

2009 No. 2

AGRICULTURE

**The Beef and Veal Labelling Regulations (Northern Ireland)
2009**

Made - - - - *5th January 2009*

Coming into operation - *2nd February 2009*

The Department of Agriculture and Rural Development—

- (a) being a Department designated(a), for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(b) in relation to food (including drink) including the primary production of food; and
- (b) having carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of Food Safety(c),

makes these Regulations in accordance with section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Beef and Veal Labelling Regulations (Northern Ireland) 2009 and shall come into operation on 2nd February 2009.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“authorised officer” means any person who is authorised in writing by an enforcement authority, either generally or specifically, to act in matters under these Regulations;

“Commission Regulation 1141/1997” means Commission Regulation (EC) No. 1141/1997 laying down detailed rules for the application of Council Regulation (EC) No. 820/1997 as regards the labelling of beef and beef products(e);

(a) S.I. 2003/2901
(b) 1972c. 68
(c) O.J. No. L31, 1.2.2002, p.1
(d) 1954 c. (N.I.)
(e) O.J. No. L165, 24.6.1997, p.7

“Commission Regulation 1825/2000” means Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products(a);

“Council Regulation 1234/2007” means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products(b);

“Commission Regulation 566/2008” (c) means Commission Regulation 566/2008 laying down the detailed rules for the application of Article 113b and Article 121, first paragraph, point j of, and Annex XIa to Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;

“the Department” means the Department of Agriculture and Rural Development;

“enforcement authority” shall be construed in accordance with regulation 4; and

“Regulation 1760/2000” means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(d).

The competent authority

3. The Department shall be the competent authority(e) for the purposes of Commission Regulation 1141/97, Title II of Regulation 1760/2000, Commission Regulation 1825/2000, Article 113b and Article 121, first paragraph, point j of, and Annex XIa to Council Regulation 1234/2007 and Commission Regulation 566/2008.

The enforcement authorities

4. These Regulations shall be enforced and executed by the Department or any district council, or by the Department and any district council acting jointly, and any authority having such responsibility shall be known for the purposes of these Regulations as “an enforcement authority”.

Offences

5. A person who fails to comply with any of the following is guilty of an offence—

- (a) the following provisions of Commission Regulation (EC) No. 1141/97—
 - (i) Article 2 (provision of an identification and registration system);
 - (ii) Article 3(1) (access to premises and records);
 - (iii) Article 3(4) (provision of information to the competent authority);
- (b) the following provisions of Regulation (EC) No. 1760/2000 of the European Parliament and the Council—
 - (i) Article 11 (required to label);
 - (ii) Article 13(1) (general rules);
 - (iii) Article 13(2) (indications on the label);
 - (iv) Article 13(5) (additional information on the label);
 - (v) Article 14 (labelling of minced beef);

(a) O.J. No. L216, 26.8.2000, p.8

(b) O.J. No. L299, 16.11.2007, p.1. These provisions were added by Council Regulation (EC) No. 361/2008, O.J. No. L121, 7.5.2008, p.1

(c) O.J. No. L160, 19.6.2008, p.22

(d) O.J. No. L204, 11.8.2000, p.1

(e) The Department retains the power to act as competent authority by means of regulation 13(7)(c) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 78)

- (vi) Article 15 (beef from third countries);
- (vii) Article 16(4) (voluntary labelling);
- (viii) Article 17(1) (voluntary labelling of beef from third countries);
- (c) the following provisions of Commission Regulation (EC) No. 1825/2000—
 - (i) Article 1 (traceability);
 - (ii) Article 2 (labelling);
 - (iii) Article 4 (size of group);
 - (iv) Article 5(2) (minced beef);
 - (v) Article 6(3) (beef in small retail packages);
 - (vi) Article 7 (access to premises and records);
- (d) the following provisions of Council regulation (EC) No. 1234/2007—
 - (i) Article 113b (marketing of the meat of bovine animals aged 12 months or less);
 - (ii) paragraph II of Annex XIa (classification at the slaughterhouse);
 - (iii) paragraph III of Annex XIa (sales descriptions);
 - (iv) paragraph IV of Annex XIa (compulsory information on the label);
 - (v) paragraph V of Annex XIa (optional information on the label);
 - (vi) paragraph VI of Annex XIa (recording);
 - (vii) paragraph VIII of Annex XIa (meat from third countries);
- (e) the following provisions of Commission Regulation (EC) No. 566/2008—
 - (i) Article 4(1) (compulsory information on the label);
 - (ii) Article 4(2) (indication of age);
 - (iii) Article 5 (recording of information).

Enforcement Notices

6.—(1) Where beef or veal has been labelled and marketed in a manner which does not comply with these Regulations, an authorised officer may serve a notice on the person in possession of the beef or veal requiring its removal from sale until the label is removed or until it is relabelled in accordance with these Regulations; and any person who fails to comply with that notice is guilty of an offence.

(2) A notice may authorise the beef or veal to be sent directly for processing into products other than those indicated in the first indent of Article 12 of Regulation 1760/2000.

(3) A notice must state the right of appeal to a magistrates' court and the period within which the appeal must be brought.

Powers of entry

7.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, enter any premises at any reasonable hour for the purpose of ascertaining whether—

- (a) there is or has been on the premises any contravention of these Regulations; or
- (b) there is on the premises any evidence of any contravention of these Regulations.

(2) The officer may be accompanied by such other persons as the officer considers necessary.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises (excluding premises used only as a dwelling) for any purpose mentioned in paragraph (1) and that either—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or

- (b) an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may, by signed warrant, authorise an authorised officer to enter the premises, if need be by reasonable force.

(4) A warrant granted under this regulation shall continue in force for a period of one month.

(5) An officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before he entered them.

Powers of authorised officers

8. An authorised officer entering any premises under these Regulations may—

- (a) inspect any beef or veal present on those premises;
- (b) take samples (and, if necessary, send the samples for laboratory testing) from any beef or veal present on those premises;
- (c) inspect any labels and relevant business records (including electronic records) in whatever form they are held;
- (d) seize and detain any such labels and records (including electronic records) which may be required as evidence in proceedings under of these Regulations.

Obstruction

9. A person who—

- (a) intentionally obstructs any person acting in the execution of these Regulations; or
- (b) without reasonable cause, fails to give any person acting in execution of these Regulations any assistance or information which that person may reasonably require for the purpose of carrying out his functions under these Regulations; or
- (c) furnishes to any person acting in the execution of these Regulations any information knowing it to be false or misleading,

shall be guilty of an offence.

Penalties

10. A person guilty of an offence under any provision of these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Appeals against notices

11.—(1) A person who is aggrieved by a decision of an authorised officer to serve a notice pursuant to regulation 6(1) may appeal to a court of summary jurisdiction at any time before the expiration of one month beginning with the date on which the notice was served on the aggrieved person, and Part VII of the Magistrates Courts (Northern Ireland) Order 1981(a) shall apply accordingly.

(2) On appeal against a notice served pursuant to regulation 6(1), 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.

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

(a) S.I. 1981/1675 (N.I. 26)

Revocations

12. The Beef Labelling (Enforcement) Regulations (Northern Ireland) 2001**(a)** and the Beef Labelling (Enforcement) (Amendment) Regulations (Northern Ireland) 2005**(b)** are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 5th January 2009.

(L.S.)

Liam McKibben
A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 2001 No. 271
(b) S.R. 2005 No. 450

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Beef Labelling (Enforcement) Regulations (Northern Ireland) 2001, as amended, with Regulations setting out requirements for the labelling of veal as well as beef.

They continue to enforce Title II of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and subsidiary Commission Regulations. They also enforce the provisions relating to bovine animals aged 12 months or less contained in Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products as well as the provisions of Commission Regulation (EC) No. 566/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less.

The Regulations are enforced by the Department of Agriculture or any District Council or the Department and any District Council acting jointly (regulation 4).

Breach of the Regulations is an offence punishable on summary conviction with a fine not exceeding level 5 on the standard scale (regulation 10).

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