

2018 No. 182

AGRICULTURE

**The Beef and Pig Carcase Classification (Scotland) Amendment
Regulations 2018**

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| <i>Made</i> - - - - | <i>31st May 2018</i> |
| <i>Laid before the Scottish Parliament</i> | <i>1st June 2018</i> |
| <i>Coming into force</i> - - | <i>11th July 2018</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) and paragraph 1A of schedule 2 of the European Communities Act 1972(a) and all other powers enabling them to do so.

The Regulations make provision for a purpose mentioned in that section and it appears to the Scottish Ministers that it is expedient for references to the following Regulations:—

- (a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(b);
- (b) Commission Delegated Regulation (EU) 2017/1182 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals(c); and
- (c) Commission Implementing Regulation (EU) 2017/1184 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals(d),

to be construed as references to those Regulations as amended from time to time.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”), section 27(4). Section 2(2) was also amended by the 2006 Act, section 27(1)(a) and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), section 3(3) and Part 1 of the schedule. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and was amended by Part 1 of the schedule of the 2008 Act.

(b) OJ L 347, 20.12.2013, p.671.

(c) OJ L 171, 4.7.2017, p.74.

(d) OJ L 171, 4.7.2017, p.103.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Beef and Pig Carcase Classification (Scotland) Amendment Regulations 2018 and come into force on 11th July 2018.

(2) In these Regulations the “2010 Regulations” means the Beef and Pig Carcase Classification (Scotland) Regulations 2010(a).

Amendment of the 2010 Regulations

2. The 2010 Regulations are amended in accordance with regulations 3 to 22.

Amendment of regulation 2

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “adult bovine animal”, for “the live weight of which is more than 300 kilograms” substitute “aged eight months or more”;

(ii) after the definition of “clean pig” insert—

““Commission Delegated Regulation” means Commission Delegated Regulation (EU) 2017/1182 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig, and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals, as amended from time to time(b);”;

(iii) for the definition “Commission Regulation” substitute—

““Commission Implementing Regulation” means Commission Implementing Regulation (EU) 2017/1184 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals, as amended from time to time(c);”;

(iv) for the definition of “Council Regulation” substitute—

““Council Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time(d);”;

(v) after the definition of “pig carcase” omit “and”;

(vi) in the definition of “prescribed communication”, for “Article 7(1) of the Commission Regulation.” substitute “Article 1(1) of the Commission Implementing Regulation (communication of classification results); and”;

(vii) after the definition of “prescribed communication” insert—

““qualified personnel” means persons who are using a grading technique provided for in Article 11 of the Commission Delegated Regulation and who are proficient in the use of that grading technique.”; and

(b) in paragraph (2) for “Commission Regulation” substitute “Commission Delegated Regulation, the Commission Implementing Regulation”.

(a) S.S.I. 2010/330, as amended by S.I. 2013/3235.

(b) OJ L 171, 4.7.2017, p.74.

(c) OJ L 171, 4.7.2017, p.103.

(d) OJ L 347, 20.12.2013, p.671.

Amendment of regulation 5

4. In regulation 5 (application of the 2010 Regulations to small-small scale bovine operators), in paragraph (4), for “not more than 75” substitute “less than 150”.

Amendment of regulation 6

5. In regulation 6 (competent authority etc.: bovine carcasses)—

- (a) in paragraph (1)—
 - (i) after “competent authority” insert “, in relation to adult bovine animals,”;
 - (ii) before sub-paragraph (a) insert—
 - “(za) Article 4(1) of the Commission Implementing Regulation (reports);”;
 - (iii) for sub-paragraph (a) substitute—
 - “(a) Article 10 of the Commission Delegated Regulation (authorisation of automated grading methods for beef carcasses);”;
 - (iv) for sub-paragraph (b) substitute—
 - “(b) Article 12(2)(b) of the Commission Delegated Regulation (additional provisions on classification by automated grading techniques);”;
 - (v) for sub-paragraph (c) substitute—
 - “(c) Articles 13 and 14 of the Commission Implementing Regulation and Article 14 of the Commission Delegated Regulation (calculation and reporting of market prices); and”; and
 - (vi) after sub-paragraph (c) insert—
 - “(d) Article 17(2) of the Commission Delegated Regulation (notification of supplementary payments).”; and
- (b) in paragraph (2), for “as described in Article 11 of the Commission Regulation” substitute “, in relation to adult bovine animals, as described in Articles 2 and 3 of the Commission Implementing Regulation”.

Amendment of regulation 7

6. For regulation 7 (labelling instead of marking) substitute—

“Marking

7. Bovine carcasses need not be marked in accordance with Article 8(1), (2)(a), (3)(a), (4) and (5) of the Commission Delegated Regulation if all such carcasses are cut, as a continuous operation, in a cutting plant approved in accordance with Regulation (EC) No 853/2004 of the European Parliament and of the Council(a), and attached to the slaughterhouse where the classification is carried out.”.

Amendment of regulation 8

7. In regulation 8 (licence to carry out classification), in paragraph (3)(b), for “Article 12(2) of the Commission Regulation (incorrect classifications or identifications)” substitute “Article 4(2) of the Commission Implementing Regulation (revoking of licences and approvals)”.

(a) OJ L 139, 30.4.2004, p.55, as last amended by Commission Regulation (EU) 2017/1981 (OJ L 285, 1.11.2017, p.10).

Amendment of regulation 9

8. In regulation 9 (licence for automated grading)—

- (a) in paragraph (1) for “equipment” substitute “methods”;
- (b) in paragraph (3)(b) for “Article 12(2) of the Commission Regulation (incorrect classifications or identifications)” substitute “Article 4(2) of the Commission Implementing Regulation (revoking of licences and approvals)”; and
- (c) in paragraph (3)(d)—
 - (i) for “automated grading equipment” substitute “automated grading method”;
 - (ii) for “Article 9 of, and Annex II to, the Commission Regulation” substitute “, in relation to bovine carcasses, Article 10 of, and Annex IV to, the Commission Delegated Regulation (authorisation of automated grading methods for beef carcasses)”; and
 - (iii) for “the equipment”, in each place where it occurs, substitute “the automated grading method”.

Amendment of regulation 13

9. In regulation 13 (exemption for small-scale pig operators), in paragraph (1), for “not more than 200” substitute “less than 500”.

Amendment of regulation 14

10. For regulation 14 (competent authority etc.: pig carcasses) substitute—

“Competent authority etc: pig carcasses

14.—(1) The Scottish Ministers are the competent authority, in relation to pigs, for the purposes of—

- (a) Article 4(1) of the Commission Implementing Regulation (reports);
- (b) Article 7(4) of the Commission Delegated Regulation (classification and weighing);
- (c) Article 12(2)(b) of the Commission Delegated Regulation (additional provisions on classification by automated grading techniques);
- (d) Article 14 of the Commission Implementing Regulation and Article 14 of the Commission Delegated Regulation (calculation and reporting of market prices); and
- (e) Article 17(2) of the Commission Delegated Regulation (notification of supplementary payments).

(2) The Scottish Ministers are responsible for on-the-spot checks, in relation to pigs, as described in Articles 2 and 3 of the Commission Implementing Regulation.”.

Amendment of regulation 15

11. For regulation 15 (records instead of marking) substitute—

“Marking

15. Pig carcasses need not be marked in accordance with Article 8(1), (2)(b), (3)(c), (4) and (5) of the Commission Delegated Regulation if an official record is drawn up and comprises for each carcass at least—

- (a) the individual identification of the carcass by any unalterable means;

- (b) the warm weight of the carcase; and
- (c) the result of the classification.”.

Amendment of regulation 18

12. In regulation 18 (powers of authorised officers), in paragraph (b), for “Commission Regulation” substitute “Commission Delegated Regulation and the Commission Implementing Regulation”.

Amendment of regulation 19

13. For regulation 19 (offences: European beef provisions) substitute—

“Offences: European beef provisions

19. Subject to regulation 7 (marking), any person who, in relation a bovine carcass—

- (a) fails to comply with any requirement under a European beef provision; or
- (b) contravenes any prohibition contained in a European beef provision, commits an offence.”.

Amendment of regulations 20 and 21

14. In regulations 20 (offences: European pig provisions) and 21 (offences: notifications by operators), in each place where it occurs, for “is guilty of” substitute “commits”.

Amendment of regulation 22

15. In regulation 22 (offences: licences (bovine carcasses))—

- (a) in paragraph (1) for “the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence” substitute “both the person who carries out the classification and the operator of that slaughterhouse commit an offence”;
- (b) in paragraph (2)—
 - (i) for “automated grading equipment” substitute “automated grading methods”;
 - (ii) in sub-paragraph (a) for “equipment” substitute “method”; and
 - (iii) for “the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence” substitute “both the person who carries out the classification and the operator of that slaughterhouse commit an offence”;
- (c) in paragraph (3) for “is guilty of” substitute “commits”; and
- (d) after regulation 22 insert—

“Offences: authorised grading methods (pig carcasses)

22A. If classification of a pig carcass 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.”.

Amendment of regulation 23

16. In regulation 23 (offences: records and marks)—

- (a) in paragraph (1) for “is guilty of” substitute “commits”;
- (b) for paragraph (2) substitute—

“(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.”; and

- (c) after paragraph (2) insert—

“(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.”.

Amendment of regulation 24

17. In regulation 24 (offences: obstruction etc.) for “is guilty of” substitute “commits”.

Amendment of regulation 25

18. In regulation 25 (period for bringing prosecution), in paragraph (1), after “22,” insert “22A,”.

Amendment of regulation 26

19. In regulation 26 (offences by bodies corporate), in paragraph (1)(b), for “is guilty of” substitute “commits”.

Amendment of regulation 28

20. In regulation 28 (offences: punishment)—

- (a) in paragraph (1)—

(i) for “guilty of” substitute “who commits”; and

- (ii) after sub-paragraph (d) insert—

“(da) regulation 22A (offences: authorised grading methods (pig carcasses));”; and

- (b) in paragraph (2)—

(i) for “guilty of” substitute “who commits”; and

- (ii) for “23(2)” substitute “23(2) and (3)”.

Amendment of schedule 1

21. For schedule 1 (European provisions: bovine carcasses) substitute—

“SCHEDULE 1

Regulation 2(1)

European beef provisions: bovine carcasses

| <i>(1) Regulations containing European provision</i> | <i>(2) Subject matter</i> |
|--|--|
| Article 10 and Annex IV, point A(II), of the Council Regulation | Requirement to indicate the category of carcase |
| Article 10 and Annex IV, point A(III), of the Council Regulation | Requirement to indicate, in relation to a carcase, the class of conformation and fat cover |
| Article 10 and Annex IV, point A(IV), of the Council Regulation | Requirement to present carcasses in the specified manner |
| Article 10 and Annex IV, point A(V), first subparagraph, of the Council Regulation | Requirement for approved slaughterhouses to classify carcasses in accordance with the Union scale |
| Article 3(1) of, and Annex I to, the Commission Delegated Regulation | Requirement as to the class of conformation and fat cover in relation to bovine carcasses |
| Article 6(1) of the Commission Delegated Regulation | Prohibition on removing fat, muscle or other tissue before weighing, classifying and marking |
| Article 6(3) of the Commission Delegated Regulation | Requirement to present carcase in specified manner, for the purpose of establishing market prices |
| Article 7(1) of the Commission Delegated Regulation | Requirement as to the place and time of classification |
| Article 7(3)(a) of the Commission Delegated Regulation | Requirements as to the time of weighing, relevant to classification |
| Article 7(5) of the Commission Delegated Regulation | Requirement as to time of classification in cases where automated grading method fails to classify carcase |
| Article 8(1) of the Commission Delegated Regulation | Requirements as to timing of marking of carcasses |
| Article 8(2)(a) of the Commission Delegated Regulation | Requirements as to marking of carcasses to indicate the category and class of conformation and fat cover |
| Article 8(3)(a) of the Commission Delegated Regulation | Requirements as to location of marking on carcase |
| Article 8(4) of the Commission Delegated Regulation | Requirement as to legibility of marking on carcase |

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| Article 8(5) of the Commission Delegated Regulation | Requirements in relation to labelling of a carcass |
| Article 10(7) of the Commission Delegated Regulation | Prohibition on modifications of the technical specifications of licensed automatic grading methods without approval of the Scottish Ministers |
| Article 12 of the Commission Delegated Regulation | Requirements as to classification by automated grading techniques |
| Article 14(3) of the Commission Delegated Regulation | Requirement as to carcass weight to be taken into account for reporting market prices |
| Article 14(4) of the Commission Delegated Regulation | Requirement as to the reporting of market prices per each class |
| Article 17(2) of the Commission Delegated Regulation | Requirement as to notification of supplementary payments |
| Article 1 of the Commission Implementing Regulation | Requirements as to prescribed communication |
| Article 5(1), first and third subparagraphs, of and Annex to the Commission Implementing Regulation | Requirements concerning weighing of the carcass and adjustments to the weight in relation to bovine carcasses aged eight months or more |
| Article 7 of the Commission Implementing Regulation | Requirement as to classes for recording of market prices for beef carcasses |
| Article 8(1), (3), and (4) of the Commission Implementing Regulation | Requirement as to recording of market prices”. |

Amendment of schedule 2

22. For schedule 2 (European provisions: pig carcasses) substitute—

“SCHEDULE 2 Regulation 2(1)
European pig provisions: pig carcasses

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| <i>(1) Regulations containing European provision</i> | <i>(2) Subject matter</i> |
| Article 10 and Annex IV, point B(II) of the Council Regulation | Requirement to classify carcasses into one of the specified classes |

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| Article 10 and Annex IV, point B(III), of the Council Regulation, and Articles 3 and 4 of Commission Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom(a) | Requirement to present carcasses in a manner specified in these provisions |
| Article 10 and Annex IV, point B(IV), first subparagraph, of the Council Regulation, and Article 1 of, and Annex 1 to, Commission Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom | Requirement to grade carcasses by methods authorised by the Commission |
| Article 6(1) of the Commission Delegated Regulation | Prohibition on removing fat, muscle, or other tissue before weighing, classifying and marking |
| Article 7(1) of the Commission Delegated Regulation | Requirements as to the place and time of classification |
| Article 7(3)(b) of the Commission Delegated Regulation | Requirement as to timing of weighing of carcase |
| Article 7(4)(a) of the Commission Delegated Regulation | Requirements as to weight adjustments |
| Article 8(1) of the Commission Delegated Regulation | Requirements as to timing of marking of carcasses |
| Article 8(2)(b) of the Commission Delegated Regulation | Requirements as to marking of carcasses to indicate the class of carcase or estimated lean meat percentage |
| Article 8(3)(c) of the Commission Delegated Regulation | Requirement as to location of marking on carcase |
| Article 8(4) of the Commission Delegated Regulation | Requirement as to legibility of marking on carcase |
| Article 8(5) of the Commission Delegated Regulation | Requirements in relation to labelling of a carcase |
| Article 12 of the Commission Delegated Regulation | Requirements as to classification by automated grading techniques |
| Article 14(3) of the Commission Delegated Regulation | Requirement as to carcase weight to be taken into account for reporting market prices |
| Article 14(4) of the Commission Delegated Regulation | Requirement as to the reporting of market prices per each class |
| Article 17(2) of the Commission Delegated Regulation | Requirement as to notification of supplementary payments |
| Annex V, Part 2 of Part A, to the Commission Delegated Regulation | Requirements as to assessment of lean meat content of carcasses |

(a) OJ L 116, 22.4.2004, p.32 to which there are amendments not relevant to these Regulations.

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| Article 1 of the Commission Implementing Regulation | Requirements as to prescribed communication |
| Article 9 of the Commission Implementing Regulation | Requirements as to classes and weights for recording of market prices for pig carcasses |
| Article 10 of the Commission Implementing Regulation | Requirement to record market prices for pigs”. |

Transitional provision

23.—(1) The amendments made by regulation 8 of these Regulations shall not affect the validity of any operator’s licence, issued prior to 11th July 2018 under regulation 9 of the 2010 Regulations.

(2) Any such licence is to be treated, on and after 11th July 2018, as if it were a licence granted under regulation 9 of the 2010 Regulations as amended by regulation 8 of these Regulations.

St Andrew’s House,
Edinburgh
31st May 2018

FERGUS EWING
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Beef and Pig Carcase Classification (Scotland) Regulations 2010 (the “2010 Regulations”) consequent to the repeal of Commission Regulation (EC) No 1249/2008 (OJ L 337, 16.12.2008, p.3) (the “Commission Regulation”). These Regulations also implement provisions of the Commission Delegated Regulation (EU) 2017/1182 (OJ L 171, 4.7.2017, p.74) (the “Commission Delegated Regulation”) and Commission Implementing Regulation (EU) No. 2017/1184 (OJ L 171, 4.7.2017, p.103) (the “Commission Implementing Regulation”) which together replace the repealed Commission Regulation.

Regulation 3 amends regulation 2 of the 2010 Regulations to update the necessary definitions which require updating as a result of the repeal and replacement of the Commission Regulation.

Regulation 4 amends regulation 5 of the 2010 Regulations to amend the definition of “small-scale bovine operator” in terms permitted by the Commission Delegated Regulation.

Regulation 5 amends regulation 6 to designate, where necessary, the Scottish Ministers as the competent authority for the purposes of bovine carcasses under the Commission Implementing Regulation and the Commission Delegated Regulation.

Regulation 6 substitutes a new regulation 7 of the 2010 Regulations on marking, to make provision for the exercise of the derogation provided for in Article 8(6)(b) of the Commission Delegated Regulation in respect of marking of bovine carcasses.

Regulations 7 and 8 amend regulations 8 and 9 of the 2010 Regulations to update references to the Commission Implementing Regulation and the Commission Delegated Regulation required as a result of the repeal and replacement of the Commission Regulation.

Regulation 9 amends regulation 13 of the 2010 Regulations to amend the definition of “small-scale pig operator” in terms permitted by the Commission Delegated Regulation.

Regulation 10 amends regulation 14 to designate, where necessary, the Scottish Ministers as the competent authority for the purposes of pig carcasses under the Commission Implementing Regulation and Commission Delegated Regulation.

Regulation 11 substitutes a new regulation 15 of the 2010 Regulations on marking to make provision for the exercise of the derogation provided for in Article 8(6)(a) of the Commission Delegated Regulation, in relation to pig carcasses.

Regulation 12 amends regulation 18 of the 2010 Regulations to update references to the Commission Implementing Regulation and the Commission Delegated Regulation.

Regulation 13 amends regulation 19 of the 2010 Regulations to make consequential changes to the offence provisions taking into account the new provisions on marking.

Regulation 14 amends regulations 20 and 21 of the 2010 Regulations to update the language on offences in line with current drafting practice.

Regulation 15 amends regulation 22 of the 2010 Regulations and inserts a new regulation 22A into the 2010 Regulations. It has the effect that it is an offence for classification of a pig carcase to be carried out without using an authorised grading method provided for in Article 9(b) and Article 11 of the Commission Delegated Regulation. The words “automated grading equipment” in regulation 22 of the 2010 Regulations, which relate to bovine carcasses, are substituted by “automated grading method” to reflect the terms of Article 11 of the Commission Delegated Regulation. Regulation 15 also updates the language in regulation 22 of the 2010 Regulations on offences in line with current drafting practice.

Regulation 16 amends regulation 23 of the 2010 Regulations to update references to the Commission Delegated Regulation and also updates the language on offences in line with current drafting practice.

Regulations 17, 19 and 20 amend regulations 24, 26 and 28 of the 2010 Regulations to update the language on offences in line with current drafting practice and to reflect the introduction of regulation 23(3) of the 2010 Regulations by regulation 16 of these Regulations.

Regulation 18 amends regulation 25 of the 2010 Regulations to make consequential changes to the 2010 Regulations to include references to the new regulation 22A, as inserted by regulation 15 of these Regulations.

Regulation 23 makes transitional provision, the effect of which is that licences granted under the regulation 9 of the 2010 Regulations remain valid when these Regulations come into force, notwithstanding the amendments made by regulation 8 of these Regulations.

Schedules 1 and 2 of the 2010 Regulations are substituted by regulations 21 and 22 respectively, and provide for updated references to the Commission Implementing Regulation and the Commission Delegated Regulation.

Further minor amendments to the 2010 Regulations are made.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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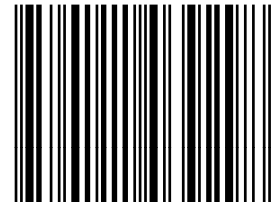
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