
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 330

**The Beef and Pig Carcase Classification
(Scotland) Regulations 2010**

PART 5

ENFORCEMENT, OFFENCES AND SUPPLEMENTAL PROVISIONS

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 ^{F1}....

(3) If a justice of the peace or sheriff, by evidence on oath, 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 justice of the peace or sheriff 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 remains in force for three 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.

Textual Amendments

- F1** Words in [reg. 17\(2\)](#) omitted (31.12.2020) by virtue of [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/73\)](#), regs. 1(2), [4\(5\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Powers of authorised officers

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

- (a) inspect any bovine carcase or pig carcase or part of such a carcase, or any carcase or part of a carcase which the officer reasonably suspects to be a bovine carcase or pig carcase or part of such a carcase, on those premises;
- (b) examine any record which an operator is required to keep under regulation 12 or 16 or under the [^{F2}Commission Delegated Regulation and the Commission Implementing 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.

Textual Amendments

- F2** Words in [reg. 18\(b\)](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **12**

[^{F3}Offences: [^{F4}retained EU] beef provisions

- 19.** Subject to regulation 7 (marking), any person who, in relation a bovine carcase—
- (a) fails to comply with any requirement under a [^{F4}retained EU] beef provision; or
 - (b) contravenes any prohibition contained in a [^{F4}retained EU] beef provision,
- commits an offence.]

Textual Amendments

- F3** [Reg. 19](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **13**
- F4** Words in [reg. 19](#) substituted (31.12.2020) by [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/73\)](#), regs. 1(2), **4(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Offences: [^{F5}retained EU] pig provisions

- 20.** Subject to regulation 15 (records instead of marking), any person who—
- (a) fails to comply with any requirement under a [^{F5}retained EU] pig provision; or
 - (b) contravenes any prohibition contained in a [^{F5}retained EU] pig provision,
- [^{F6}commits] an offence.

Textual Amendments

- F5** Words in [reg. 20](#) substituted (31.12.2020) by [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/73\)](#), regs. 1(2), **4(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in [reg. 20](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **14**

Offences: notifications by operators

21. Any person who fails to comply with any requirement of regulation 4 (notifications by operators) [^{F7}commits] an offence.

Textual Amendments

F7 Word in reg. 21 substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **14**

Offences: licences (bovine carcasses)

22.—(1) If classification of a bovine carcase 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,

[^{F8}both the person who carries out the classification and the operator of that slaughterhouse commit an offence].

(2) If classification of a bovine carcase is carried out at an approved slaughterhouse by means of [^{F9}automated grading methods]—

- (a) without a licence granted under regulation 9 for the use of that [^{F10}method] at that slaughterhouse; or
- (b) in breach of any term or condition of such a licence,

[^{F11}both the person who carries out the classification and the operator of that slaughterhouse commit an offence].

(3) Any person who makes an alteration to a licence granted under regulation 8 or 9 with the intent to deceive [^{F12}commits] an offence.

Textual Amendments

F8 Words in reg. 22(1) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(a)**

F9 Words in reg. 22(2) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(b)(i)**

F10 Word in reg. 22(2)(a) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(b)(ii)**

F11 Words in reg. 22(2) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(b)(iii)**

F12 Word in reg. 22(3) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(c)**

[^{F13}Offences: authorised grading methods (pig carcasses)

22A. If classification of a pig carcase is carried out at an approved slaughterhouse—

- (a) without using an authorised grading method provided for in Article 11 of the Commission Delegated Regulation; or
- (b) without the operation of grading techniques, provided for in Article 11, by qualified personnel,

both the person who carries out the classification and the operator of that slaughterhouse commit an offence.]

Textual Amendments

F13 Reg. 22A inserted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **15(d)**

Offences: records and marks

23.—(1) Any person who fails to comply with any requirement of regulation 12 (records: bovine carcases) or regulation 16 (records: pig carcases) [^{F14}commits] an offence.

[^{F15}(2) Any person who marks a bovine carcase, or part of such a carcase—

- (a) as prescribed by Article 8(1), (2)(a), (3)(a), (4) and (5) of the Commission Delegated Regulation; or
- (b) in a way closely resembling the marking prescribed by Article 8(1), (2)(a), (3)(a), (4) and (5) of the Commission Delegated Regulation,

which is likely to mislead, commits an offence.]

[^{F16}(3) Any person who marks a pig carcase, or part of such a carcase—

- (a) as prescribed by Article 8(1), (2)(b), (3)(c), (4) and (5) of the Commission Delegated Regulation; or
- (b) in a way closely resembling the marking prescribed by Article 8(1), (2)(b), (3)(c), (4) and (5) of the Commission Delegated Regulation,

which is likely to mislead, commits an offence.]

Textual Amendments

F14 Word in reg. 23(1) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **16(a)**

F15 Reg. 23(2) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **16(b)**

F16 Reg. 23(3) inserted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **16(c)**

Offences: obstruction etc.

24. Any person who—

- (a) without reasonable excuse, intentionally obstructs any person acting under these Regulations;
- (b) without reasonable excuse, 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;

[^{F17}commits] an offence.

Textual Amendments

F17 Word in [reg. 24](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **17**

Period for bringing prosecution

25.—(1) Proceedings for an offence under regulation 19, 20, 21, 22, [^{F18}22A,] 23(1) or 24 may be brought within a period of 6 months from the date on which the procurator fiscal first knows of evidence sufficient, in the procurator fiscal's opinion, to justify proceedings.

(2) But no such proceedings may be brought more than 12 months from the commission of the offence.

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

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

Textual Amendments

F18 Word in [reg. 25\(1\)](#) inserted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **18**

Offences by bodies corporate

26.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association;
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association [^{F19}commits] the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, the members;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Textual Amendments

- F19** Word in [reg. 26\(1\)\(b\)](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **19**

Defence of due diligence

27. 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

28.—(1) A person [^{F20}who commits] an offence under—

- (a) regulation 19 ([^{F21}retained EU] beef provisions);
- (b) regulation 20 ([^{F21}retained EU] pig provisions);
- (c) regulation 21 (notifications by operators);
- (d) regulation 22 (licences);

[^{F22}(da) regulation 22A (offences: authorised grading methods (pig carcasses));]

- (e) regulation 23(1) (records); or
- (f) regulation 24 (obstruction),

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

(2) A person [^{F23}who commits] an offence under regulation [^{F24}23(2) and (3)] (misleading marks) is liable—

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

Textual Amendments

- F20** Words in [reg. 28\(1\)](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **20(a)(i)**
- F21** Words in [reg. 28](#) substituted (31.12.2020) by [The Agriculture Market Measures \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/73\)](#), regs. 1(2), **4(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** [Reg. 28\(1\)\(da\)](#) inserted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **20(a)(ii)**
- F23** Words in [reg. 28\(2\)](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **20(b)(i)**
- F24** Words in [reg. 28\(2\)](#) substituted (11.7.2018) by [The Beef and Pig Carcase Classification \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/182\)](#), regs. 1(1), **20(b)(ii)**

Revocations

29. The instruments specified in Schedule 5 are revoked.

Transitional provisions

30.—(1) The revocation of the 2004 Regulations shall not affect the validity of any operator's licence issued under regulation 6 of the 2004 Regulations and the licence shall be treated for the purposes of these Regulations as if it were a licence granted under regulation 8 of these Regulations.

(2) The revocation of the 2004 Regulations shall not affect the validity of any operator's licence issued under regulation 7 of the 2004 Regulations and the licence shall be treated for the purposes of these Regulations as if it were a licence granted under regulation 9 of these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Beef and Pig Carcase Classification (Scotland) Regulations 2010, PART 5.