

SCHEDULE 1

Regulation 5(1)

Community marketing and labelling provisions

1. The following provisions of Commission Regulation 1141/97–
 - (i) Article 2 (provision of an identification and registration system);
 - (ii) Article 3(1) (access to premises and records); and
 - (iii) Article 3(4) (provision of information to the competent authority).

Commencement Information

- I1** Sch. 1 para. 1 in force at 25.1.2009, see [reg. 1](#)

2. The following provisions of Regulation 1760/2000–
 - (i) Article 11 (requirement to label);
 - (ii) Article 13(1) (compulsory labelling: general rules);
 - (iii) Article 13(2) (compulsory labelling: indications on the label);
 - (iv) Article 13(5) (compulsory labelling: additional information on the label);
 - (v) Article 14 (derogations from the compulsory labelling system);
 - (vi) Article 15 (compulsory labelling of beef from third countries);
 - (vii) Article 16(4) (voluntary labelling); and
 - (viii) Article 17(1) (voluntary labelling of beef from third countries).

Commencement Information

- I2** Sch. 1 para. 2 in force at 25.1.2009, see [reg. 1](#)

3. The following provisions of Commission Regulation 1825/2000–
 - (i) Article 1 (traceability);
 - (ii) Article 2 (labelling where information is not available);
 - (iii) Article 4 (size and composition of a group);
 - (iv) Article 5(2) (minced beef);
 - (v) Article 6(3) (beef in small retail packages); and
 - (vi) Article 7 (checks).

Commencement Information

- I3** Sch. 1 para. 3 in force at 25.1.2009, see [reg. 1](#)

4. The following provision of Council Regulation 1234/2007–
 - (i) Article 113b (marketing of the meat of bovine animals aged 12 months or less);

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- (ii) paragraph II of Annex XIa (classification of bovine animals aged 12 months or less 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); and
- (vii) paragraph VIII of Annex XIa (meat imported from third countries).

Commencement Information

I4 Sch. 1 para. 4 in force at 25.1.2009, see [reg. 1](#)

- 5.** The following provision of Commission Regulation 566/2008—
- (i) Article 4(1) (compulsory information on the label);
 - (ii) Article 4(2) (indication of age); and
 - (iii) Article 5 (recording of information).

Commencement Information

I5 Sch. 1 para. 5 in force at 25.1.2009, see [reg. 1](#)

SCHEDULE 2

Regulation 6(2)

Powers of authorised officers

Powers of entry

1.—(1) An authorised officer has the right at all reasonable hours to enter any premises (excluding premises used only as a dwelling) for the purpose of ascertaining whether—

- (a) any contravention of any provisions of these Regulations has taken place; or
- (b) there is any evidence of any contravention of any provisions of these Regulations.

(2) The authorised officer must produce, if required, a duly authenticated document showing the officer's authority under sub-paragraph (1).

(3) If—

- (a) a justice of the peace or a sheriff, sworn (on oath), is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a dwelling) for any purpose mentioned in sub-paragraph (1) above; and
- (b) at least one of the grounds in sub-paragraph (4) applies,

the justice of the peace or sheriff may by a signed warrant authorise an authorised officer to enter the premises, if need be by reasonable force.

(4) The grounds referred to in sub-paragraph (3)(b) are—

- (a) admission to the premises has been refused, (or a refusal is anticipated), and notice of the intention to apply for a warrant has been given to the occupier;

- (b) a request for admission to the premises, or the giving of notice of the intention to apply for a warrant, would defeat the object of the entry;
 - (c) the case is one of urgency; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (5) Every warrant granted under sub-paragraph (3) shall continue in force for a period of one month.
- (6) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it—
- (a) may be accompanied by other persons as considered necessary; and
 - (b) on leaving any unoccupied premises which the officer has entered by virtue of such a warrant, must leave them effectively secured against unauthorised entry as the officer found them.
- (7) Where land or premises are damaged in the exercise of a power of entry conferred by this paragraph, compensation in respect of that land or those premises may be recovered by any person interested in that land or those premises from the Scottish Ministers or the relevant local authority, as the case may be.
- (8) In sub-paragraph (3), “justice of the peace” means a justice of the peace appointed under section 67(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(1).

Commencement Information

I6 Sch. 2 para. 1 in force at 25.1.2009, see [reg. 1](#)

Powers of inspection and sampling etc.

- 2.—(1) An authorised officer entering any premises by virtue of paragraph 1 above, or of a warrant issued under it, may—
- (a) inspect any beef or veal present on those premises;
 - (b) take samples (and, if necessary, send the samples for laboratory testing) from any beef or veal present on those premises;
 - (c) inspect any beef or veal label and relevant business records in whatever form they are held;
 - (d) take copies of these labels and records;
 - (e) remove and retain any such label, beef or veal and records which are believed to be required as evidence in proceedings under any of the provisions of these Regulations;
 - (f) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any such records mentioned in sub-paragraph (c) above, and require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as that person may reasonably require; and
 - (g) where records are kept by means of a computer, require the records to be produced in a visible and legible form in which they may be taken away.

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Commencement Information

17 Sch. 2 para. 2 in force at 25.1.2009, see [reg. 1](#)

Protection of authorised officers acting in good faith

3.—(1) No authorised officer shall be personally liable in respect of any act—

- (a) in the execution or purported execution of these Regulations; and
- (b) within the scope of that officer's employment,

if the authorised officer acted in the honest belief that these Regulations required the act to be done.

(2) Nothing in sub-paragraph (1) above shall be construed as relieving the Scottish Ministers or the relevant local authority from any liability in respect of the acts of authorised officers.

(3) Where an action has been brought against an authorised officer in respect of an act—

- (a) in the execution or purported execution of these Regulations; and
- (b) outside the scope of that officer's employment,

the Scottish Ministers or the relevant local authority may indemnify the authorised officer against the whole or part of any damages which that officer has been ordered to pay or any costs which that officer may have incurred if they are satisfied that that officer honestly believed that the act complained of was within the scope of that officer's employment.

Commencement Information

18 Sch. 2 para. 3 in force at 25.1.2009, see [reg. 1](#)

Obstruction of authorised officers

4. It is an offence—

- (a) intentionally to obstruct an authorised officer acting in the execution of these Regulations;
- (b) knowingly to give any information that is false or misleading to any authorised officer acting in the execution of these Regulations;
- (c) intentionally to fail to disclose any material particular to any authorised officer acting in the execution of these Regulations; or
- (d) to fail, without reasonable excuse—
 - (i) to give any assistance or information that any authorised officer acting in the execution of these Regulations may require; or
 - (ii) to produce any record that any authorised officer acting in the execution of these Regulations may require to be produced,

for the performance of that authorised officer's functions under these Regulations.

Commencement Information

19 Sch. 2 para. 4 in force at 25.1.2009, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 1 para. 2 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 1 para. 3 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 1 para. 4 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 1 para. 5 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 2 para. 1 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 2 para. 2 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 2 para. 3 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Sch. 2 para. 4 coming into force by [S.S.I. 2008/418 reg. 1](#)
- Regulations revoked by [S.S.I. 2010/402 reg. 14](#)
- reg. 1 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 2 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 3 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 4 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 5 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 6 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 7 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 8 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 9 coming into force by [S.S.I. 2008/418 reg. 1](#)
- reg. 10 coming into force by [S.S.I. 2008/418 reg. 1](#)