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STATUTORY INSTRUMENTS

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**1996 No. 1743**

**FOOD**

**The Fresh Meat (Beef Controls) Regulations 1996**

<i>Made</i>	- - - -	<i>4th July 1996</i>
<i>Laid before Parliament</i>		<i>4th July 1996</i>
<i>Coming into force</i>	- -	<i>5th July 1996</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 16(1)(f)(ii), 26, and 48(1) of the Food Safety Act 1990(1), after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Fresh Meat (Beef Controls) Regulations 1996 and shall come into force on 5th July 1996.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“cattle birth record document” means a document which—

(a) is issued and authenticated by the Minister of Agriculture, Fisheries and Food or the Secretary of State in respect of a bovine animal for which no national administrative document has been issued; and

(b) records the date of birth and the ear-tag number of the bovine animal to which it relates;

“cattle passport” has the meaning given in the Cattle Passports Order 1996(2);

“meat” means any part of an animal that is suitable for human consumption;

“national administrative document” means a document issued in pursuance of article 3 of Commission Regulation (EEC) No. 3886/92(3) laying down detailed rules for the application

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40) and section 6(6) was added by section 76 of, and paragraph 16 of Schedule 16 to, that Act.

(2) S.I. 1996/1686.

(3) O.J. No. L391, 31.12.92, p.20.

of the premium schemes provided for in Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and repealing Regulations (EEC) No. 1244/82 and (EEC) No. 714/89, as last amended by Commission Regulation (EC) No. 1850/95(4); and

“sell” includes possess for sale, and offer, expose or advertise for sale.

### **Prohibition of sale of meat from older bovine animals**

3.—(1) Subject to paragraph (2) of this regulation, no person shall sell for human consumption any meat derived from a bovine animal slaughtered on or after 29th March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to a national administrative document, cattle birth record document or cattle passport relating to the animal that at the time of slaughter the animal was no more than two years and six months old.

(2) Paragraph (1) above shall not apply to meat derived from a bovine animal which was born, reared and slaughtered in any of the countries specified in the Schedule to these Regulations.

### **Offences and penalties**

4.—(1) If any person contravenes any provision of these Regulations he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both.

(2) Paragraph (1) does not apply to anything done or omitted by the Minister.

(3) No prosecution for an offence under paragraph (1) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

### **Application of various sections of the Act**

5. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations:—

section 2 (extended meaning of “sale” etc.);

section 3 (presumptions that food is intended for sale for human consumption);

section 9 (inspection and seizure of suspected food), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;

section 33 (obstruction etc. of officers);

section 36 (offences by bodies corporate), with the modification that a reference to a body corporate includes a Scottish partnership and a reference to a director includes a partner in a Scottish partnership; and

section 44 (protection of officers acting in good faith), with the modification that it shall apply to an enforcement authority as it applies to a food authority and to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority.

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(4) O.J. No. L177, 28.7.95, p.45.

## Enforcement

6. In premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(5), these Regulations shall be enforced and executed by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Scotland and Wales, and in any other premises, by the food authority in whose area the premises are situated.

4th July 1996

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

4th July 1996

*Cumberlege*  
Parliamentary Under Secretary of State,  
Department of Health

4th July 1996

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

4th July 1996

*Jonathan Evans*  
Parliamentary Under Secretary of State, Welsh  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 3(2)

### Countries exempted from regulation 3(1)

Argentina  
Australia  
Botswana  
Brazil  
Mauritius  
Namibia  
New Zealand  
Paraguay  
Poland  
South Africa  
Swaziland  
Uruguay  
United States of America  
Zimbabwe

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the provisions of the Beef (Emergency Control) Order 1996 (S.I.1996/961), as amended, by creating an offence of selling for human consumption meat derived from bovine animals slaughtered on or after 29th March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to certain documentary evidence that the animal at the time of slaughter was no more than two years and six months old.

Meat from bovine animals which were born, reared and slaughtered in any of the countries listed in the Schedule, is exempt from the prohibition on sale (regulation 3(2)).

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey, KT6 7NF.