

Statutory Instrument 1991 No. 2242

The Beef Carcase (Classification) Regulations 1991

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STATUTORY INSTRUMENTS

1991 No. 2242

AGRICULTURE

The Beef Carcase (Classification) Regulations 1991

Made 8th October 1991

Laid before Parliament 10th October 1991

Coming into force

All regulations except regulations 5, 6, 7 and 8(1) 31st October 1991

Regulations 5, 6 7 and 8(1) 1st January 1992

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] 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 Beef Carcase (Classification) Regulations 1991 shall apply in Great Britain and shall come into force—

- (a) as respects all regulations except for regulations 5, 6, 7 and 8(1) on the 31st October 1991; and
- (b) as respects regulations 5, 6, 7 and 8(1) on the 1st January 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"adult bovine animal" has the meaning assigned to it by Article 1(2) of Council Regulation (EEC) No 805/68 on the common organisation of the market in beef and veal^[3] as amended^[4];

"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 (whether or not an officer of that Minister) authorised by the appropriate Minister for the purposes of these Regulations;

"classification" means the classification of regulated carcasses in accordance with Articles 3 and 4(1) of Council Regulation (EEC) No 1208/81 determining the Community scale for the classification of carcasses of adult bovine animals^[5] as amended ^[6];

"classification requirements" means the requirements relating to the classification and identification of carcasses specified in the Community provisions and in regulations 5, 6, 7 and 8 of these Regulations;

"Commission Regulation" means Commission Regulation (EEC) No 344/91 laying down detailed rules for applying Council Regulation (EEC) No 1186/90 extending the scope of the Community scale for the classification of adult bovine animals^[7];

"Community provision" means a provision of a regulation of the European Communities referred to in column 1 of Schedule 1 to these Regulations which is specified in column 2 thereof, and the subject matter of which is described in column 3 thereof, opposite the reference to that regulation;

"exempt carcase" means a regulated carcase which has been obtained in the circumstance specified in the second indent to Article 2(2) of the Commission Regulation;

"exempt occupier" means an occupier of a regulated slaughterhouse to which the first indent to Article 2(2) of the Commission Regulation applies;

"MLC" means the Meat and Livestock Commission established under section 1 of the Agriculture Act 1967^[8];

"occupier" means a person carrying on the business of a regulated slaughterhouse;

"pistola cut carcase" has the meaning assigned to it in paragraph 2 of Schedule 3 to these Regulations;

"prescribed communication" means communication of the results of classification as required by Article 1(2) of Council Regulation (EEC) No 1186/90 extending the scope of the Community scale for the classification of carcasses of adult bovine animals^[9];

"regulated carcase" means a carcase or half carcase(f) of an adult bovine animal which, in relation to such an animal slaughtered in England and Wales, has been marked in accordance with regulation 8(3) of and Schedule 11 to the Fresh Meat Export (Hygiene and Inspection) Regulations 1987^[10] or, in relation to such an animal slaughtered in Scotland, has been marked in accordance with regulation 8(4) of and Schedule 11 to the Fresh Meat Export (Hygiene and Inspection)(Scotland) Regulations 1987^[11] (both of which

Regulations implement in part the provisions of Council Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat^[12] as amended^[13];

"regulated slaughterhouse" means, in relation to a slaughterhouse in England and Wales, an export slaughterhouse as defined in regulation 2(1) of the Fresh Meat Export (Hygiene and Inspection) Regulations 1987 and, in relation to a slaughterhouse in Scotland, an export slaughterhouse as defined in regulation 2(1) of the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1987;

"veterinary approval number" means the serial number allocated in relation to the approval of a regulated slaughterhouse under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987 or the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1987.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Community provisions.

(3) In these Regulations unless the context otherwise requires any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.

Exemption

3.—(1) Subject to paragraph (2) below the classification requirements shall not be compulsory in relation to an exempt occupier or an exempt carcase.

(2) Notwithstanding (the exemptions from the classification requirements granted under paragraph (1) above, regulations 4, 9(2), 11, 12, 13, 14 and 15 shall apply to an exempt occupier.

Registration

4.—(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 shall within 28 days of that date give written notice to the appropriate Minister of the particulars specified in Schedule 2.

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

(3) Where an occupier of a regulated slaughterhouse ceases to be its occupier he shall within 10 days of the date of such cessation give written notice to the appropriate Minister of—

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

(4) Where a regulated slaughterhouse ceases to be such a slaughterhouse its occupier shall within 10 days of such cessation give written notice to the appropriate Minister of the date of such cessation.

Position of marks

5. Subject to regulation 7, the marks to be applied on a regulated carcase in accordance with Article 1(1) of the Commission Regulation shall be applied on the positions as specified in that Article or (except as regards a pistola cut carcase) on the positions as specified in paragraph 1 of Schedule 3.

Labelling instead of marking

6. Subject to regulation 7, an occupier may instead of marking a regulated carcase in accordance with Article 1(1) of the Commission Regulation and regulation 5, label it in accordance with Article 1(2) of the Commission Regulation and such labels shall be applied on the positions as specified in Article 1(1) of that Regulation or (except as regards a pistola cut carcase) on the positions as specified in paragraph 1 of Schedule 3.

Marking of carcasses intended for intervention or for private storage aid

7. Regulations 5 and 6 shall not apply in relation to a regulated carcase to which

(a) Article 4(3) of Commission Regulation (EEC) No 859/89 laying down detailed rules for the application of intervention measures in the beef and veal sector^[15] as amended^[16] applies, or

(b) Article 2(2) of Commission Regulation (EEC) No 3445/90 laying down detailed rules for granting private storage aid for beef and veal^[17] applies.

Licensed classifiers

8.—(1) Classification shall not be carried out by any person unless he holds a licence granted under this regulation and complies with the terms and conditions of that licence.

(2) The appropriate Minister may grant a licence to any person appearing to him to be qualified to carry out classifications.

(3) A licence under this regulation—

(a) shall come into force on the date of issue of the licence,

(b) shall be in the form prescribed in Schedule 4 and shall be subject to such conditions as are also specified in that form, and

(c) may be suspended or revoked—

(i) for contravention of any condition subject to which the licence was granted, or

(ii) in the circumstances referred to in the second paragraph of Article 3(2) of the Commission Regulation.

Keeping, retention and production of records

9.—(1) An occupier who is not an exempt occupier shall—

(a) keep a record of the particulars specified in Part I of Schedule 5 relating to each regulated carcase which is classified in a regulated slaughterhouse occupied by him; and

(b) keep a record of the particulars specified in Part II of Schedule 5 relating to each exempt carcase which is obtained in a regulated slaughterhouse occupied by him.

(2) An exempt occupier shall keep a record of the particulars specified in Part III of Schedule 5.

(3) A person who under paragraphs (1) or (2) above is required to keep a record shall—

(a) retain that record for a period of two years from the end of the calendar year to which such record relates; and

(b) upon demand by an authorised officer produce or cause to be produced such record for inspection by the authorised officer and shall allow him to take copies and make extracts from it.

Classification by the MLC

10.—(1) An occupier may request the MLC to carry out the classification requirements at a regulated slaughterhouse occupied by him.

(2) An occupier shall—

- (a) make such a request by written notice, to be given to the MLC not less than six months before the date on which he requires the MLC to commence the carrying out of the classification requirements at that slaughterhouse, and
- (b) within 30 days from the date of such notice, agree with the MLC a classification charge.

(3) The MLC may—

- (a) notwithstanding paragraph (2)(a) above, accept a notice of less than six months, and
- (b) notwithstanding paragraph (2)(b) above, agree with an occupier a classification charge at any time.

(4) If the occupier and the MLC fail to agree a classification charge, the MLC may refuse to carry out the classification requirements and in such event shall notify the occupier in writing of such refusal.

(5) Where the MLC has received a notice to carry out the classification requirements at a regulated slaughterhouse and agreed with the occupier a classification charge, the MLC shall—

- (a) forthwith notify that occupier in writing of:
 - (i) agreement to carry out the classification requirements at that slaughterhouse;
 - (ii) the classification charge and the period for which such charge is to apply, as agreed between the MLC and that occupier; and
 - (iii) the date of commencement;
- (b) forthwith notify the appropriate Minister in writing of its agreement to carry out the classification requirements at that slaughterhouse and the date of commencement;
- (c) subject to paragraph (6) below, from the date of commencement carry out the classification requirements in respect of every regulated carcase obtained in that slaughterhouse; and
- (d) as soon as reasonably practicable after carrying out such classification requirements provide the occupier with the particulars specified in paragraphs 1, 3 and 5 of Part I of Schedule 5 and any other details relating to such classification requirements as the occupier may reasonably require so as to enable him to give the prescribed communication and to comply with regulation 9.

(6) The MLC having agreed to carry out the classification requirements at a regulated slaughterhouse in accordance with paragraph (5) above may suspend or revoke that agreement if the occupier of that slaughterhouse—

- (a) fails to pay to the MLC on demand the classification charge;
- (b) fails to provide such information and assistance as the MLC may reasonably request so as to enable it to carry out the classification requirements;
- (c) carries out or allows any other person to carry out the classification requirements in respect of any regulated carcase obtained in that slaughterhouse

at any time after the date of commencement; or

(d) fails at any time after the date of commencement to present to the MLC any regulated carcass obtained in that slaughterhouse so as to enable the MLC to carry out the classification requirements in respect of that carcass.

(7) The MLC having agreed to carry out the classification requirements at a regulated slaughterhouse may suspend or revoke that agreement if the period referred to in paragraph (5)(a)(ii) above has expired without the MLC and that occupier agreeing a classification charge for a further period.

(8) The MLC shall forthwith give written notice to the occupier and the appropriate Minister of any action it may have taken under paragraphs (6) or (7) above.

(9) Where the MLC has agreed with an occupier to carry out the classification requirements at his regulated slaughterhouse and has agreed with that occupier a classification charge, that occupier shall not revoke that agreement except—

(a) by giving to the MLC a further notice in writing to take effect forthwith or on such date as may be specified in that notice where, for whatever reason, the MLC has failed to carry out the classification requirements in respect of every regulated carcass obtained in that slaughterhouse for a continuous period of 2 days (excluding days on which, under that agreement, the MLC is not obliged to carry out such requirements);

(b) by agreement with the MLC; or

(c) by giving to the MLC a further notice in writing of not less than six months provided that the occupier shall not give such notice during the first six months from the date of commencement.

(10) The occupier shall forthwith give written notice to the appropriate Minister of any action he may have taken under paragraph (9) above.

(11) In this regulation—

"classification charge" means the amount which the occupier of a regulated slaughterhouse may from time to time agree with the MLC to pay to it for the classification requirements to be carried out by the MLC at that slaughterhouse in accordance with this regulation;

"date of commencement" means the date, agreed between the MLC and an occupier of a regulated slaughterhouse, from which the MLC will carry out the classification requirements at that slaughterhouse;

"regulated carcass" does not include an exempt carcass.

(12) In Part I of Schedule 1 to the Agriculture Act 1967, after paragraph 10 there shall be inserted—

"10A. Functions under regulation 10 of the Beef Carcase (Classification) Regulations 1991 (undertaking of classification etc of certain carcasses)." .

Powers of authorised officers

11.—(1) An authorised officer may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, for the purpose of ascertaining whether the Community provisions or these Regulations have been or are

being complied with—

- (a) enter any regulated slaughterhouse or any slaughterhouse which he reasonably suspects to be such a slaughterhouse;
- (b) inspect any regulated carcase or part of such a carcase or any carcase or part of a carcase which he reasonably suspects to be such a carcase or part of such a carcase in that slaughterhouse;
- (c) examine any records which an occupier is required to keep under regulation 9 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;
- (d) 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;
- (e) retain any such record which he has reason to believe may be required as evidence in proceedings under these Regulations.

(2) An authorised officer entering any regulated slaughterhouse or other slaughterhouse by virtue of this regulation may take with him such other persons and such equipment as he considers necessary.

Assistance to authorised officers

12.—(1) An occupier shall give to an authorised officer such assistance as the authorised officer may reasonably request so as to enable the authorised officer to exercise any power conferred under regulation 11.

(2) In paragraph (1) above "occupier" includes the MLC when carrying out the classification requirements under regulation 10.

Notices

13. Any notice to be given under these Regulations or any prescribed communication may be given—

- (a) delivering it to that person;
- (b) by leaving it or sending it in a prepaid letter addressed to him, at his usual or last known place of business or residence;
- (c) in the case of the MLC, by delivery or by post in a registered letter or by recorded delivery service to its Head Office; or
- (d) in the case of a body corporate, by delivery or by post in a registered letter or by recorded delivery service to its registered office or principal place of business in Great Britain.

Offences and penalties

14.—(1) If any person—

- (a) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 11; or
 - (b) fails to comply with a request under regulation 9(3)(b), 11(1)(d) or 12,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person—

- (a) fails to comply with any requirement imposed on him under a Community provision or these Regulations; or
 - (b) for the purpose of obtaining a licence under regulation 8 knowingly or recklessly makes a statement which is false in a material particular; or
 - (c) makes an alteration to such a licence,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings in England and Wales for an offence under paragraphs (1) or (2) above may be brought within a period of six months from the date on which evidence sufficient in the opinion of the appropriate Minister to justify proceedings comes to his knowledge, and in any case within twelve months from the commission of the offence.

(4) Summary proceedings in Scotland for an offence under paragraphs (1) or (2) above may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge, and in any case within twelve months from the commission of the offence, and proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such a warrant is executed without undue delay.

(5) A certificate purporting to be signed—

(a) for the purposes of paragraph (3) above, by or on behalf of the appropriate Minister, or

(b) for the purposes of paragraph (4) above, by the prosecutor,
shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to his knowledge.

(6) If any person—

(a) makes an entry which he knows to be false in any record which is required to be kept by virtue of regulation 9(1) or (2) or with intent to deceive, makes use of any entry which he knows to be false; or

(b) with intent to deceive applies to a regulated carcase or part of such a carcase a mark prescribed by Article 1(1) of the Commission Regulation or, to a label attached by virtue of regulation 6, an indication prescribed by Article 1(2) of that Regulation; or

(c) applies to a regulated carcase or part of such a carcase a mark so closely resembling a mark prescribed by Article 1(1) of the Commission Regulation as to be calculated to deceive or applies to a label attached by virtue of regulation 6 an indication so closely resembling an indication prescribed by Article 1(2) of that Regulation as to be calculated to deceive,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum 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.

(7) 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, 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.

(8) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (7) of this regulation shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(9) In paragraph (7) above the references to a "body corporate" include references to a partnership in Scotland and, in relation to such partnership, any reference to a director or other officer of a body corporate is a reference to a partner.

Defense of due diligence

15. It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on
4th October 1991.

John Selwyn Gummer

Minister of Agriculture, Fisheries and Food

Ian Lang

Secretary of State for Scotland

8th October 1991

Notes:

[1] 1972/1811. [back](#)

[2] 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. 1984/477; 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. [back](#)

[3] OJ No L148, 28.6.68, p.24 (OJ/SE vol I p.187). [back](#)

[4] Relevant amending regulations of the European Communities are Council Regulation (EEC) No 425/77 (OJ No L61, 5.3.77, p.1) and Council Regulation (EEC) No 3905/87 (OJ No L370, 30.12.87 p.7). [back](#)

[5] OJ No L123, 7.5.81, p.3. [back](#)

[6] Amended by Council Regulation (EEC) No 1026/91 (OJ No L106, 26.4.91, p.2.). [back](#)

[7] OJ No L41, 14.2.91, p.15. [back](#)

[8] 1967 c. 22. [back](#)

[9] OJ No L119, 11.5.90, p.32. [back](#)

[10] See definition of "carcase" and "half-carcase" in Article 2 of Council Regulation (EEC) No 1208/81. [back](#)

[11] S.I. [1987/2237](#), as amended by S.I. [1990/2493](#). [back](#)

[12] S.I. [1987/800](#), as amended by S.I. [1991/289](#). [back](#)

[13] OJ No 121, 29.7.64, p.2012/64 (OJ/SE 1963-64 p.185). [back](#)

[15] No L91, 4.4.89, p.5. [back](#)

[16] The relevant amending regulation of the European Communities is Commission Regulation (EEC) No 1726/90 (OJ No L160, 26.6.90, p.31). [back](#)

[17] OJ No L333, 30.11.90, p.30. [back](#)