

**2010 No. 231**

**AGRICULTURE**

**The Beef and Pig Carcase Classification Regulations (Northern  
Ireland) 2010**

*Made* - - - - - *30th June 2010*

*Coming into operation* - *6th August 2010*

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SCHEDULE 1 — European provisions: bovine carcasses

PART 1

PART 2

SCHEDULE 2 — European provisions: pig carcasses

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SCHEDULE 4 — Records: pig carcasses

The Department of Agriculture and Rural Development is designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the common agricultural policy of the European Union, makes these Regulations in exercise of the powers conferred by that section and paragraph 1A of Schedule 2 to that Act<sup>(c)</sup>

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Department of Agriculture and Rural Development that it is expedient for references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

- (a) Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products<sup>(d)</sup>, and
- (b) Commission Regulation (EC) No. 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof<sup>(e)</sup>.

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(a) S.I. 2000/2812

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51)

(c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006

(d) O.J. No. L 299, 16.11.2007, p. 1, to which there are amendments not relevant to these Regulations

(e) O.J. No. L 337, 16.12.2008, p. 3

# PART 1

## GENERAL PROVISIONS

### Citation and commencement

1. These Regulations may be cited as the Beef and Pig Carcase Classification Regulations (Northern Ireland) 2010 and shall come into operation on 6<sup>th</sup> August 2010.

### Interpretation

2.—(1) In these Regulations—

“the 1994 Regulations” means the Pig Carcase (Grading) Regulations (Northern Ireland) 1994(a);

“the 2005 Regulations” means the Beef Carcase (Classification) Regulations (Northern Ireland) 2005(b);

“adult bovine animal” means a bovine animal the live weight of which is more than 300 kilograms;

“approved body” means the LMC or any other body approved by the Department;

“approved slaughterhouse” means an establishment used for slaughtering and dressing adult bovine animals or pigs, the meat of which is intended for human consumption, and which—

(a) is approved or conditionally approved under Article 31(2) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(c), or

(b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(d)) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(e);

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

“bovine carcase” means a carcase or half-carcase of a slaughtered adult bovine animal bearing a health mark provided for in Article 5(2) of, and Chapter III of Section I of Annex I to, Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(f); and in this definition, “carcase” means the whole body as presented after bleeding, evisceration and skinning, and “half-carcase” means the product obtained by separating such a carcase symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis;

“classification”, except as otherwise indicated in regulation 5, means—

(a) the classification of bovine carcasses in accordance with the European beef provisions, or

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(a) S.R. 1994 No. 384 as amended by S.R. 2006 No. 253 and S.R. 2007 No. 271

(b) S.R. 2005 No. 28

(c) O.J. No. L 165, 30.4.2004, p. 1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 191, 28.5.2004, p. 1), and there are further amendments not relevant to these Regulations

(d) O.J. No. L 139, 30.4.2004, p. 55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.2004, p. 22), and there are further amendments not relevant to these Regulations

(e) S.R. 1997 No. 493, revoked by S.R. 2005 No. 356

(f) O.J. No. L 139, 30.4.2004, p. 206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.2004, p. 83); relevant amendments were made by Commission Regulation (EC) No. 2074/2005 (O.J. No. L 338, 22.12.2005, p. 27), Commission Regulation (EC) No. 2076/2005 (O.J. No. L 338, 22.12.2005, p. 83), Council Regulation (EC) No. 1791/2006 (O.J. No. L 363, 20.12.2006, p. 1) and Commission Regulation (EC) No. 1021/2008 (O.J. No. L 277, 18.10.2008, p.15)

(b) the classification of pig carcasses in accordance with the European pig provisions, as the case may be, and cognate terms are to be construed accordingly;

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

“Commission Regulation” means Commission Regulation (EC) No. 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof;

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

“electronic communication” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001(a);

“European beef provision” means a provision which is specified in column 2 of Schedule 1, the subject matter of which is described in column 3 of that Schedule;

“European pig provision” means a provision which is specified in column 2 of Schedule 2, the subject matter of which is described in column 3 of that Schedule;

“LMC” means the Livestock and Meat Commission for Northern Ireland(b) established under section 1 of the Livestock Marketing Commission Act (Northern Ireland) 1967(c)

“operator” means a person carrying on the business of a an approved slaughterhouse;

“pig carcass” means the body of a slaughtered clean pig, bled and eviscerated, whole or divided down the mid-line;

“prescribed communication” means a communication of the results of classification as required by Article 7(1) of the Commission Regulation; and

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

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

(3) Other terms used in these Regulations that are also used in the Commission Regulation or the Council Regulation have the meaning they bear in those Regulations.

(4) In these Regulations—

(a) any reference to the Commission Regulation is a reference to the Commission Regulation as amended from time to time, and

(b) any reference to the Council Regulation is a reference to the Council Regulation as amended from time to time.

## Notices

3.—(1) Any notice required or authorised under these Regulations to be given to any person must be in writing.

(2) Any such notice may be given by—

(a) delivering it to the person;

(b) leaving it at the person’s proper address;

(c) sending it by post to the person at that address; or

(d) subject to paragraph (6), by being sent to them by an electronic communication.

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(a) 2001 c.9 (N.I.); section 4(1) was amended by section 406(1) and paragraph 170 of Schedule 17 of the Electronic Communications Act 2003 (c.21)

(b) Formerly the Livestock Marketing Commission for Northern Ireland: *see* S.I. 1994/1891 (N.I. 6) Article 8

(c) 1967 c. 21 (N.I.)

(d) 1954 c. 33 (N.I.)

(3) For the purposes of this regulation and section 24 of the Interpretation Act (Northern Ireland) 1954 (Service of documents) in its application to this regulation, the proper address of any person to whom a notice is to be given is the person's last known address.

(4) Paragraph (5) applies if a person to be given a notice under these Regulations has specified an address ("the specified address") within the United Kingdom other than their proper address (as decided under paragraph (3)) as the one at which they, or someone on their behalf, will accept documents of the same description as a notice given under these Regulations.

(5) The specified address is also to be treated for the purposes of this regulation and section 24 of the Interpretation Act (Northern Ireland) 1954 in its application to this regulation as the person's proper address.

(6) If a notice under these Regulations to be given to a person is sent by an enforcement authority by an electronic communication, it is to be treated as given only if—

- (a) the person to whom the notice is given has indicated a willingness to the enforcement authority to receive notices by an electronic communication and provided an address suitable for that purpose; and
- (b) the notice is sent to the address provided by that person.

## PART 2

### NOTIFICATIONS BY OPERATORS

#### **Notifications by operators**

4.—(1) Every person who on 6<sup>th</sup> August 2010 is, or who on a subsequent date becomes, an operator, must within 28 days of that date give notice to the Department of the particulars specified in paragraph (3).

(2) A person who has given notice under—

- (a) regulation 4(1) or (2) of the 1994 Regulations, or
- (b) regulation 4(1) of the 2005 Regulations,

is deemed to have given notice under paragraph (1).

(3) The particulars referred to in paragraph (1) are—

- (a) the full name and address of the operator;
- (b) where the operator is a partnership or joint owners, the full names and addresses of all the partners or joint owners;
- (c) the address, telephone number and approval number of the slaughterhouse.

(4) Where any change occurs in any of the particulars specified in paragraph (3), the operator must within 28 days of the change give notice to the Department of particulars of the change.

(5) Where an operator ("O") ceases to be the operator of an approved slaughterhouse, O must within 10 days of such cessation give notice to the Department of—

- (a) the date of such cessation; and
- (b) the person (if any) succeeding O as operator of that slaughterhouse.

(6) Where an approved slaughterhouse ceases to be such a slaughterhouse its operator must within 10 days of such cessation give notice to the Department of the date of such cessation.

## PART 3

### BOVINE CARCASSES

#### **Application of these Regulations to small-scale bovine operators**

5.—(1) A small-scale bovine operator is not required to classify bovine carcasses.

(2) These Regulations do not apply to a small-scale bovine operator which does not classify bovine carcasses.

(3) But if a small-scale bovine operator chooses to classify bovine carcasses, these Regulations apply in relation to that operator and the classification of those carcasses.

(4) In paragraphs (2) and (3), “classify” means classify in accordance with the European beef provisions or otherwise than in accordance with those provisions, and “classification” is to be construed accordingly.

(5) In this regulation, “small-scale bovine operator” means an operator of an approved slaughterhouse at which not more than 75 adult bovine animals per week as an annual average are slaughtered.

(6) Nothing in this regulation prevents the application of these Regulations to an operator in relation to pig carcasses if pigs are also slaughtered in that operator’s slaughterhouse.

#### **Competent authority etc.: bovine carcasses**

6.—(1) The Department is the competent authority for the purposes of—

- (a) Article 9 of the Commission Regulation (authorisation of automated grading techniques),
- (b) Article 10(2)(b) of the Commission Regulation (classification by automated grading techniques); and
- (c) Article 16 of the Commission Regulation (reporting of weekly prices to the competent authority and calculation of weekly prices).

(2) The Department is responsible for on-the-spot checks as described in Article 11 of the Commission Regulation.

#### **Labelling instead of marking**

7. Subject to—

- (a) the final paragraph of Article 6(4) of the Commission Regulation;
- (b) Article 4(3)(c) of Commission Regulation (EC) No. 1669/2006<sup>(a)</sup> laying down detailed rules for the application of Council Regulation (EC) No. 1254/1999 as regards the buying-in of beef<sup>(b)</sup>; and
- (c) point I(a) of Annex I to Commission Regulation (EC) No. 826/2008 laying down common rules for the granting of private storage aid for certain agricultural products<sup>(c)</sup>,

an operator may, instead of marking a bovine carcase in accordance with Article 6(3) of the Commission Regulation, label it in accordance with Article 6(4) of that Regulation.

#### **Licence to carry out classification**

8.—(1) The Department must grant a licence to carry out classification of bovine carcasses to any person who applies for such a licence and who appears to the Department to be qualified to carry out classification, but the Department may refuse to grant such a licence if the Department is

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(a) O.J. No. L 312, 11.11.2006, p. 6, to which there are amendments not relevant to these Regulations

(b) O.J. No. L 160, 26.6.1999, p. 21, to which there are amendments not relevant to these Regulations

(c) O.J. No. L 223, 21.8.2008, p. 3, to which there are amendments not relevant to these Regulations

satisfied that the applicant is not a fit and proper person to carry out classification of bovine carcasses.

(2) In addition to the power to revoke a licence in the circumstances mentioned in Article 12(2) of the Commission Regulation (incorrect classifications or identifications), the Department may suspend or revoke a licence granted to a person under this regulation—

- (a) if the person has contravened any of the terms and conditions of that licence; or
- (b) if the Department is satisfied that the person holding that licence is no longer a fit and proper person to carry out classification of bovine carcasses.

(3) Where the Department takes any decision in relation to a licence under this regulation which gives rise to a right of appeal under regulation 10, the Department must inform the person concerned of the right of appeal.

### **Licence for automated grading**

**9.**—(1) The Department may grant, to the operator of an approved slaughterhouse, a licence authorising the use of automated grading equipment for classification of bovine carcasses at that slaughterhouse.

(2) In addition to the power to revoke a licence in the circumstances mentioned in Article 12(2) of the Commission Regulation, the Department may suspend or revoke a licence granted to an operator under this regulation—

- (a) if the operator has contravened any of the terms or conditions of that licence; or
- (b) if the Department considers that the automated grading equipment no longer meets the standards required by Article 9 of, and Annex II to, the Commission Regulation, whether for reasons connected with the equipment itself or with the operator's manner of use of the equipment.

(3) Where the Department takes any decision in relation to a licence under this regulation which gives rise to a right of appeal under regulation 10, the Department must inform the person concerned of the right of appeal.

### **Appeals regarding licences**

**10.**—(1) A person may, within 21 days of the notification of a decision to which this regulation applies, appeal against that decision to a magistrates' court.

(2) A specified decision for the purpose of paragraph (1) is a decision by the Department to—

- (a) refuse an application by that person for a licence under regulation 8 or 9;
- (b) impose a term or condition in a licence granted to that person under regulation 8 or 9; or
- (c) suspend or revoke a licence granted to that person under regulation 8 or 9.

(3) The procedure is by way of complaint for an order, and the Magistrates' Courts (Northern Ireland) Order 1981(a) applies to the proceedings.

(4) On an appeal the court may either cancel or affirm the decision and, if the court affirms the decision, it may do so either in its original form or with such modifications as the court thinks fit.

### **Records: bovine carcasses**

**11.**—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 3 relating to each bovine carcass which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

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

### **Classifications by an approved body**

12.—(1) An approved body may, under an agreement with the occupier, carry out the classification requirements in respect of bovine carcasses at an approved slaughterhouse occupied by him.

(2) Where an agreement is made under paragraph (1) the approved body shall immediately give written notice to the Department of that agreement.

(3) The approved body shall as soon as is reasonably practicable after carrying out classification requirements provide the occupier with the particulars specified in paragraphs 1, 3 and 5 of Schedule 3 and any other details relating to those classification requirements as the occupier may reasonably require so as to enable him to give the prescribed communication and to comply with regulation 11.

(4) Where the approved body suspends or revokes an agreement under paragraph (1), it shall immediately give written notice to the occupier and the Department of that fact.

(5) Where the occupier suspends or revokes an agreement under paragraph (1), he shall immediately give written notice to the approved body and the Department of that fact.

## **PART 4**

### **PIG CARCASSES**

#### **Exemption for small-scale pig operators**

13.—(1) These Regulations do not apply to an operator of an approved slaughterhouse at which not more than 200 clean pigs per week as an annual average are slaughtered.

(2) But nothing in paragraph (1) prevents the application of these Regulations in relation to bovine carcasses if adult bovine animals are also slaughtered in that operator's slaughterhouse.

#### **Competent authority etc.: pig carcasses**

14.—(1) The Department is the competent authority for the purposes of Article 22(2) of the Commission Regulation (carcase weight).

(2) The Department is responsible for on-the-spot checks as described in Article 24 of the Commission Regulation.

#### **Records instead of marking**

15. Except where a pig carcase is to be marketed uncut in another member State, an operator may, instead of marking a pig carcase in accordance with Article 21(3) of the Commission Regulation—

- (a) identify a pig carcase, and
- (b) complete a record in relation to that carcase,

as provided for by Article 21(4) of that Regulation.

#### **Records: pig carcasses**

16.—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 4 relating to each pig carcase which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.



## PART 5

### ENFORCEMENT AND OFFENCES

#### **Powers of entry**

17.—(1) An authorised officer may at any reasonable hour and on producing, if so required, a duly authenticated authorisation, enter an approved slaughterhouse and any associated premises in which carcasses may be handled or records relating to those carcasses may be kept, for the purpose of ascertaining whether—

- (a) any offence under these Regulations is being or has been committed on the premises; or
- (b) there is on the premises any evidence of any such offence.

(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 sworn information in writing, is satisfied that there is reasonable ground for entry into premises for any purpose 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 operator; 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 operator 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 continues in operation for 3 months.

(5) An officer who enters any unoccupied premises, or premises in which the operator is temporarily absent, must leave them as effectively secured against unauthorised entry as they were before entry.

#### **Powers of authorised officers**

18. An authorised officer entering premises under these Regulations may—

- (a) inspect any bovine carcass or pig carcass or part of such a carcass, or any carcass or part of a carcass which the officer reasonably suspects to be a bovine carcass or pig carcass or part of such a carcass, on those premises;
- (b) examine any record which an operator is required to keep under regulation 11 or 16 or under the Commission Regulation, 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;
- (c) 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; and
- (d) retain any such record which the officer has reason to believe may be required as evidence in proceedings under these Regulations.

#### **Enforcement notices**

19.—(1) If the Department (“D”) has reason to believe that a person (“P”) has committed an offence under these Regulations, D may give P a notice (an enforcement notice) in accordance with paragraph (2).

(2) An enforcement notice must—

- (a) state D’s grounds for believing this;

- (b) specify the matter that constitutes the offence;
- (c) specify what P must stop doing, or the measure that, in D's opinion, P must take in order to comply with these Regulations;
- (d) require P to stop doing the action specified in the notice, or take the measures specified in the notice, or measures at least equivalent to them, within the period (being not less than 14 days) specified in the notice;
- (e) inform P of the right of appeal conferred by regulation 20; and
- (f) inform P of the period within which such an appeal may be brought.

(3) Any person who contravenes or fails to comply with an enforcement notice is guilty of an offence.

#### **Appeals against enforcement notices**

**20.**—(1) A person may appeal to a magistrates' court against an enforcement notice if that person has reason to believe that the notice should not have been given.

(2) A person may appeal within 21 days beginning with the date on which the notice was given.

(3) The procedure is by way of complaint for an order, and the Magistrates' Courts (Northern Ireland) Order 1981 applies to the proceedings.

(4) On an appeal the court may either cancel or affirm the notice and, if the court affirms the notice, it may do so either in its original form or with such modifications as the court thinks fit.

#### **Offences: European beef provisions**

**21.**—(1) Subject to regulation 7, (labelling instead of marking), any person who—

- (a) fails to comply with any requirement under a European beef provision; or
- (b) contravenes any prohibition contained in a European beef provision,

is guilty of an offence.

(2) But a person falling within paragraph (3) does not commit an offence if that person—

- (a) fails to comply with any requirement under a Part 2 European beef provision; or
- (b) contravenes any prohibition contained in a Part 2 European beef provision.

(3) A person falls within this paragraph if the person is—

- (a) an operator of an approved slaughterhouse which itself bones all the bovine carcasses which it obtains; or
- (b) responsible for the classification of bovine carcasses in such a slaughterhouse.

(4) In this regulation, "Part 2 European beef provision" means a provision of the Commission Regulation which is specified in column 2 of Part 2 of Schedule 1.

#### **Offences: European pig provisions**

**22.** Subject to regulation 15, (records instead of marking), any person who—

- (a) fails to comply with any requirement under a European pig provision, or
- (b) contravenes any prohibition contained in a European pig provision,

is guilty of an offence.

#### **Offences: notifications by operators**

**23.** Any person who fails to comply with any requirement of regulation 4 (notifications by operators) is guilty of an offence.

**Offences: licences (bovine carcasses)**

24.—(1) If classification of a bovine carcass is carried out at an approved slaughterhouse—

- (a) without a licence granted under regulation 8, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(2) If classification of a bovine carcass is carried out at an approved slaughterhouse by means of automated grading equipment—

- (a) without a licence granted under regulation 9 for the use of that equipment at that slaughterhouse, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(3) Any person who makes an alteration to a licence granted under regulation 8 or 9 is guilty of an offence.

**Offences: records and marks**

25.—(1) Any person who fails to comply with any requirement of regulation 11 (records: bovine carcasses) or regulation 16 (records: pigs carcasses) is guilty of an offence.

(2) Any person who—

- (a) applies to a bovine carcass or part of such a carcass a mark—
  - (i) prescribed by Article 6(3) of the Commission Regulation, or
  - (ii) closely resembling a mark prescribed by that provision, which is likely to mislead;
- (b) applies to a pig carcass or part of such a carcass a mark—
  - (i) prescribed by Article 21(3) of the Commission Regulation, or
  - (ii) closely resembling a mark prescribed by that provision, which is likely to mislead;
- (c) applies to a label relating to a bovine carcass or part of such a carcass an indication—
  - (i) prescribed by Article 6(4) of that Regulation, or
  - (ii) closely resembling an indication prescribed by that provision, which is likely to mislead; or
- (d) applies to a pig carcass or part of such a carcass a label prescribed by the last subparagraph of Article 21(3) of the Commission Regulation which is likely to mislead,

is guilty of an offence.

**Offences: obstruction etc.**

26. Any person who—

- (a) without reasonable excuse obstructs any person acting under these Regulations,
- (b) without reasonable cause, fails to give any person acting under these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations,
- (c) gives any person acting under these Regulations any information knowing it to be false or misleading, or
- (d) fails to produce any document or record when required to do so by any person acting under these Regulations,

is guilty of an offence.

### **Period for bringing prosecution**

**27.**—(1) Proceedings for an offence under regulation 19(3), 21, 22, 23, 24, 25(1) or 26 may be brought within a period of 12 months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor’s opinion, to justify proceedings.

(2) But no such proceedings may be brought more than 18 months from the commission of the offence.

(3) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence sufficient to justify the proceedings is conclusive evidence of that fact;
- (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

### **Defence of due diligence**

**28.** It is a defence for a person charged with an offence under these Regulations (“P”) to prove that P took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by P or by a person under P’s control.

### **Offences: punishment**

**29.**—(1) A person guilty of an offence under—

- (a) regulation 19(3) (enforcement notices);
- (b) regulation 21 (European beef provisions);
- (c) regulation 22 (European pig provisions);
- (d) regulation 23 (notifications by operators);
- (e) regulation 24 (licences (bovine carcasses));
- (f) regulation 25(1) (records); or
- (g) regulation 26 (obstruction etc.),

is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under regulation 25(2) (misleading marks etc.) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

### **Revocation**

**30.** The following are revoked—

- (a) the 1994 Regulations;
- (b) the 2005 Regulations;
- (c) the Pig Carcass (Grading) (Amendment) Regulations (Northern Ireland) 2006(**a**);
- (d) the Pig Carcass (Grading) (Amendment) Regulations (Northern Ireland) 2007(**b**).

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(a) S.R. 2006 No. 253

(b) S.R. 2007 No. 271

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30<sup>th</sup>  
June 2010.

(L.S.)

*Dr. John Speers*

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 2

European provisions: bovine carcasses

PART 1

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Council Regulation	Annex V, point A(II), together with Article 2(3) and (4) and 6(6) of the Commission Regulation	Requirement to indicate the category of carcass as specified in these provisions.
	Annex V, point A(III), together with Article 3 of, and Annex I to, the Commission Regulation	Requirement to indicate, in relation to a carcass, the class of conformation and fat cover, as specified in these provisions.
	Annex V, point A(IV)	Requirement to present carcasses in the specified manner.
	Annex V, point A(V), first sub-paragraph	Requirement for approved slaughterhouses to classify carcasses in accordance with the Community scale.
Commission Regulation	Article 6(1)	Requirement as to the place of classification and identification.
	Article 6(2)	Requirement as to the time of classification, identification and weighing.
	Article 7(1) and (2) and the first sub-paragraph of Article 7(3)	Requirements as to the prescribed communication.
	Article 9(4)	Prohibition on modifications of the technical specifications of licensed automatic grading techniques without approval of the Department.
	Article 10	Requirements as to classification by automated grading techniques.
	Article 13(2) and (5) and Annex III	Requirements concerning weighing of the carcass and adjustments to the weight.

Article 13(3)	Requirement to present carcass in specified manner, for the purpose of establishing market prices.
Article 15	Requirements as to recording of prices.
Article 16(1), (2) and (3)	Requirements as to reporting of prices.

## PART 2

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Commission Regulation	Article 6(3)	Requirements as to marking of carcasses to indicate the category and class of conformation and fat cover.
	Article 6(4)	Requirements in relation to labelling of a carcass.
	Article 6(5)	Prohibition on removal of marks and labels before boning.

## SCHEDULE 2

Regulation 2

### European provisions: pig carcasses

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Council Regulation	Annex V, point B(II)	Requirement to classify carcasses into one of the specified classes.
	Annex V, point B(III), as modified by Articles 3 and 4 of Commission Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom <sup>(a)</sup>	Requirement to present carcasses in a manner specified in these provisions.
	Annex V, point B(IV), subparagraph 1, together with Article 1 of, and Annex I to, Commission Decision 2004/370/EC	Requirement to grade carcasses by methods authorised by the Commission.

<sup>(a)</sup> O.J. No. L 116, 22.4.2004, p. 32, to which there are amendments not relevant to these Regulations

Commission Regulation	Article 21(1)	Requirement as to timing of classification of carcasses.
	Article 21(3)	Requirements as to marking or labelling of carcasses.
	Article 21(4)	Requirements as to identifying a carcass and keeping a record in respect of it.
	Article 21(5)	Prohibition on removing fat, muscle or other tissue before weighing, grading and marking.
	Article 22(1) and (2)	Requirements as to weighing of carcass and weight adjustments.
	Article 23(1), (2) and Annex IV	Requirements concerning assessment of lean-meat content of carcasses.

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### SCHEDULE 3

Regulation 11

#### Records: bovine carcasses

1. The results of the classification.
2. The approval number of the slaughterhouse.
3. The kill or slaughter number of the animal from which the carcass was obtained, as allocated by the operator.
4. The date of slaughter.
5. The weight of the carcass.
6. The dressing specification used.
7. A record that the prescribed communication has been effected.
8. The name, signature and classification licence serial number of the person who carried out the classification.



## SCHEDULE 4

Regulation 16

### Records: pig carcasses

1. The results of the classification.
2. The approval number of the slaughterhouse.
3. The kill or slaughter number of the animal from which the carcass was obtained, as allocated by the operator.
4. The date of slaughter.
5. The warm weight of the carcass, together with a note of—
  - (a) any adjustment made for the cold carcass weight; and
  - (b) any coefficient applied.
6. The lean meat percentage of the carcass.
7. An indication as to whether the tongue, flare fat, kidneys and diaphragm were attached or removed.
8. The name and signature of the person who carried out the classification.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and remake the provisions of the Pig Carcase (Grading) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 384) and the Beef Carcase (Classification) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 28). The Regulations enforce Article 42 of, and Annex V to, Council Regulation (EC) No. 1234/2007 (O.J. No. L 299, 16.11.2007, p. 1), which relate to Community scales for the classification of carcasses, and Commission Regulation (EC) No 1249/2008, (O.J. No. L 337, 16.12.2008, p. 3), which sets out further details regarding the implementation of those scales for the classification of carcasses. The Regulations relate to the carcasses of adult bovine animals and pigs.

The Regulations provide for notifications to be made to the Department by operators of slaughterhouses which slaughter bovine animals or pigs (regulation 4).

They contain provisions regarding the holding of licences by persons who classify bovine carcasses or in relation to classification of such carcasses by automated grading equipment (regulations 8, 9 and 10).

They require the keeping of certain records (regulations 11 and 16 and Schedules 3 and 4).

Part 5 of the Regulations concerns enforcement, and makes provision relating to the powers of authorised officers, enforcement notices and criminal proceedings. Regulations 19(3) and 21 to 26 set out the offences under the Regulations, which are all punishable on summary conviction by a fine not exceeding level 5 on the standard scale, except for offences under regulation 25(2) (false records and marks).

In particular regulations 21 and 22 provide that breach of specified provisions of European Union legislation (set out in Schedules 1 and 2) is an offence.

A Regulatory Impact Assessment has been prepared for these Regulations, however, they have no impact on the costs of business. Copies may be obtained from Food Policy Branch, Room 131, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

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**2010 No. 231**

**AGRICULTURE**

The Beef and Pig Carcase Classification Regulations (Northern  
Ireland) 2010

£5.75