
WELSH STATUTORY INSTRUMENTS

2018 No. 1215 (W. 248)

AGRICULTURE, WALES

The Carcase Classification and Price Reporting (Wales) Regulations 2018

<i>Made</i>	- - - -	<i>22 November 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>23 November 2018</i>
<i>Coming into force</i>	- -	<i>14 December 2018</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾.

The Welsh Ministers are designated⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for references to the following Regulations to be construed as a reference to those Regulations as amended from time to time—

- (a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products⁽³⁾;
- (b) Commission Delegated Regulation (EU) No 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⁽⁴⁾; and
- (c) Commission Implementing Regulation (EU) No 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⁽⁵⁾.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. Section 2(2) and paragraph 1A of Schedule 2 are prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).

(2) S.I. 2010/2690.

(3) OJ No L 347, 20.12.2013, p. 671, as last amended by Regulation (EU) No 2017/2393 (OJ No L 350, 29.12.2017, p. 15).

(4) OJ No L 171, 4.7.2017, p. 74.

(5) OJ No L 171, 4.7.2017, p. 103.

PART 1

GENERAL PROVISIONS

Title, application and commencement

1.—(1) The title of these Regulations is the Carcase Classification and Price Reporting (Wales) Regulations 2018.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 14 December 2018.

Interpretation

2.—(1) In these Regulations—

“the 2011 Regulations” (“*Rheoliadau 2011*”) means the Beef and Pig Carcase Classification (Wales) Regulations 2011⁽⁶⁾;

“adult bovine animal” (“*anifail buchol llawn-dwff*”) means a bovine animal aged eight months or more;

“approved slaughterhouse” (“*lladd-dy cymeradwy*”) means an establishment used for slaughtering adult bovine animals or pigs, the meat of which is intended for human consumption and which is approved or conditionally approved under Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁷⁾;

“authorised officer” (“*swyddog awdurdodedig*”) means a person authorised by the Welsh Ministers for the purposes of these Regulations, but does not include a person appointed for the purpose of considering an appeal under regulation 10;

“bovine carcase” (“*carcas buchol*”) means a carcase or half-carcase of a slaughtered adult bovine animal bearing a health mark provided for in Article 5(2) of, and Chapter III of Section 1 of Annex 1 to, Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁸⁾; and in this definition—

(a) “carcase” means the whole body of a slaughtered animal as presented after bleeding, evisceration and skinning, and

(b) “half-carcase” means the product obtained by separating the carcase symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and ischiopubic symphysis;

“classification” (“*dosbarthu*”) means—

(a) the classification of bovine carcasses in accordance with the European beef provisions, or

(b) the classification of pig carcasses in accordance with the European pig provisions and with regulation 14,

as the case may be and cognate terms are to be construed accordingly;

“clean pig” (“*mochyn glân*”) means a pig which has not been used for breeding;

⁽⁶⁾ S.I. 2011/1826 (W. 198).

⁽⁷⁾ OJ No L 139, 30.4.2004, p 55, as last amended by Commission Regulation (EU) No 2017/1981 (OJ No L 285, 1.11.2017, p. 10).

⁽⁸⁾ OJ No L 139, 30.4.2004, p. 206, as last amended by Commission Regulation (EU) No 2015/2285 (OJ No L 323, 9.12.2015, p. 2).

“Commission Delegated Regulation” (“*Rheoliad Dirprwyedig y Comisiwn*”) means Commission Delegated Regulation (EU) No 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 of live animals⁽⁹⁾;

“Commission Implementing Regulation” (“*Rheoliad Gweithredu’r Comisiwn*”) means Commission Implementing Regulation (EU) No 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⁽¹⁰⁾;

“European beef provision” (“*darpariaeth eidion Ewropeaidd*”) means a provision which is specified in column (2) of Schedule 1, the subject matter of which is described in column (3) of that Schedule;

“European pig provision” (“*darpariaeth moch Ewropeaidd*”) means a provision which is specified in column (2) of Schedule 2, the subject matter of which is described in column (3) of that Schedule;

“operator” (“*gweithredwr*”) means a person carrying on the business of an approved slaughterhouse;

“pig carcass” (“*carcas mochyn*”) means the body of a slaughtered clean pig, bled and eviscerated, whole or divided down the mid-line;

“prescribed communication” (“*cyfathrebiad rhagnodedig*”) means a communication of the results of the classification as required by Article 1 of the Commission Implementing Regulation;

“Regulation (EU) 2013” (“*Rheoliad (EU) 2013*”) means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products.⁽¹¹⁾

(2) Other terms used in these Regulations that are also used in Regulation (EU) 2013, the Commission Delegated Regulation or the Commission Implementing Regulation have the meaning they bear in those Regulations.

(3) In these Regulations, any reference to—

- (a) Regulation (EU) 2013,
- (b) the Commission Delegated Regulation, or
- (c) the Commission Implementing Regulation,

is to be construed as a reference to that instrument as amended from time to time.

Transitional provisions

3. Any notice, licence, approval or authorisation, given or granted under the 2011 Regulations and which has effect at the coming into force of these Regulations remains in force as if it were given or granted under these Regulations.

Revocations

4. The following are revoked—

- (a) the 2011 Regulations; and

⁽⁹⁾ OJ No L 171, 4.7.2017, p. 74.

⁽¹⁰⁾ OJ No L 171, 4.7.2017, p. 103

⁽¹¹⁾ OJ No L 347, 20.12.2013, p. 671, as last amended by Regulation (EU) No 2017/2393 (OJ No L 350, 29.12.2017, p. 15).

- (b) regulation 2 of the Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013(12).

PART 2

NOTIFICATIONS BY OPERATORS

Notification by operators

5.—(1) Every person who—

- (a) is an operator on the coming into force date of these Regulations, or
- (b) becomes an operator on a subsequent date,

must, within 28 days of the coming into force date of these Regulations or of the date on which that person becomes an operator as the case may be, give notice to the Welsh Ministers of the particulars specified in paragraph (3).

(2) A person—

- (a) who has given notice, or who has been deemed to have given notice, under regulation 5(1) or (2) of the 2011 Regulations, and
- (b) to whom these Regulations apply by virtue of regulation 6 or 12,

is deemed to have given notice under paragraph (1).

(3) The particulars in paragraph (1) are—

- (a) the full name and address of the operator;
- (b) where the operator is a partnership or joint owners, the full names and addresses of all the partners or joint owners;
- (c) where the operator is a body corporate, the full name, registered office address and registration number of the body; and
- (d) the address, telephone number and approval number of the slaughterhouse.

(4) Where any change occurs in any of the particulars specified in paragraph (3), the operator must within 28 days of the change give notice to the Welsh Ministers of the particulars of the change.

(5) Where an operator (“O”) ceases to be the operator of an approved slaughterhouse, O must within 10 days of the cessation give notice to the Welsh Ministers of—

- (a) the date of the cessation; and
- (b) the person (if any) succeeding O as operator of that slaughterhouse.

(6) Where an approved slaughterhouse ceases to be such a slaughterhouse, its operator must within 10 days of such cessation give notice to the Welsh Ministers of the date of that cessation.

PART 3

BOVINE CARCASES

Application of these Regulations to small-scale bovine operators

6.—(1) A small-scale bovine operator is not required to classify bovine carcasses.

(2) These Regulations do not apply to a small-scale bovine operator which does not classify bovine carcasses.

(3) But if a small-scale bovine operator chooses to classify bovine carcasses, these Regulations apply in relation to that operator and the classification of those carcasses.

(4) In this regulation, “small-scale bovine operator” means an operator of an approved slaughterhouse at which fewer than 150 adult bovine animals per week as an annual average are slaughtered.

(5) Any small-scale bovine operator who, until the coming into force of these Regulations, was required to classify bovine carcasses under the 2011 Regulations is not by that reason alone deemed to have chosen to do so for the purposes of paragraph (3).

(6) Nothing in this regulation prevents the application of these Regulations to an operator in relation to pig carcasses if pigs are also slaughtered in that operator’s slaughterhouse.

Competent authorities: bovine carcasses

7.—(1) The Welsh Ministers are the competent authority for the purposes of—

- (a) Article 12(2)(b) of the Commission Delegated Regulation (additional provisions on classification by automated grading techniques);
- (b) Articles 13 and 14 of the Commission Delegated Regulation and Article 14 of the Commission Implementing Regulation (reporting of market prices and calculation of average price per class);
- (c) Article 17(2) of the Commission Delegated Regulation (supplementary provisions for reporting of market prices for carcasses);
- (d) Article 4(1) of the Commission Implementing Regulation (making and keeping reports for on-the-spot checks).

(2) The Welsh Ministers are responsible for—

- (a) Article 10 of the Commission Delegated Regulation (authorisation of automated grading methods);
- (b) Article 25 of the Commission Delegated Regulation (notification to the Commission);
- (c) on-the-spot checks as described in Articles 2 and 3 of the Commission Implementing Regulation.

Licence to carry out classification

8.—(1) The Welsh Ministers may grant a licence to carry out visual classification of bovine carcasses to any person who applies for such a licence and who appears to the Welsh Ministers to be qualified to carry out the classification, if the Welsh Ministers are satisfied that the applicant is a fit and proper person to carry out classification of bovine carcasses.

(2) The licence may be made subject to such terms and conditions as the Welsh Ministers consider necessary for the purposes of paragraph (1).

(3) In addition to the power to revoke a licence in the circumstances mentioned in Article 4(2) of the Commission Implementing Regulation (incorrect classification, presentations or identifications), the Welsh Ministers may suspend or revoke a licence granted to a person under this regulation if—

- (a) the person has contravened any of the terms or conditions of that licence; or
- (b) the Welsh Ministers are satisfied that the person holding that licence is no longer a fit and proper person to carry out classification of bovine carcasses.

(4) Where the Welsh Ministers take any decision in relation to a licence under this regulation which gives rise to a right to appeal under regulation 10, the Welsh Ministers must—

- (a) inform the person of the decision in writing;
- (b) give the reasons; and
- (c) explain that there is a right of appeal to a person appointed by the Welsh Ministers.

Licence for automated grading

9.—(1) The Welsh Ministers may grant to the operator of an approved slaughterhouse a licence authorising the use of automated grading equipment for classification of bovine carcasses at that slaughterhouse, if the Welsh Ministers are satisfied that the equipment and the manner of its operation would meet the standards required by Articles 9(b) and 10(2) (read with Part A of Annex IV) of the Commission Delegated Regulation.

(2) The licence may be made subject to such terms and conditions as are necessary to ensure compliance with those standards.

(3) In addition to the power to revoke a licence in the circumstances mentioned in Article 4(2) of the Commission Implementing Regulation, the Welsh Ministers may suspend or revoke a licence granted to an operator under this regulation if—

- (a) the operator has contravened any of the terms or conditions of the licence; or
- (b) the Welsh Ministers consider that the automated grading equipment no longer meets the standards required by the Commission Delegated Regulation, whether for reasons connected with the equipment itself or with the operator's manner of operation of the equipment.

(4) Where the Welsh Ministers take any decision in relation to a licence under this regulation which gives rise to a right to appeal under regulation 10, the Welsh Ministers must—

- (a) inform the person of the decision in writing;
- (b) give the reasons; and
- (c) explain that there is a right of appeal to a person appointed by the Welsh Ministers.

Appeals regarding licences

10.—(1) A person may appeal against—

- (a) a decision by the Welsh Ministers to refuse an application by that person for a licence under regulation 8 or 9;
- (b) a term or condition imposed by the Welsh Ministers in a licence granted to that person under regulation 8 or 9; or
- (c) a decision by the Welsh Ministers to suspend or revoke a licence under regulation 8 or 9.

(2) The appeal must be made to a person appointed for the purpose by the Welsh Ministers.

(3) The Welsh Ministers may also make written representations to the appointed person concerning the decision.

(4) The appointed person must consider the appeal and any representations made by the Welsh Ministers and must report in writing to the Welsh Ministers with the person's conclusions on the appeal and a recommendation as to the manner in which the matter should be finally determined by the Welsh Ministers.

(5) The Welsh Ministers must then reach a final determination and notify the person who made the appeal of that decision and the reasons for it.

Records: bovine carcasses

11.—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 3 relating to each bovine carcass which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

PART 4

PIG CARCASSES

Exemption for small-scale pig operators

12.—(1) These Regulations do not apply to the operator of an approved slaughterhouse at which fewer than 500 clean pigs per week as an annual average are slaughtered.

(2) Nothing in paragraph (1) prevents the application of these Regulations to an operator in relation to bovine carcasses if adult bovine animals are also slaughtered in that operator's slaughterhouse.

Competent authority: pig carcasses

13.—(1) The Welsh Ministers are the competent authority for the purposes of—

- (a) Article 7(4) of the Commission Delegated Regulation (classification and weighing);
- (b) Article 12(2)(b) of the Commission Delegated Regulation (additional provisions on classification by automated grading techniques);
- (c) Articles 13 and 14 of the Commission Delegated Regulation and Article 14 of the Commission Implementing Regulation (reporting of market prices and calculation of average price per class);
- (d) Article 17(2) of the Commission Delegated Regulation (supplementary provisions for reporting of market prices for carcasses);
- (e) Article 4(1) of the Commission Implementing Regulation (making and keeping reports for on-the-spot checks).

(2) The Welsh Ministers are responsible for—

- (a) Article 11 of the Commission Delegated Regulation (authorisation of automated grading methods);
- (b) Article 25 of the Commission Delegated Regulation (notification to the Commission);
- (c) the on-the-spot checks as described in Articles 2 and 3 of the Commission Implementing Regulation.

Authorised grading methods

14.—(1) The classification of pig carcasses must be carried out at an approved slaughterhouse—

- (a) using an authorised grading method provided for in Article 11 of the Commission Delegated Regulation; and
- (b) using grading techniques provided for in Article 11 of the Commission Delegated Regulation which are operated by qualified personnel.

(2) In this regulation, “qualified personnel” refers to any person who is proficient in using the equipment and the grading techniques being operated by that person.

Records instead of marking

15. An operator or the person responsible for the classification of pigs may, instead of marking a carcass in accordance with the European pig provisions set out in Part 2 of Schedule 2, draw up a record for that carcass which comprises at least—

- (a) the individual identification of the carcass by any unalterable means;
- (b) the warm weight of the carcass; and
- (c) the result of the classification.

Records: pig carcasses

16.—(1) An operator of an approved slaughterhouse must keep a record of the particulars specified in Schedule 4 relating to each pig carcass which is classified in that slaughterhouse.

(2) The operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

PART 5

ENFORCEMENT AND OFFENCES

Notices

17.—(1) Any notice required or authorised under these Regulations to be given to any person must be in writing.

(2) Any such notice may be given by—

- (a) delivering it to the person;
- (b) leaving it at the person's proper address; or
- (c) sending it by post to the person at that address.

(3) Where any such notice is to be given to a body corporate, it may be given to an officer of the body.

(4) For the purpose of this regulation the proper address of any person to whom a notice is to be given is the person's last known address, except that in the case of a body corporate or an officer of the body, the proper address is the address of the registered or principal office of the body.

(5) In this regulation—

“director” (“*cyfarwyddwr*”), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; and

“officer” (“*swyddog*”), in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate.

Powers of entry

18.—(1) An authorised officer may at any reasonable hour and on producing, if so required, a duly authenticated authorisation, enter an approved slaughterhouse and any associated premises in which carcasses may be handled or records relating to those carcasses may be kept, for the purpose of ascertaining whether—

- (a) any offence under these Regulations is being or has been committed on the premises; or
- (b) there is on the premises any evidence of any such offence.

- (2) The officer may be accompanied by such other persons as the officer considers necessary.
- (3) A justice of the peace may by signed warrant permit an authorised officer to enter any premises, if necessary by reasonable force, if satisfied on sworn information in writing that—
 - (a) there is reasonable ground for entry into the premises for any purpose in paragraph (1); and
 - (b) any of the following conditions are met—
 - (i) admission to the premises has been refused, or a refusal is anticipated and (in either case) notice of intention to apply for a warrant has been given to the operator;
 - (ii) asking for admission, or the giving of such notice, would defeat the object of the entry;
 - (iii) the case is one of urgency; or
 - (iv) the premises are unoccupied, or the operator is temporarily absent.
- (4) A warrant granted under this regulation continues in force for three months.
- (5) An officer who enters any unoccupied premises, or premises from which the operator is temporarily absent, must leave them as effectively secured against unauthorised entry as they were before entry.

Powers of authorised officers

19. An authorised officer entering premises under these Regulations may—
 - (a) inspect any bovine carcase or pig carcase or part of such a carcase, or any carcase or part of a carcase which the officer reasonably suspects to be a bovine or pig carcase or part of such a carcase;
 - (b) examine any record which an operator is required to keep under regulation 11 or 16 or under the Commission Delegated Regulation or the Commission Implementing Regulation, 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;
 - (c) 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; and
 - (d) retain any such record which the officer has reason to believe may be required as evidence in proceedings under these Regulations.

Enforcement notices

20.—(1) If the Welsh Ministers have reason to believe that a person has committed an offence under these Regulations, the Welsh Ministers may give that person an enforcement notice in accordance with paragraph (2).

- (2) An enforcement notice must—
 - (a) state the Welsh Ministers' grounds for believing that an offence has been committed;
 - (b) specify the matter that constitutes the offence;
 - (c) specify what that person must stop doing, or the measures that, in the Welsh Ministers' opinion, the person must take in order to comply with these Regulations;
 - (d) require the person to stop doing the action specified in the notice, or to take the measures specified in the notice or measures at least equivalent to them, within the period (being not less than 14 days) specified in the notice;
 - (e) inform the person of the right of appeal conferred by regulation 21; and

(f) inform the person of the period within which such an appeal may be brought.

(3) Any person who contravenes or fails to comply with an enforcement notice is guilty of an offence.

Appeals against enforcement notices

21.—(1) A person may appeal to a magistrates' court against an enforcement notice if that person has reason to believe that the notice should not have been given.

(2) A person may appeal within the period of one month beginning with the date on which the notice was given.

(3) The procedure is by way of complaint for an order; and the Magistrates' Court Act 1980(13) applies to the proceedings.

(4) On an appeal 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 thinks fit.

Penalty notices

22.—(1) If the Welsh Ministers have reason to believe that a person has committed an offence under these Regulations, the Welsh Ministers may give that person a notice (a "penalty notice") in accordance with paragraphs (2) and (3).

(2) A penalty notice may be of any amount.

(3) A penalty notice must—

- (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence;
- (b) state the amount of the penalty;
- (c) state the period during which, by virtue of regulation 23, proceedings will not be taken for the offence;
- (d) state the person to whom and the address at which the penalty may be paid; and
- (e) state the means by which payment of the penalty may be made.

Restriction on proceedings for penalty offence

23.—(1) Where a person is given a penalty notice—

- (a) no proceedings may be brought against that person for the offence to which that notice relates before the end of the period of 28 days, beginning on the date on which the notice was given; and
- (b) that person may not be convicted of the offence if the penalty is paid in accordance with regulation 24 before the end of that period.

(2) Paragraph (1) does not apply if the penalty notice is withdrawn in accordance with regulation 25.

Payment of penalty

24.—(1) Payment of any penalty must be made to the Welsh Ministers by sending it by post or by such method as may be specified in the penalty notice.

(2) In any proceedings a certificate purporting to be signed by or on behalf of the Welsh Ministers stating that payment of a penalty was or was not received by the date specified in the certificate is evidence of the facts stated.

Withdrawal of penalty notice

25.—(1) A penalty notice may be withdrawn if the Welsh Ministers have reason to believe that it ought not to have been given (whether to the person named in the penalty notice or otherwise).

(2) A penalty notice may be withdrawn by the Welsh Ministers giving notice to the person named in the penalty notice before or after payment of the penalty.

(3) Where a penalty notice is withdrawn, the Welsh Ministers must repay any penalty paid under the penalty notice to the person named in the penalty notice within 28 days, beginning with the date on which notice of the withdrawal of the penalty notice was sent.

Offences: European beef provisions

26. Any person who—

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

is guilty of an offence.

Offences: European pig provision

27.—(1) Any person who—

- (a) fails to comply with any requirement under a European pig provision; or
- (b) contravenes any prohibition contained in a European pig provision,

is guilty of an offence.

(2) But where an operator or the person responsible for the classification of pig carcasses draws up a record in compliance with the conditions referred to in regulation 15 (records instead of marking) no offence is committed by failure to comply with or contravening a Part 2 European pig provision.

(3) In this regulation, “Part 2 European pig provision” means a provision which is specified in column (2) of Part 2 of Schedule 2.

Offences: notifications by operators

28. Any person who fails to comply with any requirement of regulation 5 (notification by operators) is guilty of an offence.

Offences: licences (bovine carcasses)

29.—(1) If classification of a bovine carcass is carried out at an approved slaughterhouse—

- (a) without a licence granted under regulation 8, or
- (b) in breach of any term or condition of such a licence,

the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

(2) If classification of a bovine carcass is carried out at an approved slaughterhouse by means of automated grading equipment—

- (a) without a licence granted under regulation 9 for the use of that equipment at that slaughterhouse, or
- (b) in breach of any term or condition of such a licence,

the person who carries out that classification and the operator of that slaughterhouse are each guilty of an offence.

(3) Any person who makes an alteration to a licence granted under regulation 8 or 9 is guilty of an offence.

Offences: authorised grading methods (pig carcasses)

30. If classification of a pig carcass is carried out at an approved slaughterhouse using a grading method or grading technique in a manner which fails to comply with the requirements of regulation 14, the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.

Offences: records and marks

31.—(1) Any person who fails to comply with any requirement of regulation 11 (records: bovine carcasses) or regulation 16 (records: pig carcasses) is guilty of an offence.

(2) Any person who marks a bovine carcass or part of such a carcass—

- (a) as prescribed by Article 8(1), (2)(a), (3)(a) (read with the second paragraph of Article 8(3)), (4) and (5) of the Commission Delegated Regulation, or
- (b) in a way closely resembling the marking prescribed by those provisions,

which is likely to mislead, is guilty of an offence.

(3) Any person who marks a pig carcass or part of such a carcass—

- (a) as prescribed by Article 8(1), (2)(b), (3)(c) (read with the second paragraph of Article 8(3)), (4) and (5) of the Commission Delegated Regulation, or
- (b) in a way closely resembling the marking prescribed by those provisions,

which is likely to mislead, is guilty of an offence.

Offences: obstruction etc.

32. Any person who—

- (a) without reasonable excuse, obstructs any person acting under these Regulations,
- (b) without reasonable cause, fails to give any person acting under these Regulations any assistance or information that that person may reasonably require for the purpose of carrying out functions under these Regulations,
- (c) gives any person acting under these Regulations any information knowing it to be false or misleading, or
- (d) fails to produce any document or record when required to do so by any person acting under these Regulations,

is guilty of an offence.

Period for bringing prosecution

33.—(1) Proceedings for an offence under regulations 20(3), 26, 27, 28, 29, 30, 31(1) or 32 may be brought within a period of 12 months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor's opinion, to justify proceedings.

(2) But no such proceedings may be brought more than 18 months from the commission of the offence.

(3) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence sufficient to justify the proceedings is conclusive evidence of that fact;
- (b) a certificate stating the matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Offences by bodies corporate

34.—(1) If an offence under these Regulations committed by a body corporate is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer, that officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body.

(3) In this regulation, "officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Defence of due diligence

35. It is a defence for a person charged with an offence under these Regulations ("P") to prove that P took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by P or by a person under P's control.

Offences: punishment

36.—(1) A person guilty of an offence under—

- (a) regulation 20(3) (enforcement notices),
- (b) regulation 26 (European beef provisions),
- (c) regulation 27 (European pig provisions),
- (d) regulation 28 (notifications by operators),
- (e) regulation 29 (licences (bovine carcasses)),
- (f) regulation 30 (authorised grading methods: pig carcasses)),
- (g) regulation 31(1) (records), or
- (h) regulation 32 (obstruction etc.),

is liable on summary conviction to a fine.

(2) A person guilty of an offence under regulation 31(2) or (3) (misleading marks etc.) is liable—

- (a) on summary conviction to a fine; or
- (b) on conviction on indictment, to a fine.

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22 November 2018

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

SCHEDULE 1

Regulation 2

European provisions: bovine carcasses

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Regulation (EU) 2013	Article 10 and Annex IV, point A(II), together with Article 1 of the Commission Delegated Regulation (read with the Cattle Identification (Wales) Regulations 2007 ⁽¹⁴⁾)	Requirement to indicate the category of carcass as specified in these provisions
	Article 10 and Annex IV, point A(III), together with Article 3(1) of, and Annex 1 to, the Commission Delegated Regulation	Requirement to indicate, in relation to a carcass, the class of conformation and fat cover as specified in these provisions
	Article 10 and Annex IV, point A(IV)	Requirement to present carcasses in the specified manner
	Article 10 and Annex IV, point A(V), first sub-paragraph	Requirement for approved slaughterhouses to classify and identify carcasses in accordance with the Union scale
Commission Delegated Regulation	Article 6(1)	Prohibition on removing fat, muscle or other tissue before weighing, grading and marking
	Article 6(3)	Requirement to present carcass in specified manner, for the purpose of establishing market prices
	Article 7(1)	Requirement as to the place and time of classification
	Article 7(3)(a)	Requirements as to the time of classification and weighing
	Article 7(5)	Requirement as to time of classification in cases where automated graded method fails to classify carcass
	Article 8(1), 8(2)(a), Article 8(3)(a) read with the second paragraph of that Article, Article 8(4)	Requirements as to the marking of carcasses to indicate the category and class of conformation and fat cover

⁽¹⁴⁾ S.I. 2007/842 (W. 74). The Cattle Identification (Wales) Regulations 2007 establish a bovine animal identification and registration system in Wales, as specified in Article 1 of Regulation (EU) 2013.

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<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Commission Regulation	Article 8(5)	Requirements in relation to labelling of a carcass
	Article 10(7)	Prohibition on modifications of the technical specifications of authorised automatic grading methods without approval of the Welsh Ministers
	Article 12	Requirements as to classification by automated grading techniques
	Article 14(1), (2) and (3)	Requirement concerning the weighing of the carcass for the reporting of market prices
	Article 14(4)	Requirements as to reporting of prices per class
	Article 17(2) in its application to supplementary payments for carcasses	Requirements as to notification of any supplementary payments
	Article 1	Requirements as to the prescribed communication
	Sub-paragraphs one and three of Article 5(1) and the Annex	Requirements as to the adjustments to the weight of the carcass
Article 7	Requirement as to classes for recording of market prices for beef carcasses	
Article 8(1), (3) and (4)	Requirement as to recording of market prices	

SCHEDULE 2

Regulations 2, 15 and 27

European provision: pig carcasses

PART 1

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Regulation (EU) 2013	Article 10 and Annex IV, point B(II)	Requirement to classify carcasses into one of the specified classes

(1) Regulation containing European provision	(2) Provision	(3) Subject matter	
Commission Regulation	Delegated	Article 10 and Annex IV, point B(III), as modified by Articles 3 and 4 of Commission Decision 2004/370/EC authorising methods for grading pig carcasses in the United Kingdom ⁽¹⁵⁾	Requirement to present carcasses in the specified manner
		Article 10 and Annex IV, point B(IV), sub-paragraph 1, together with Article 1 of, and Annex I 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)	Prohibition on removing fat, muscle or other tissue before weighing, grading and marking
		Article 7(1)	Requirement as to the place and time of classification
		Article 7(3)(b) and 7(4)(a)	Requirements as to weighing of carcase and weight adjustments
		Article 12	Requirements as to classification by automated grading techniques
		Article 14(1), (2) and (3)	Requirement concerning the weighing of the carcase for the reporting of market prices
		Article 14(4)	Requirements as to reporting of prices per class
Commission Regulation	Implementing	Article 17(2) in its application to supplementary payments for carcasses	Requirements as to notification of any supplementary payments
		Point 2 of Part A of Annex V	Requirements as to assessment of lean meat content of carcasses
		Article 1	Requirements as to the prescribed communication
	Article 9	Requirements as to classes and weights for recording of market prices for pig carcasses	
	Article 10	Recording of market prices	

(15) OJ No L 116, 22.4.2004, p. 32, as last amended by Commission [Decision 2006/374/EC](#) (OJ No L 142, 30.5.2006, p. 34).

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PART 2

<i>(1) Regulation containing European provision</i>	<i>(2) Provision</i>	<i>(3) Subject matter</i>
Commission Regulation	Delegated Article 8(1), 8(2)(b), 8(3)(c) read with the second paragraph of that Article and Article 8(4) Article 8(5)	Requirements as to marking or labelling of carcasses Requirements in relation to labelling of a carcase

SCHEDULE 3

Regulation 11

Records: bovine carcasses

1. The results of the classification.
2. The approval number of the slaughterhouse.
3. The kill or slaughter number of the animal from which the carcase was obtained, as allocated by the operator.
4. The date of slaughter.
5. The warm weight of the carcase together with a note of—
 - (a) any adjustment made for the cold carcase weight, and
 - (b) any co-efficient applied.
6. The dressing specification used.
7. A record that the prescribed communication has been effected.
8. The name, signature and classification licence serial number of the person who carried out the classification.

SCHEDULE 4

Regulation 16

Records: pig carcasses

1. The results of the classification.
2. The approval number of the slaughterhouse.
3. The kill or slaughter number of the animal from which the carcase was obtained, as allocated by the operator.
4. The date of slaughter.
5. The warm weight of the carcase, together with a note of—
 - (a) any adjustment made for the cold carcase weight, and
 - (b) any coefficient applied.
6. The lean meat percentage of the carcase.

7. An indication as to whether the tongue, flare fat, kidneys and diaphragm were attached or removed.
8. A record that the prescribed communication has been effected.
9. The name and signature of the person who carried out the classification.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, revoke and replace the Beef and Pig Carcase Classification (Wales) Regulations 2011 (S.I. 2011/1826 (W. 198)) (“the 2011 Regulations”) consequent to the repeal of [Commission Regulation \(EC\) No 1249/2008](#) (OJ No L 337, 16.12.2008, p. 3).

The Regulations enforce—

- Article 10 of, and Annex IV to, Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p. 671), which relate to European Union scales for the classification of carcasses; and
- Commission Delegated Regulation (EU) No 2017/1182 (OJ No L 171, 4.7.2017, p. 74) (“the Commission Delegated Regulation”); and Commission Implementing Regulation (EU) No 2017/1184 (OJ No L 171, 4.7.2017, p. 103) (“the Commission Implementing Regulation”) which set out further details regarding the implementation of those scales.

The Regulations relate to the carcasses of adult bovine animals (being animals aged eight months or more) and pigs.

Regulation 5 requires notifications to be made to the Welsh Ministers by operators of slaughterhouses which slaughter adult bovine animals or pigs. However, the Regulations do not apply to small-scale bovine operators slaughtering fewer than 150 adult bovine animals per week as an annual average, unless they choose to classify bovine carcasses (regulation 6); or to the operators of slaughterhouses at which fewer than 500 clean pigs per week as an annual average are slaughtered (regulation 12).

The Regulations provide for a licensing system for anybody who visually classifies bovine carcasses and for the licensing of slaughterhouses using automated grading equipment for classifying such carcasses (regulations 8 to 10). Breach of the licensing requirements is an offence (regulation 29).

The classification of pig carcasses must be carried out using an authorised grading method and grading techniques operated by qualified personnel (regulation 14). Breach of this requirement is an offence (regulation 30). An operator may, instead of marking a pig carcass, keep a record concerning its classification (regulation 15).

Operators of approved slaughterhouses are required to keep records relating to bovine and pig carcasses respectively (regulations 11 and 16 and Schedules 3 and 4).

Part 5 of the Regulations concerns enforcement, and makes provision relating to the powers of authorised officers, enforcement notices, penalty notices and criminal proceedings. Regulations 20(3) and 26 to 32 set out the offences under the Regulations, which are all punishable on summary conviction by a fine, except for offences under regulation 31(2) or (3) (false marks).

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In particular, regulations 26 and 27 provide that breach of specified provisions of European Union legislation is an offence, namely European beef provisions set out in Schedule 1 and European pig provisions set out in Schedule 2. The provisions specified in Schedules 1 and 2 include requirements for recording and reporting market prices for bovine and pig carcasses respectively.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations as the amendments are technical in nature.