



STATUTORY INSTRUMENTS.

S.I. No. 254 of 2019



EUROPEAN UNION (CARCASE CLASSIFICATION AND PRICE
REPORTING) REGULATIONS 2019

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EUROPEAN UNION (CARCASS CLASSIFICATION AND PRICE REPORTING) REGULATIONS 2019

I, Michael Creed, Minister for Agriculture, Food and the Marine, 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 effect to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013¹ (as amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013² and Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017³) (insofar as that Regulation relates to the classification and price reporting of beef and pig carcasses), Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017⁴ and Commission Implementing Regulation (EU) 2017/1184 of 20 April 2017⁵ hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Carcass Classification and Price Reporting) Regulations 2019.

Interpretation

2. (1) In these Regulations—

“carcass” means the carcass of:

- (a) an adult bovine including bovines aged on slaughter 8 months or more, and
- (b) pigs other than those that have been used for breeding;

“Classification Regulations” means the Commission Delegated Regulation, the Commission Implementing Regulation and Article 10 of the Council Regulation;

“Commission Delegated Regulation” means Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017;

“Commission Implementing Regulation” means Commission Implementing Regulation (EU) 2017/1184 of 20 April 2017;

“Council Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 (as amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013

¹ OJ L 347, 20.12.2013, p. 671

² OJ L 347, 20.12.2013, p. 865

³ OJ L 350, 29.12.2017, p. 15

⁴ OJ L 171, 4.7.2017, p. 74

⁵ OJ L 171, 4.7.2017, p. 103

and Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017)

“Minister” means Minister for Agriculture, Food and the Marine;

“supervisory officer” means a person-

- (a) appointed under Regulation 16, or
- (b) who, immediately before the making of these Regulations, was a supervisory officer or authorised officer within the meaning of the Regulations revoked by Regulation 27.

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

Slaughterhouses to which these Regulations apply

3. These Regulations apply to slaughterhouses-

- (a) where a minimum of:
 - (i) 150 adult bovines including bovines aged on slaughter 8 months or more, or
 - (ii) 500 pigs, other than those that have been used for breeding,

are slaughtered per week on a yearly average basis, and

- (b) to which subparagraph (a) does not apply, but agrees to voluntarily classify and price report.

Union scales for classification of carcasses

4. (1) An owner or person in charge of an establishment to which these Regulations apply shall classify a carcass by means of the Union scale in accordance with Article 10 of the Council Regulation and Article 3 or 5 of the Commission Delegated Regulation

(2) The owner or person in charge of an establishment to which these Regulations apply shall determine the age of a bovine in accordance with Article 1 of Commission Delegated Regulation.

Presentation of carcass

5. (1) A person shall not present, or cause or permit another person to present, a carcass other than in accordance with Articles 6 of the Commission Delegated Regulation and 5 of the Commission Implementing Regulation.

(2) Without prejudice to the generality of paragraph (1), the sternocephalicus muscle (Neck muscle) shall remain intact on the carcass before weighing, classifying and marking, except for cases when veterinary requirements are applied.

Carcase Classification

6. (1) The owner or person in charge of an establishment to which these Regulations apply shall classify a carcass at a time and place in accordance with Article 7(1) and (5) of the Commission Delegated Regulation.

(2) The person referred to in paragraph (1) that classifies a carcass in accordance with points A.II, A.III, B.II, C.II and C.III of Annex IV to the Council Regulation shall communicate to the supplier of the animal, the results of the classification in accordance with Article 1 of the Commission Implementing Regulation.

Weighing of carcass

7. (1) The owner or person in charge of an establishment to which these Regulations apply shall weigh a carcass in accordance with Article 7(3) of Commission Delegated Regulation.

(2) The owner or person in charge of an establishment to which these Regulations apply shall—

- (a) record the weight of each carcass and the name of the person who was operating the weighing scales,
- (b) at the request of a supervisory officer prohibit a person from operating a weighing scales,
- (c) check and record the accuracy of the weighing scales used for the purposes of sub-paragraph (a) if requested by a supervisory officer, and
- (d) check and record the accuracy of the weighing scales used for the purposes of sub-paragraph (a) on a daily basis and produce an electronic print-out to this effect showing time, date, and weight determined. The print-out shall be made available to a supervisory officer if requested.

(3) A supervisory officer may review a determination of weight under paragraph (2)(a) and amend it if it is erroneous.

(4) For the purposes of enabling the accuracy of a weighing scales at an establishment used to slaughter animals to be checked, the owner or person in charge of the establishment shall keep at the premises and make available at the request of a supervisory officer a set of weights, totalling not less than 260 kg in weight, calibrated to the relevant classification as per OIML R111-1: 2004, by an accredited laboratory and traceable to national standards.

(5) The owner or person in charge of an establishment to which these Regulations apply shall produce evidence of compliance with conformity assessment procedures under section 14 of the Metrology Act 1996 at the request of a supervisory officer.

(6) A supervisory officer may by notice in writing suspend weighing operations—

- (a) if a person engaged in the slaughter of animals fails to comply with this Regulation or the Classification Regulations,
 - (b) pending production of evidence requested under paragraph (4) or (5), or
 - (c) if a supervisory officer has reasonable grounds to suspect that weighing equipment is defective.
- (7) A notice under paragraph (6) shall state the duration of the suspension and its commencement.
- (8) A person shall comply with a notice under paragraph (6).

Labelling and Identification

8. (1) The owner or person in charge of an establishment to which these Regulations apply shall mark a carcass in accordance with Article 8 of the Commission Delegated Regulation.

(2) Without prejudice to the generality of paragraph (1), the mark referred to in that paragraph shall also indicate-

- (a) the approval number of the slaughterhouse,
- (b) the identification or slaughter number of the animal,
- (c) the date of slaughter,
- (d) the weight of the carcass,
- (e) the class of conformation and fat cover using sub classes, and
- (f) where applicable, that the classification has been carried out by using an automated grading technique.

(3) A person, other than the holder of a carcass classification licence or a supervisory officer, shall not amend or otherwise interfere with a label placed on a carcass for the purposes of Article 8 of the Commission Delegated Regulation.

(4) If the holder of a carcass classification licence or a supervisory officer amends the weight or the classification of a carcass, he or she shall alter the mark or label made or attached for the purposes of Article 8 of the Commission Delegated Regulation, and record the amendment in a manner determined by the Minister.

(5) Subject to paragraphs (6) and (7), a person shall not identify a carcass with an identifying number for the purposes of Article 8 of the Commission Delegated Regulation unless the number is a sequential four digit number consecutively assigned commencing with number 0001.

(6) If a carcass is assigned an identifying number 9999 in accordance with paragraph (5), the next carcass at that premises shall be assigned the number 0001 and paragraph (5) applies to all other carcasses.

(7) On commencement of these Regulations, the Minister may permit an identifying number other than number 0001 to be used provided that sequential four digit numbers are assigned consecutively from the identifying number permitted by the Minister.

(8) The owner or person in charge of an establishment where a carcass is slaughtered shall establish and operate a system that enables the—

- (a) identification of the carcass from the unique identifier of the live animal issued under the European Communities (Identification of Bovines) Regulations 2009 (S.I. No. 77 of 2009),
- (b) identification of the live animal from the identifying number applied under paragraph (5), or as the case may be
- (c) identification of pig carcasses and half carcasses that is adequate to enable the lean meat content, carcass weight and price paid to vendors to be related to the animals from which the carcasses derive.

Classification Method

9. (1) The owner or person in charge of an establishment to which these Regulations apply shall classify a carcass using a method that is in accordance with Article 9 of the Commission Delegated Regulation.

(2) Without prejudice to the generality of paragraph (1), where the method referred to in that paragraph is an automated grading method, and the carcass to be categorised is:

- (a) beef, classification shall be carried out in accordance with Article 10 and 12 of the Commission Delegated Regulation, or
- (b) pig, classification shall be carried out in accordance with Article 11 and 12(2) of the Commission Delegated Regulation.

(3) The owner or person in charge of an establishment to which these Regulations apply shall use qualified personnel when operating an automated grading method.

Spot Checks

10. The owner or person in charge of an establishment to which these Regulations apply shall cooperate with spot checks carried out by the competent authority in accordance with Articles 2, 3, 4 and 17 of the Commission Implementing Regulation.

Pricing

11. (1) The owner or person in charge of an establishment to which these Regulations apply shall record and forward market prices to the

competent authority in accordance with Article 13 of the Commission Delegated Regulation.

(2) Without prejudice to the generality of paragraph (1), a person shall record and forward, in a format and at a time determined by the Minister, the market prices of:

- (a) carcasses of bovine animals aged eight months or more in accordance with Article 14 of Commission Delegated Regulation and Article 8 of Commission Implementing Regulation,
- (b) carcasses of bovine animals aged less than eight months in accordance with Article 15 of Commission Delegated Regulation and Article 10 of Commission Implementing Regulation,
- (c) carcasses of pigs aged eight months or more in accordance with Article 14 of Commission Delegated Regulation and Article 9 of Commission Implementing Regulation, and
- (d) carcasses of pigs aged less than eight months in accordance with Article 14 of Commission Delegated Regulation and Articles 9 and 10 of Commission Implementing Regulation.

(3) The owner or person in charge of an establishment to which these Regulations apply shall record and forward to the competent authority any supplementary payments made in accordance with Article 17(2) of the Commission Delegated Regulation.

Classification License - Manual

12. (1) A person shall not manually classify a carcass for the purposes of the Classification Regulations except in accordance with a licence granted for the purposes of Article 9 (a) of Commission Delegated Regulation (“manual carcass classification licence”).

(2) A person shall not cause or permit another person to manually classify a carcass for the purposes of the Classification Regulations unless the second mentioned person is the holder of a manual carcass classification licence.

(3) An application for a manual carcass classification licence shall be in a form and contain any information that the Minister may require.

(4) The Minister may grant a manual carcass classification licence, attach conditions to a manual carcass classification licence, vary a condition, revoke a manual carcass classification licence or refuse an application.

(5) Without prejudice to the generality of paragraph (4), the Minister may revoke a manual carcass classification licence or refuse an application, if, in his or her opinion—

- (a) an act of the institutions of the European Union or these Regulations has not, is not or will not be, complied with,

- (b) the applicant or holder of a manual carcase classification licence has committed an offence relating to animal health, animal welfare or the environment,
- (c) the applicant or holder of a manual carcase classification licence has failed to comply with a licence condition,
- (d) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) any plant or machinery to be used is inadequate for the purpose,
- (f) the applicant or holder of a manual carcase classification licence does not have the necessary qualifications or display the necessary skills,
- (g) the applicant or holder of a manual carcase classification licence is not a fit and proper person to be licensed,
- (h) there are an unacceptable number of incorrect classifications or identifications, or
- (i) it is necessary, ancillary or supplementary for an act of the institutions of the European Union to have full effect.

(6) Other than in the case of paragraph (5)(i), if the Minister proposes to refuse an application or suspend or revoke a manual carcase classification licence, he or she shall—

- (a) notify the applicant or holder of a manual carcase classification licence of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or holder of a manual carcase classification licence of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that it is necessary, ancillary or supplementary for an act of the institutions of the European Union to have full effect, he or she may suspend or revoke a manual carcase classification licence in accordance with paragraph (8).

(8) If the Minister suspends or revokes a manual carcase classification licence under paragraph (7), he or she shall-

- (a) notify the applicant or holder of a manual carcase classification licence of the decision and the reasons for the decision, and that he or she may make representations in relation to the decision to the Minister within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or holder of a manual carcase classification licence of the decision and the reasons for the decision.

(9) Subject to paragraph 10, this Regulation does not apply to a supervisory officer.

(10) The holder of a manual carcass classification licence or a supervisory officer may review and amend the manual classification of a carcass made by another holder of a manual carcass classification licence and amend it where he or she believes the classification to be erroneous.

Classification licence – Automated

13. (1) A person shall not use an automated method, semi-automated method or manual grading technique to classify a carcass for the purposes of the Classification Regulations except in accordance with a licence granted for the purposes of Article 9(b) of the Commission Delegated Regulation (“automated grading licence”).

(2) A person shall not cause or permit another person to classify a carcass for the purposes of the Classification Regulation unless an automated grading licence exists in relation to the automated grading technique.

(3) An application for an automated grading licence shall be in a form and contain any information that the Minister may require.

(4) The Minister may grant a licence, attach conditions to a licence, vary a condition, revoke a licence or refuse an application.

(5) Without prejudice to the generality of paragraph (4), the Minister may revoke an automated grading licence or refuse an application, if, in his or her opinion—

- (a) an act of the institutions of the European Union or these Regulations has not, is not or will not be, complied with,
- (b) the applicant or holder of an automated grading licence has committed an offence, relating to animal health, animal welfare or the environment,
- (c) the applicant or holder of an automated grading licence has failed to comply with a licence condition,
- (d) in relation to an application, information required has not been furnished or information that is false or misleading in a material respect has been furnished,
- (e) any plant or machinery to be used is inadequate for the purpose,
- (f) the technique fails to satisfy Article 4 of the Commission Implementing Regulation,
- (g) the technical specification of the automatic grading technique has been modified other than in accordance with Article 10(7) of the Commission Delegated Regulation,
- (h) the technique in operation results in an unacceptable number of incorrect classifications or identifications,
- (i) the applicant or holder of an automated grading licence is not a fit and proper person to be licensed, or

- (j) it is necessary, ancillary or supplementary for an act of the institutions of the European Union to have full effect.

(6) Other than in the case of paragraph (5)(j), if the Minister proposes to refuse an application or suspend or revoke an automated grading licence, he or she shall—

- (a) notify the applicant or holder of the automated grading licence of the proposal and the reasons for the proposal, and that he or she may make representations in relation to the proposal to the Minister within 14 days of notification,
- (b) consider a representation duly made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or holder of the automated grading licence of the decision and the reasons for the decision.

(7) If the Minister is of the opinion that it is necessary, ancillary or supplementary for an act of the institutions of the European Union to have full effect, he or she may suspend or revoke an automated grading licence in accordance with paragraph (8).

(8) If the Minister suspends or revokes an automated grading licence under paragraph (7), he or she shall—

- (a) notify the applicant or holder of the automated grading licence of the decision and the reasons for the decision, and that he or she may make representations in relation to the decision to the Minister within 14 days of notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or holder of the automated grading licence of the decision and the reasons for the decision.

(9) A person shall give the Minister at least 5 days notice of his or her intention to use an automated grading technique.

(10) Notwithstanding Regulation 12, if a premises is equipped with an operational automated grading technique, that technique must be used for the classification of carcasses on the premises unless the owner or person in charge of the premises has received written permission from a supervisory officer to use an alternative grading technique.

(11) A person shall retain records produced by an automated grading technique for two years and make them available, in legible form if so requested, on request to a supervisory officer.

(12) A person shall not alter, or cause or permit another person to alter, a classification derived from an automatic grading technique except with the prior written approval of a supervisory officer.

Daily classification sheet

14. (1) The owner or person in charge of an establishment to which these Regulations apply shall—

- (a) produce a record of the determination of classification and weight each day and the record (“daily classification sheet”) shall be made available to a supervisory officer on request in a format approved by the Minister,
- (b) forward an electronic copy of the daily classification sheet in a format approved by the Minister to a supervisory officer within 5 working days of slaughter,
- (c) produce one legible hard copy of the daily classification sheet to the Minister within 5 working days of slaughter, and
- (d) retain a copy of a daily classification sheet for two years from the date the daily classification sheet is produced.

(2) A daily classification sheet shall be produced in a format approved by the Minister and a person shall not alter the format of a daily classification sheet without the prior approval of the Minister.

Information to be supplied to vendor

15. (1) The owner or person in charge of an establishment where a bovine is slaughtered shall at the time of payment for the animal furnish the vendor with a statement of the weight and classification as required under the Classification Regulations and any other information that the Minister may determine in a format that the Minister may determine.

(2) The classification referred to under paragraph (1) shall include subclasses for conformation and fat cover and the classifier code 001, if classification is completed using a licensed automated grading technique.

(3) If classification of a carcass is carried out by the holder of a manual carcass classification licence, the Minister may direct that the classification include subclasses for conformation and fat cover, and a person shall comply with such a direction.

(4) If classification of a carcass is carried out by the holder of a manual carcass classification licence, the unique classifier code assigned to that holder shall be included in the classification referred to in paragraph (1).

(5) The owner or person in charge of an establishment where a pig is slaughtered shall at the time of payment for the animal, furnish the vendor with a statement showing carcass number and weight, percentage of lean meat content and total price including any bonuses or transport allowances.

(6) Information referred to in this Regulation shall be given to the vendor in writing.

Appointment of supervisory officer

16. (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 supervisory officers for the purposes of some or all of the functions of a supervisory officer as may be specified in the instrument.

(2) The Minister may terminate the appointment of a supervisory officer appointed by him or her whether or not the appointment was for a fixed period or specified purpose.

(3) An appointment as a supervisory 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 a supervisory officer a person to whom paragraph (3) relates.

(5) An officer of the Minister shall furnish a supervisory officer with a warrant of his or her appointment as a supervisory 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 supervisory officer

17. (1) A supervisory officer may, for the purpose of these Regulations or the Classification Regulations, at all reasonable times—

- (a) enter a premises in which he or she has reasonable grounds for believing a carcass, daily classification sheet, record, including an electronic record, or other document in relation to slaughter or price paid for a bovine or a pig or extracts from such sheets, records or documents whether kept in legible form or otherwise, may be,
- (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 supervisory 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 daily classification sheet, record, including an electronic record, book or other document,
- (e) inspect a carcass,

- (f) seize and detain a carcase (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 Regulations are being, or have been, complied with,
- (g) inspect the operation of any weighing scales used to weigh a carcase and demand either that a person check the accuracy of the scales in the presence of the supervisory officer or permit the supervisory officer to check the accuracy of the scales,
- (h) inspect an authorised grading method,
- (i) examine the technical specifications of an authorised grading method,
- (j) issue a notice in writing prohibiting a person from purporting to classify carcasses or prohibiting the use of an authorised grading method until such time as the automated grading method has been examined and is operating satisfactorily,
- (k) take photographs of a carcase, machinery, plant or equipment,
- (l) inspect any device that is believed to be obsolete, un-authorised or otherwise prohibited for use.

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

(3) A supervisory officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 18.

(4) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents a supervisory officer from exercising a function conferred on him or her by these Regulations.

Search warrant

18. (1) If a judge of the District Court is satisfied by information on the sworn information of a supervisory officer that there are reasonable grounds for believing that—

- (a) there is evidence on any premises of or relating to the commission or intended commission of an offence under these Regulations or the Classification Regulations relating to an animal or carcase or other thing to which these Regulations or the Classification Regulations relate,
- (b) there is or was on a premises an animal or carcase or other thing to which these Regulations or the Classification Regulations relate or equipment or other thing made, used or adapted for use (including manufacture or transport) in connection with an animal or carcase or other thing to which these Regulations or the Classification Regulations relate, or

- (c) a record related to a thing to which subparagraph (a) or (b) relates is or may be on the premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named supervisory officer, accompanied by such supervisory officers or other persons as the named supervisory officer thinks necessary, at any time, within one month from the date of issue of the warrant, to enter the premises named in the warrant and to exercise all or any of the functions conferred on a supervisory officer under these Regulations.

Compliance notice

19. (1) Where a supervisory officer is of the opinion that a contravention of these Regulations or the Classification Regulations may have taken place, or may be taking place, the officer may serve a notice (“compliance notice”) stating that opinion on the person—

- (i) who appears to be the owner, occupier, operator or person in charge of the premises, or
- (ii) in possession or control of an animal, carcase or other thing, to which the notice relates.

(2) A compliance notice shall—

- (a) require the person on whom it is served to take such action as specified in the notice,
- (b) inform the person on whom it is served that he or she may appeal the notice in the District Court under Regulation 20, and
- (c) state that if the person on whom it is served fails to comply with the notice, he or she commits an offence and is liable to the penalty mentioned in paragraph (10).

(3) A compliance notice may—

- (a) prohibit or regulate any activity specified in the notice, including prohibiting or restricting entry onto the premises specified in the notice,
- (b) require that the owner, occupier, operator or person in charge of any premises detain, dispose of or destroy an animal, carcase or other thing to which these Regulations or the Classification Regulations relate in a manner and at any place (if any) specified in the notice,
- (c) prohibit the transport or further transport of a carcase or other thing to which these Regulations or the Classification Regulations relate, either absolutely or unless such conditions as may be specified in the notice are complied with,
- (d) require that such alterations or additions be made to any premises, equipment, machinery, vehicle or other thing used in connection with an animal, carcase or other thing to which these

Regulations or the Classification Regulations relate as may be specified in the notice,

- (e) require a person to make such changes to a label, packaging or marketing material including re-labelling a carcass or other thing to which these Regulations or the Classification Regulations relate as may be specified in the notice.

(4) A person to whom a compliance notice is served—

- (a) shall comply with it until the notice expires or is annulled under Regulation 20, and
- (b) shall not cause or permit another person to contravene the terms or conditions of the notice.

(5) A compliance notice may specify a time limit within which the person on whom it is served shall comply with the notice.

(6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(7) A compliance notice may require the owner, occupier, operator or person in charge of any premises, an animal, carcass, equipment, machinery, vehicle or other thing to which these Regulations or the Classification Regulations relate, to choose between two or more of the requirements specified in the notice.

(8) A compliance notice shall include an address for service of an appeal under Regulation 20.

(9) A person on whom a compliance notice is served who fails to comply with, or causes or permits another person to contravene the notice commits an offence.

(10) A person who commits an offence under this Regulation is liable on summary conviction to a class A fine.

Appeal against compliance notice

20. (1) A person to whom a compliance notice is served may, not later than 7 days from the date of service of the notice, appeal the notice to the judge of the District Court having jurisdiction in the District Court district—

- (a) where an animal, carcass, premises, equipment, machinery, vehicle or other thing to which these Regulations or the Classification Regulations relate, the subject of the notice, is situated, or
- (b) where the person bringing the appeal ordinarily resides or carries on business.

(2) Notice of an appeal shall contain a statement of the grounds upon which the appeal is based and shall be served at the address included in the notice in accordance with Regulation 19 not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice of appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) On the hearing of an appeal a judge of the District Court may confirm, modify or annul the compliance notice.

(5) The decision of the District Court on the hearing of an appeal is final, save that, by leave of the Court, an appeal shall lie to the High Court on a specified point of law.

(6) A person, including a person on whom a compliance notice has been served, shall not, where an appeal has been made under this Regulation in respect of a compliance notice, pending the determination of the appeal, or if the notice is confirmed or modified on appeal, deal with an animal, carcase or other thing to which these Regulations or the Classification Regulations relate, any premises, equipment, machinery, vehicle or other thing to which the notice relates other than in accordance with the terms of the compliance notice.

(7) In this Regulation “appeal” means an appeal under paragraph (1).

Seizure and detention for non-compliance with a compliance notice

21. (1) Without prejudice to an appeal under Regulation 20, where—

- (a) a person in control of—
 - (i) an animal, carcase or other thing to which these Regulations or the Classification Regulations relate, or
 - (ii) premises, equipment, machinery, vehicle or other thing used in connection with an animal or carcase

fails to comply with the terms of a compliance notice within the time specified in the notice, or

- (b) a supervisory officer has reasonable grounds for believing that a compliance notice is not being, or is likely not to be, complied with,

a supervisory officer may at any time seize and detain the animal, carcase or other thing to which these Regulations or the Classification Regulations relate, equipment, machinery, vehicle or other thing used in connection with an animal or carcase.

(2) Where an animal, carcase or other thing to which these Regulations or the Classification Regulations relate, equipment, machinery, vehicle or other thing used in connection with an animal or carcase is seized and detained in accordance with paragraph (1), a supervisory officer may—

- (a) sell, destroy or dispose of an animal, carcase or other thing to which these Regulations or the Classification Regulations relate or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to the animal, carcase or other thing to which these Regulations or the classification Regulations relate, equipment, machinery, vehicle or other thing

used in connection with an animal or carcase as the supervisory officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an animal, carcase or other thing to which these Regulations or the Classification Regulations relate in accordance with paragraph (2) shall be paid to the owner of the animal, carcase or other thing to which these Regulations or the Classification Regulations relate less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Regulation are recoverable by the Minister—

- (a) as a simple contract debt in a court of competent jurisdiction from the owner or person in charge of the animal, carcase, premises, equipment, machinery, vehicle or other thing used in connection with an animal or carcase or other thing at the time the measure was carried out, or
- (b) by deducting the costs from any sum due by the Minister to a person on whom a notice has been served.

Prohibition of forgery and giving false information

22. (1) A person shall not—

- (a) forge a daily classification sheet, 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, daily classification sheet, 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.

Fees

23. (1) The Minister may, from time to time, set and charge a fee in respect of—

- (a) an application for a carcase classification licence or an automated grading licence, or
- (b) the performance by the Minister of a function under these Regulations

and different fees (not exceeding the cost, estimated by the Minister, of performing the function to which the fee relates) may be set and charged having regard to the cost to the Minister of performing a particular function.

(2) The Minister shall not perform a function referred to in paragraph (1) unless the fee (if any) set in respect of that function is paid.

(3) Moneys received by the Minister under this Regulation or Regulation 26 shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

Obstruction, etc.

24. A person shall not—

- (a) obstruct or impede a supervisory officer in the exercise of his or her powers under Regulation 17,
- (b) fail, without reasonable cause, to comply with a requirement or direction of a supervisory officer under Regulation 17,
- (c) in applying for a licence or in purporting to give information to a supervisory officer for the performance of the officer's powers under Regulation 17—
 - (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, or
- (d) aid or abet a contravention of an act of the institutions of the European Union or these Regulations.

Offences

25. (1) A person commits an offence if he or she contravenes—

- (a) Article 10 of the Commission Regulation,
- (b) Articles 1, 3, 5, 6(1)(2) or (3), 7(1)(3) or (5), 8(1)(2)(3)(4) or (5), 11(5), 12, 13, 14, 15, 16 or 17(2) of the Commission Delegated Regulation, or
- (c) Articles 1, 5, 7, 8(1), 9, 10, 11, 12, 14 or 15 of the Commission Implementing Regulation.

(2) A person commits an offence if he or she contravenes Regulation 4(1), 5, 6, 7(1)(2)(3)(4) (5) or (8), 8(1) (2)(3)(4)(5) or (8), 9, 10, 11, 12 (1) or (2), 13(1) (2) (9) (10) (11) or (12), 14, 15, 17(1) or (2), 19 (4), 20(6), 22 or 24.

(3) A person who commits an offence under these Regulations is liable on summary conviction to a class A fine.

(4) If an offence is committed under these Regulations 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.

(5) If the affairs of a body corporate or unincorporated body are managed by its members, paragraph (3) 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.

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

Fixed payment notice

26. (1) Where an officer of the Minister, authorised by the Minister in that behalf, has reasonable grounds for suspecting that a person is committing or has committed an offence under these Regulations, he or she may serve a notice in writing (“fixed payment notice”) 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 beginning on the date of the notice make to the Minister, at the address specified in the notice, a payment of €250 accompanied by the notice,
- (c) the person is not obliged to make the payment, and
- (d) 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) Where a fixed payment notice is served under paragraph (1)—

- (a) the 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 may receive 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, and
- (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 proceedings for an offence under these Regulations, the onus of proving that a payment in accordance with a fixed payment notice has been made lies on the person on whom the fixed payment notice was served.

(4) In proceedings for an offence referred to in paragraph (1) it is a defence for the accused to show that he or she has made a payment in accordance with this Regulation pursuant to a fixed payment notice issued in respect of that offence.

(5) The Minister may publish, in a manner that he or she considers appropriate, a list of persons to whom paragraph (1) applies.

Revocations and saver

27. (1) The following Regulations are revoked-

- (a) European Communities (Beef Carcase Classification) Regulations 2010 (S.I. No. 363 of 2010), and
- (b) European Communities (Pig Carcase Classification) Regulations 2010 S.I. No. 308 of 2010.

(2) An approval, authorisation, licence, instrument, document, appointment, letter or notice made, issued or granted under the Regulations referred to in paragraph (1) that is in force immediately before the revocation, continues in force and may be dealt with as if granted under these Regulations.



GIVEN under my Official Seal,
29 May, 2019.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations provide for the dressing, classification, weighing and labelling of carcasses of adult bovine and porcine animals. They also contain provisions relating to the use of automated classification techniques, the communication of classification results and market price reporting.

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