



STATUTORY INSTRUMENTS.

S.I. No. 308 of 2010

EUROPEAN COMMUNITIES (PIG CARCASE CLASSIFICATION)
REGULATIONS 2010

(Prn. A10/0925)

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I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Council Regulation (EC) No. 1234/2007 of 22 October 2007¹ and Commission Regulation (EC) No. 1249/2008 of 10 December 2008² (in so far as they relate to the classification of pig carcasses), hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Pig Carcase Classification) Regulations 2010.

Interpretation

2. (1) In these Regulations—

“authorised officer” means a person appointed under Regulation 4 or a person who, immediately before the making of these Regulations, was an authorised officer within the meaning of the Regulations revoked by Regulation 10;

“Classification Regulation” means Commission Regulation (EC) No. 1249/2008 of 10 December 2008;

“Council Regulation” means Council Regulation (EC) No. 1234/2007 of 22 October 2007;

“Minister” means Minister for Agriculture, Fisheries and Food.

(2) A word or expression that is used in these Regulations and is also used in the Classification Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Classification Regulation.

(3) These Regulations do not apply in a slaughterhouse referred to in Article 20(2)(b) of the Classification Regulation or where a maximum of 200 pigs are slaughtered per week on a yearly average basis.

Obligations of slaughterhouse operators

3. (1) The owner or person in charge of an establishment where pigs are slaughtered who does not—

(a) classify carcasses in accordance with the Community scale referred to in Annex V.B.II of the Council Regulation at the time of weighing,

¹O.J. L 299 of 16.11.2007, p.1

²O.J. L 337 of 16.12.2008, p.3.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th June, 2010.*

- (b) mark carcasses in accordance with Article 21.3 of the Classification Regulation,
- (c) operate a system of identification of pig carcasses and half carcasses that is adequate to enable the lean meat content, carcase weight and price paid to vendors to be related to the animals from which the carcasses derive,
- (d) at the time of payment for the animal, furnish the vendor with a written statement showing carcase number and weight, percentage of lean meat content and total price including any bonuses or transport allowances, and
- (e) make a record, for each individual pig, of carcase number, carcase weight, percentage of lean meat content and total price paid and keep this record for a minimum of four weeks,

commits an offence.

(2) A person who purports to assess lean meat content for the purposes of classifying carcasses other than by a method authorised by the European Commission for use in Ireland commits an offence.

(3) Where pigs are slaughtered at an establishment to which these Regulations do not apply, the operator of the establishment who marks carcasses in the manner referred to in paragraph (1) commits an offence.

(4) A person who defaces a mark or label applied pursuant to paragraph (1), or removes the mark or label except immediately before the cutting up of the carcase and at the location where the cutting up takes place, commits an offence.

Appointment of authorised officer

4. (1) The Minister may, by instrument in writing, appoint such and so many persons or a class of persons as he or she thinks fit to be authorised officers for the purposes of these Regulations.

(2) The Minister may terminate the appointment of an authorised officer appointed by him or her and the Minister may terminate an appointment under paragraph (1), whether or not the appointment was for a fixed period.

(3) An appointment as an authorised officer ceases—

- (a) if it is terminated pursuant to paragraph (2),
- (b) if it is for a fixed period, on the expiry of that period, or
- (c) if the person appointed is an officer of the Minister upon the person ceasing to be such an officer.

(4) Nothing in paragraph (3) is to be construed so as to prevent the Minister from reappointing as an authorised officer a person to whom paragraph (3) relates.

(5) An officer of the Minister shall furnish an authorised officer with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer to the person.

Functions of authorised officers

5. (1) An authorised officer may at all reasonable times—

- (a) enter a premises in which he or she has reasonable grounds for believing a carcass, record, including an electronic record, or other document in relation to slaughter of a pig or grading of a carcass or price paid to a vendor is kept,
- (b) stop or regulate the use of any machinery, plant or equipment,
- (c) require a person to produce any carcass, book, record, including an electronic record, or other document which the authorised officer believes is in possession or procurement or under the control of the person and require the person to give to the officer such information as may be required in relation to an entry or to reproduce an entry in a legible form,
- (d) inspect, take copies of or extracts from a record including an electronic record, book or other document,
- (e) inspect a carcass,
- (f) seize and detain a carcass (for as long as is necessary), a record including an electronic record, book or other document for such periods as may be required for the purpose of investigating whether these Regulations or the Classification Regulation are being, or have been, complied with
- (g) inspect the operation of any grading equipment or techniques employed,
- (h) inspect the operation of any weighing scales used to weigh a carcass and demand either that a person check the accuracy of the scales in the presence of the authorised officer or permit the authorised officer to check the accuracy of the scales,
- (i) issue a notice in writing prohibiting a person from purporting to classify carcasses or prohibiting the use of a grading technique until such time as the grading technique has been examined.

(2) The owner or person in charge of an establishment where a carcass is slaughtered shall provide such facilities for an authorised officer as he or she may reasonably request.

Prohibition of forgery and giving false information

6. (1) A person shall not—

- (a) forge a record including an electronic record, or document established under these Regulations or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as “a forged record”),
- (b) alter with intent to defraud or deceive, or utter knowing it to be so altered any notice, record including an electronic record, or document established under these Regulations or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as “an altered record”), or
- (c) have, without lawful authority, in his or her possession a forged record or altered record, including an electronic record.

(2) A person, in purported compliance with these Regulations, shall not give information that he or she knows to be false or misleading.

(3) A person who contravenes this Regulation commits an offence.

Obstruction, etc.

7. (1) A person shall not-

- (a) obstruct or impede an authorised officer in the exercise of his or her powers under Regulation 5,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 5,
- (c) in purporting to give information to an authorised officer for the performance of the officer’s powers under Regulation 5—
 - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
 - (ii) fail to disclose a material particular,
- (d) aid or abet a contravention of an act of the institutions of the European Communities or these Regulations.

(2) A person who contravenes this Regulation commits an offence.

Offences

8. (1) A person who commits an offence under these Regulations is liable on summary conviction to a fine not exceeding €5000 or to a term of imprisonment not exceeding 6 months or to both.

(2) If an offence is committed by a body corporate and it is proved to have been so committed with the consent, connivance or approval of or to have been attributed to the wilful neglect on the part of a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

(3) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with functions of management as if the member is a director or manager of the body corporate.

(4) An offence under these Regulations may be prosecuted by the Minister.

On-the-spot fine

9. (1) If an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing on that person stating that—

- (a) the person is alleged to have committed the offence,
- (b) the person may during the period of 28 days from the date of the notice make to the Minister a payment of €200 accompanied by the notice, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) If notice is given under paragraph (1)—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice accompanied by the notice;
- (b) the Minister shall, on receipt of the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it;
- (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under these Regulations the onus of proving that a payment pursuant to a notice under this Regulation has been made shall lie on the defendant.

Revocations and saver

10. (1) The Pig Carcase (Grading) Regulations 1988 (S.I. No. 365 of 1988) are revoked.

(2) All instruments, documents, appointments and letters or notices made or issued under the Pig Carcase (Grading) Regulations 1988 and in force immediately before the commencement of these Regulations continue in force as if made or issued under these Regulations



GIVEN under my Official Seal,
23 June 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations give effect to European Communities legislation on the grading of pig carcasses.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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