XIa (recording);
 - (vii) paragraph VIII of Annex XIa (meat from third countries);
- (d) the following provisions of Commission Regulation (EC) No. 566/2008—
 - (i) Article 4(1) (compulsory information on the label);
 - (ii) Article 4(2) (indication of age);
 - (iii) Article 5 (recording of information).

(2) For the purposes of paragraph IV (2) of Annex XIa to Council Regulation (EC) No. 1234/2007, the required information must be displayed near the meat so as to allow the final consumer to identify it easily, and must be clearly legible.

(3) Records (including electronic records) must be retained for a period of 12 months from the end of the calendar year in which the record was made.

Enforcement Notices

6.—(1) Where beef or veal has been labelled and marketed in a manner which does not comply with these Regulations, an authorised officer may serve a notice on the person in possession of the beef or veal requiring—

- (a) its immediate relabeling in accordance with these Regulations; or
- (b) its immediate removal from sale until it is labelled in accordance with these Regulations or otherwise disposed of,

and any person who fails to comply with that notice is guilty of an offence.

(2) A notice must state the right of appeal to a court of summary jurisdiction and the period within which the appeal must be brought.

(3) A person who is aggrieved by a decision of an authorised officer to serve a notice pursuant to paragraph (1) may appeal to a court of summary jurisdiction at any time before the expiration of one month beginning with the date on which the notice of the decision was served on the aggrieved person, and Part VII of the Magistrates Court (Northern Ireland) Order 1981^(a) shall apply accordingly.

(4) On an appeal against a notice served pursuant to paragraph (1), the court may either cancel or affirm the notice and, if the court affirms the notice, it may do so in its original form or with such modifications as the court, in the circumstances, think fit.

Powers of entry

7.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of ascertaining whether—

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

^(a) S.I. 1981/1675 (N.I. 26)

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

(2) The officer may be accompanied by such other persons as the officer considers necessary, including any representative of the European Commission.

(3) If a lay magistrate, on a sworn complaint in writing, is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a dwelling) for any purpose 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 lay magistrate may, by signed warrant, authorise an authorised officer to enter the premises, if need be by reasonable force.

(4) A warrant granted under this regulation shall continue in force for a period of one month.

(5) An officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before he entered them.

Powers of authorised officers

8. An authorised officer entering any premises under these Regulations may—

- (a) inspect any beef or veal present on those premises;
- (b) take samples from any beef or veal present on those premises and, if necessary, send the samples for testing;
- (c) inspect any labels and relevant business records (including electronic records) in whatever form they are held;
- (d) seize and detain any such labels and records (including electronic records) which may be required as evidence in proceedings under of these Regulations.

Obstruction

9. A person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations; or
- (b) without reasonable cause, fails to give any person acting in execution of these Regulations any assistance or information which that person may reasonably require for the purpose of carrying out functions under these Regulations; or
- (c) furnishes to any person acting in the execution of these Regulations any information knowing it to be false or misleading,

shall be guilty of an offence.

Penalties

10. A person guilty of an offence under any provision of these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocations

11. The Beef and Veal Labelling Regulations (Northern Ireland) 2009(a) are hereby revoked.

(a) S.R. 2009 No. 2

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 14th
April 2010.

(L.S.)

Dr John Speers
A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Beef and Veal Labelling Regulations (Northern Ireland) 2009. The changes are that they enforce Articles 5a, 5b and 5c of Commission Regulation (EC) No. 1825/2000 (regulation 5(1) (b)) and provide rules for the provision of information for non-pre-packaged meat of bovine animals aged 12 months or less at the point of sale (regulation 5(2)).

They continue to enforce Title II of 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 subsidiary Commission Regulations. They also enforce the provisions relating to bovine animals aged 12 months or less contained in Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products as well as the provisions of Commission Regulation (EC) No. 566/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less.

The Regulations are enforced by the Department of Agriculture or any district council or the Department and any district council acting jointly (regulation 4).

Breach of the Regulations is an offence punishable on summary conviction with a fine not exceeding level 5 on the standard scale (regulation 10).

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