

1988 No. 1180

AGRICULTURE

The Pig Carcase (Grading) Regulations 1988

<i>Made</i> - - - -	<i>7th July 1988</i>
<i>Laid before Parliament</i>	<i>15th July 1988</i>
<i>Coming into force</i>	
<i>Regulations 1, 2, 3, 6(1), 10 and 11(1)(a), (4) and (5) and the Schedule</i>	<i>5th August 1988</i>
<i>Remainder</i>	<i>1st January 1989</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Title, extent and commencement

1. These Regulations, which may be cited as the Pig Carcase (Grading) Regulations 1988, shall apply in Great Britain and shall come into force—

- (a) as respects regulations 1, 2, 3, 6(1), 10 and 11(1)(a), (4) and (5) and the Schedule on the 5th August 1988; and
- (b) as respects the remainder on the 1st January 1989.

Interpretation

2.—(1) In these Regulations—

“the appropriate Minister”—

(a) in relation to England, means the Minister of Agriculture, Fisheries and Food;

(b) in relation to Scotland or Wales, means the Secretary of State;

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

“the Commission Decision” means Commission Decision No 88/234/EEC authorising the methods for grading pig carcasses in the United Kingdom(c);

(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, in relation to offences triable only summarily, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c.48), in relation to offences triable on indictment or summarily, with section 32 of the Magistrates Courts' Act 1980 (c.43), and, in each case, with S.I. 1984/447; as regards Scotland, in relation to offences triable only summarily, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 54 of the Criminal Justice Act 1982, in relation to offences triable on indictment or summarily, with section 289B of the Criminal Procedure (Scotland) Act 1975, as inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c.45) and amended by section 55 of the Criminal Justice Act 1982, and, in each case, with S.I. 1984/526.

(c) OJ No L105, 26.4.88, p.15.

“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(a);

“the Council Regulation” means Council Regulation (EEC) No 3220/84 determining the Community scale for grading pig carcasses(b), as amended by Council Regulation (EEC) No 3530/86(c);

“the MLC” means the Meat and Livestock Commission established by virtue of section 1(1) of the Agriculture Act 1967(d);

“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 7 and 11(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 as in the Council Regulation, the Commission Regulation and the Commission Decision.

(4) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Registration

3.—(1) Every person who on the day after the date on which this regulation comes into force is, or on a subsequent date becomes, an occupier of a slaughterhouse shall within 28 days of that date give written notice to the appropriate Minister of the particulars specified in the Schedule.

(2) Where any change occurs in any of the particulars required to be notified under paragraph (1) above the occupier of the slaughterhouse shall within 28 days of the change give written notice to the appropriate Minister 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 appropriate Minister 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.

Weighing and grading of pig carcasses

5. Subject to regulation 6, the occupier of any slaughterhouse shall—

(a) weigh the carcass 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 carcass and thereafter calculate the weight of the cold carcass by reference to the provisions of Article 3 of the Commission Decision;

(b) grade each such carcass in compliance with the requirements of Article 3(1) and (2) of the Council Regulation as read with regulation 4 by the application of one of the methods approved by the Commission Decision; and

(a) OJ No L285, 25.10.85, p.39.

(b) OJ No L301, 20.11.84, p.1.

(c) OJ No L326, 21.11.86, p.8.

(d) 1967 c.22.

- (c) in the case of pig carcasses to be marketed uncut in another Member State, mark each pig carcass 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 carcass in the manner so prescribed; or
 - (ii) make and keep a record relating to each pig carcass in compliance with the requirements of Article 4(2) of the Council Regulation.

MLC's duties in connection with weighing and grading of pig carcasses

6.—(1) Any person who requires the MLC to carry out, at any slaughterhouse occupied by him, the duties specified in paragraph (2) below shall—

- (a) give to the MLC at least one month's written notice in such form as the appropriate Minister may require;
- (b) provide the appropriate Minister with a copy of that notice; and
- (c) pay to the MLC on demand such sum as it may require in respect of its expenses incurred in the carrying out of such duties.

(2) In respect of any slaughterhouse the occupier of which has given to the MLC the notice referred to in paragraph (1) above it shall be the duty of the MLC as from the date upon which the notice takes effect to—

- (a) weigh the carcass 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 carcass and thereafter calculate the weight of the cold carcass by reference to the provisions of Article 3 of the Commission Decision;
- (b) grade each such carcass in compliance with the requirements of Article 3(1) and (2) of the Council Regulation as read with regulation 4 by the 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 carcass 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 carcass in the manner so prescribed; or
 - (ii) make and keep a record relating to each pig carcass in compliance with the requirements of Article 4(2) of the Council Regulation.

(3) This regulation shall have effect as if it were inserted in Part I of the Agriculture Act 1967.

Powers of entry and inspection and to obtain evidence

7.—(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 carcass at that slaughterhouse;
- (c) examine any relevant commercial records and any record which is required, by virtue of regulation 5(d) or 6(2)(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 paragraphs (3) or (4) below, or which is in the possession or control of a person whom he reasonably suspects is guilty of such an offence.

(3) Subject to paragraph (4) below 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) or 6(2)(d), to be kept in respect of pig carcasses graded at that slaughterhouse.

(4) Where the record required to be kept by virtue of regulation 6(2)(d) is in the possession of the MLC, the MLC shall on request produce that record to an authorised officer.

Warrants of authorised officer

8. An authorised officer acting in exercise of the power conferred by regulation 7 shall carry a warrant of his authority so to act, and shall produce it on demand.

Recovery of MLC's expenses

9. Any sum which the MLC has required to be paid in respect of its expenses in accordance with regulation 6(1)(c) shall be recoverable as a civil debt.

Notices

10.—(1) Service of a notice given pursuant to regulation 6(1) or paragraph (2) below shall be effected by delivery, or by sending it by post in a registered letter or by the recorded delivery service to the MLC at its Head Office.

(2) A notice given pursuant to regulation 6(1) is revocable by the giving of 4 month's written notice to the MLC in such form as the appropriate Minister may require.

Offences and penalties

11.—(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 7(1) and (2); or
- (c) fails without reasonable excuse to comply with a request under regulation 7(3) or 7(4)

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 regulations 5 or 6(2) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

(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 6(2)(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 £2000 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) above 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th July 1988.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

7th July 1988

Sanderson of Bowden
Minister of State, Scottish Office

SCHEDULE

Regulation 3(1)

PARTICULARS OF THE OCCUPIER OF A SLAUGHTERHOUSE TO BE NOTIFIED TO THE APPROPRIATE MINISTER

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;
(iv) If a London borough, the name and address of the borough.
2. The address of the slaughterhouse.
3. The principal place of business of the occupier, if different from item 2 above.
4. The name under which the slaughterhouse is operated, if different from item 1 above.
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, which apply to Great Britain only, 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 (OJ No L301, 20.11.84, p.1) ("the Council Regulation"), for which detailed rules are laid down by Commission Regulation (EEC) No 2967/85 (OJ No L285, 25.10.85, p.39) ("the Commission Regulation"). Those 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 appropriate Agriculture Minister certain particulars of his business (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 (OJ 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) (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 carcass in accordance with the requirements of the Community Regulations or to make and keep a record relating to it (regulation 5(d));
- (c) require the MLC to carry out the weighing and grading duties on behalf of a slaughterhouse occupier, if given notice by him (regulation 6);
- (d) confer on authorised officers of the Agriculture Ministers powers of entry and inspection for the purpose of ensuring compliance with the Regulations (regulation 7);
- (e) enable the MLC to recover from slaughterhouse occupiers its expenses incurred in connection with carrying out the weighing and grading duties (regulation 9);
- (f) provide for the service of notices (regulation 10); and
- (g) create offences and penalties, and provide for defences (regulation 11).

£1.30 net

ISBN 0 11 087180 4