

## Statutory Instrument 2002 No. 2315

### **The Beef Labelling (Enforcement) (England) (Amendment) Regulations 2002**

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#### STATUTORY INSTRUMENTS

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**2002 No. 2315**

#### **AGRICULTURE, ENGLAND**

#### The Beef Labelling (Enforcement) (England) (Amendment) Regulations 2002

<i>Made</i>	<i>5th September 2002</i>
<i>Laid before Parliament</i>	<i>10th September 2002</i>
<i>Coming into force</i>	<i>1st October 2002</i>

The Secretary of State for Environment, Food and Rural Affairs, being designated for the purposes of section 2(2) of the European Communities Act 1972<sup>[1]</sup> in relation to the presentation, packaging, labelling, marking and advertising of food intended for sale for human consumption<sup>[2]</sup>, in exercise of the powers conferred on her by the said section 2(2), makes the following Regulations:

#### **Title, extent and commencement**

**1.** These Regulations may be cited as the Beef Labelling (Enforcement) (England) (Amendment) Regulations 2002; they shall extend to England and shall come into force on 1st October 2002.

#### **Amendment of the Beef Labelling (Enforcement) (England) Regulations 2000**

**2.** - (1) The Beef Labelling (Enforcement) (England) Regulations 2000<sup>[3]</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5, after paragraph (2) there shall be inserted the following paragraph -

" (2A) A notice served pursuant to paragraph (2) shall state the right of appeal to a magistrates' court under regulation 13A and the period within which the appeal may be brought."

(3) After Regulation 13 (Penalties) there shall be inserted the following regulation -

**" Appeals against notices**

**13A.** - (1) Any person who is aggrieved by a decision of an authorised officer to serve a notice pursuant to regulation 5(2) may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) shall be by way of complaint for an order, and the Magistrates' Court Act 1980[4] shall apply to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought shall be one month from the date on which the notice of the decision was served on the aggrieved person; and the making of the complaint shall be deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) On an appeal against a notice served pursuant to regulation 5(2), the court may either cancel or affirm the notice and, if the court affirms the notice, it may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(5) A person who is aggrieved by any decision by a magistrates' court on an appeal under this regulation may appeal to the Crown Court."

*Whitty*

Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs

5th September 2002

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend The Beef Labelling (Enforcement) (England) Regulations 2000 (S.I. 2000/3047).

The amendments provide for an appeal to a magistrates' court if a person is aggrieved by a decision of an authorised officer to serve a notice pursuant to regulation 5(2). On appeal against a notice the court may cancel the notice or affirm it with or without modifications. A person aggrieved by a decision by a magistrates' court can appeal to the Crown Court.

A Regulatory Impact Assessment has not been prepared in respect of these Regulations.

*Notes:*

[1] 1972 c. 68. The functions of the Minister of Agriculture, Fisheries and Food under Section 2(2) of the European Communities Act 1972 were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.[back](#)

[2] S.I. 1982/1675.[back](#)

[3] S.I. 2000/3047.[back](#)

[4] 1980 c. 43.[back](#)

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