

Statutory Instrument 1996 No. 2097

The Fresh Meat (Beef Controls) (No. 2) Regulations 1996

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STATUTORY INSTRUMENTS

1996No. 2097

FOOD

The Fresh Meat (Beef Controls) (No. 2) Regulations 1996

Made 7th August 1996

Laid before Parliament 9th August 1996

Coming into force 1st September 1996

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 16(1)(f), 26, 45(1) and 48(1) of the Food Safety Act 1990^[1], after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Fresh Meat (Beef Controls) (No. 2) Regulations 1996 and shall come into force on 1st September 1996.

Interpretation

- 2.—(1) In these Regulations, unless the context otherwise requires —
- "cattle birth record document" means a document which—
 - (a) is issued and authenticated by the Minister of Agriculture, Fisheries and Food or the Secretary of State in respect of a bovine animal for which no national administrative document has been issued; and
 - (b) records the date of birth and the ear-tag number of the bovine animal to which it relates;
 - "cattle passport" has the meaning given in the Cattle Passports Order 1996^[2];
 - "meat" means any part of an animal that is suitable for human consumption;
 - "national administrative document" means a document issued in pursuance of article 3 of Commission Regulation (EEC) No. 3886/92^[3] laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89, as last amended by Commission Regulation (EC) No. 1850/95^[4]; and
 - "sell" includes possess for sale, and offer, expose or advertise for sale.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, except where the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

Prohibition of sale of meat from older bovine animals

3.—(1) Subject to paragraph (2) of this regulation, no person shall sell for human consumption any meat derived from a bovine animal slaughtered on or after 29th March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to a national administrative document, cattle birth record document or cattle passport relating to the animal that at the time of slaughter the animal was no more than two years and six months old.

- (2) Paragraph (1) above shall not apply to meat derived from a bovine animal—
- (a) which was accompanied, at the time of slaughter, by a slaughter certificate issued under the Beef Assurance Scheme set out in Schedule 1;
 - (b) which was admitted to a slaughterhouse in accordance with regulation 18(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995^[5] and accompanied by a veterinary certificate issued under the Beef Assurance Scheme, or
 - (c) which was born, reared and slaughtered in any of the countries specified in Schedule 2.

The Beef Assurance Scheme

4.—(1) A producer may apply to the Minister for the registration of a herd of bovine animals under the Beef Assurance Scheme and, where the herd meets the conditions of eligibility for that scheme set out in Part I of Schedule 1, the Minister shall so register the herd to which the application relates.

(2) The Minister shall remove from the register of herds under the Beef Assurance Scheme any herd in respect of which the conditions of continued membership set out in Part II of Schedule 1 are not met.

- (3) A producer whose herd is registered under the Beef Assurance Scheme shall ensure that—
- (a) any animal belonging to that herd which is sent for slaughter for sale for human consumption complies with the conditions set out in Part III of Schedule 1 for the issue of a slaughter certificate; and

(b) the carcase of any slaughtered animal belonging to that herd which is admitted to a slaughterhouse in accordance with regulation 18(2) of the Fresh Meat (Hygiene and Inspection) Regulations 1995 complies with the conditions set out in Part IV of Schedule 1 for the issue of a veterinary certificate.

Offences and penalties

5.—(1) If any person contravenes any provision of these Regulations he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both.

(2) Paragraph (1) does not apply to anything done or omitted by the Minister.

(3) No prosecution for an offence under paragraph (1) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
 - (b) one year from its discovery by the prosecutor,
- whichever is the earlier.

Application of various sections of the Act

6. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

- section 2 (extended meaning of "sale" etc.);
- section 3 (presumptions that food is intended for sale for human consumption);
- section 9 (inspection and seizure of suspected food), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate), with the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and
- section 44 (protection of officers acting in good faith), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority.

Enforcement

7. In premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 these Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Scotland and Wales, and in any other premises, by the food authority in whose area the premises are situated.

Revocation

8. The Fresh Meat (Beef Controls) Regulations 1996^[6] are hereby revoked.

Tony Baldry

Minister of State, Ministry of Agriculture, Fisheries and Food

7th August 1996

Stephen Dorrell

Secretary of State, Department of Health

6th August 1996

George Kynoch

Parliamentary Under Secretary of State, Scottish Office

6th August 1996

Signed by authority of the Secretary of State for Wales

Jonathan Evans

Parliamentary Under Secretary of State, Welsh Office

7th August 1996

Notes:

[1] 1990 c. 16; "the Ministers" is defined in section 4(1) of the Act. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40) and section 6(6) was added by section 76 of, and paragraph 16 of Schedule 16 to, that Act. back

[2] S.I. 1996/1686. back

[3] O.J. No. L391, 31.12.92, p. 20. back

[4] O.J. No. L177, 28.7.95, p. 45. back

[5] S.I. 1995/539, amended by S.I. 1995/3189 and S.I. 1996/1148. back

[6] S.I. 1996/1743. back

Explanatory Note



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