STATUTORY INSTRUMENTS

1987 No. 949

AGRICULTURE

The Sheep and Goats (Removal to Northern Ireland) (Amendment) Regulations 1987

Made - - - -	*19th May 1987*
Coming into force	*20th May 1987*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred upon them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has been approved by resolution of each House of Parliament:–

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Sheep and Goats (Removal to Northern Ireland) (Amendment) Regulations 1987 and shall come into force on the day after the day on which they are made.

(2) Except where the context otherwise requires any reference in these Regulations to a numbered regulation or schedule refers to the regulation or schedule so numbered in the Sheep and Goats (Removal to Northern Ireland) Regulations 1983(c).

Amendment of definitions

2. In regulation 2 –

(a) in the definition of "carcase" for the words "salted in brine" there shall be substituted the words "salted, in brine";

(b) for the definition of "the Commission Regulation", there shall be substituted the following definition:–

(a) S.I. 1972/1811. (b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, in relation to offences triable only summarily, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c.48), in relation to offences triable on indictment or summarily, with section 32 of the Magistrates' Courts Act 1980 (c.43), and, in each case, with S.I. 1984/447; as regards Scotland, in relation to offences triable only summarily, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 54 of the Criminal Justice Act 1982, in relation to offences triable on indictment or summarily, with section 289B of the Criminal Procedure (Scotland) Act 1975, as inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c.45) and amended by section 55 of the Criminal Justice Act 1982, and, in each case, with S.I. 1984/526; and, as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R. (N.I.) 1984 No. 253. (c) S.I. 1983/1158.

" 'the Commission Regulation' means Commission Regulation (EEC) No 1633/84(a) as amended by Commission Regulation (EEC) No 3451/85(b), Commission Regulation (EEC) No 9/86(c) and Commission Regulation (EEC) No 1860/86(d) all of which lay down detailed rules for applying the variable slaughter premium for sheep and the first of which repeals Regulation (EEC) No 2661/80(e);"

(c) after the definition of "the departure charge", there shall be inserted the following definition:–

" 'product' means any product referred to in Article 1(c) of Council Regulation (EEC) No 1837/80 on the common organization of the market in sheepmeat and goatmeat(f);"

(d) for the definition of "removal", there shall be substituted the following definition:–

" 'remove' means remove from Great Britain to Northern Ireland, and 'removal' shall be construed accordingly;";

(e) in the definition of "removal declaration", for the words "animal or carcase", there shall be substituted the words "animal, carcase or product".

Insertion of regulation 2A

3. After regulation 2 there shall be inserted the following regulation:–

"*Application*

2A. These Regulations shall not apply to any animal, carcase or product which –

(a) is brought into, and removed from, Great Britain under the internal or external Community transit procedure(g); or

(b) is not in free circulation in Great Britain.".

Control of prepared and preserved meat

4.—(1) In regulations 3(1), 6 and 13, for the words "animal (other than a pure-bred breeding animal) or carcase", there shall be substituted the words "animal (other than a pure-bred breeding animal), carcase or product".

(2) In regulations 3(1), 4(1), 5, 6, 7 and in regulations 8(1)(a) (as re-numbered by regulation 6(1) below) and 10(4), for the words "animal or carcase", wherever they occur, there shall be substituted the words "animal, carcase or product".

(3) In regulation 6 and in regulation 8(1)(a) (as re-numbered by regulation 6(1) below) and in items 1, 4 and 6 of Schedule 1, for the words "animals or carcases" , there shall be substituted the words "animals, carcases or products".

(4) For items 2 and 3 of Schedule 1 there shall be substituted the following items:–

"2. The numbers, weights and descriptions, including full Common Customs Tariff headings, of the animals, carcases or products to be removed and, for products, an indication as to whether they are bone-in or boneless.

3. The address, if different from that of the consignor, –

(a) of the farm premises from which animals originate;

(b) of the slaughterhouse from which fresh, chilled or frozen carcases originate;

(c) of the packing premises from which carcases which are salted, in brine, dried or smoked originate;

(d) of the packing premises from which products originate.".

(a) OJ No L 154, 9.6.84, p.27. (b) OJ No L 328, 7.12.85, p.23. (c) OJ No L 2, 4.1.86, p.14. (d) OJ No L 161, 17.6.86, p.25. (e) OJ No L 276, 20.10.80, p.19. (f) OJ No L 183, 16.7.80, p.l. Article 1(c) was inserted by Article 1(1) of Council Regulation (EEC) No 871/84 (OJ No L 90, 1.4.84, p.35). (g) The Community transit procedure is established by Council Regulation (EEC) No 222/77 (OJ No L 38, 9.2.77, p.1.)

Time and place of inspection and weighing

5.—(1) At the end of regulation 4(1) the words "before removal" shall be deleted.

(2) In regulation 4(2) for the word "animal" there shall be substituted the words "animal, carcase or product".

Amendment of regulation 8

6.—(1) Regulation 8 shall be re-numbered as regulation 8.—(1) and immediately before the words "A qualified person" there shall be inserted the words "In Great Britain".

(2) In regulation 8 after paragraph (1) there shall be inserted the following paragraphs:—

"(2) In Northern Ireland a qualified person may at any time for the purpose of ascertaining whether the provisions of these Regulations have been or are being complied with –

(a) enter and examine the contents of any vehicle, vessel or aircraft, or open and examine the contents of any container;

(b) direct the person in charge of any vehicle to drive it to a place, specified by the qualified person, where it may be unloaded for the purpose of an examination of its contents.

(3) In Northern Ireland a qualified person who reasonably suspects that there has been an offence under these Regulations may, in addition, for the purpose of investigating such an offence –

(a) enter upon any land on which animals, products or carcases are being held for the time being and inspect any animal, carcase or product found thereon;

(b) take possession of, or take a copy of, or extract from, any book, account or record appearing to him to be material which is produced pursuant to regulation 6, or which is in the possession or control of a person who he reasonably suspects is guilty of such an offence.

(4) The owner or person in charge of any land on which animals, carcases or products are held for the time being or of any vehicle, vessel or aircraft, or the contents thereof, shall comply with all reasonable requirements of the qualified person in connection with an inspection or examination under this regulation."

Increase of penalties and the insertion of an additional offence

7.—(1) In regulation 10(1), for the words "four hundred pounds", there shall be substituted "£2000".

(2) In regulations 10(2) and 10(3), for the words "two hundred pounds", there shall be substituted "£1000".

(3) In paragraph (a) of regulation 10(3) for the words "regulation 6" there shall be substituted the words "regulation 6 or 8".

(4) In regulation 10(4), for the words "one thousand pounds" there shall be substituted "£2000".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th May 1987.

L.S.

Michael Jopling
Minister of Agriculture, Fisheries and Food

Tom King
One of Her Majesty's Principal Secretaries of State

19th May 1987

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sheep and Goats (Removal to Northern Ireland) Regulations 1983 ("the 1983 Regulations") which, for the protection of arrangements made under the common organization of the market in sheepmeat and goatmeat established by Council Regulation No 1837/80 (OJ No L 183, 16.7.80, p.1.), prohibit the removal of sheep or goats or the carcases of such animals from Great Britain to Northern Ireland unless, inter alia, security for the payment of an amount equivalent to the Sheep Variable Premium paid in Great Britain has been given. The 1983 Regulations are amended as follows:

(a) Their scope of application is extended, in consequence of an amendment to the common organization of the market in sheepmeat and goatmeat made by Council Regulation No 871/84 (OJ No L 90, 1.4.84, p.35), to prepared or preserved meat and offal of sheep or goats by the addition of a reference to "product" (defined by reference to the description set out in Article 1(c) of Council Regulation No. 1837/80 as amended by Council Regulation No 871/84) to the references to "animal" and "carcase" wherever they occur (regulations 2(e), 4 and 5).

(b) Sheep and goats, or the meat of these animals, not originating, and not intended to be placed on the market, in Great Britain are excluded from the scope of application of the 1983 Regulations when transported through Great Britain under appropriate customs arrangements (regulation 3).

(c) The application of the 1983 Regulations to removals from Great Britain to Northern Ireland by air is clarified (regulation 2(d)).

(d) Authorized officers are empowered to inspect and weigh sheep or goats or the meat of those animals after as well as before their removal from Great Britain to Northern Ireland (regulation 5(1)).

(e) The powers of the Intervention Board for Agricultural Produce in relation to the presentation of sheep or goats for inspection pursuant to the 1983 Regulations at premises named by it are extended to the presentation of the meat of those animals (regulation 5(2)).

(f) Additional powers for the enforcement of the 1983 Regulations are conferred on authorized officers in Northern Ireland and in Great Britain (regulation 6 (2)).

(g) The definition of "carcase" is amended to make clear that "salted" meat and meat "in brine" are distinct categories (regulation 2(a)).

(h) Further information in respect of products is required to be given in removal declarations (regulation 4(4)).

(i) A further offence is created and penalties for existing offences are increased (regulation 7).