



Statutory Document No. 49/06

FOOD ACT 1996

**THE BOVINE MEAT (RESTRICTION ON PLACING ON THE MARKET)
REGULATIONS 2006**

Approved by Tynwald *22nd February 2006*

Coming into operation *1st March 2006*

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 2(1)(b), 4(3), 17(1)(f), 21, and 41(3) of the Food Act 1996¹, and of all other enabling powers, and after consulting such organisations as appear to it to be representative of interests likely to be substantially affected thereby, the following Regulations are hereby made:-

1. Citation and commencement

These Regulations may be cited as the Bovine Meat (Restriction on Placing on the Market) Regulations 2006 and, subject to section 41(7) of the Act, shall come into operation on 1st March 2006.

2. Interpretation

(1) In these Regulations —

“authorised officer”, means any person (whether or not an officer of the Department) who is authorised by it in writing, either generally or specially, to act in matters arising under these Regulations and includes, in relation to premises licensed under the Fresh Meat (Hygiene and Inspection)(No 2) Regulations 1997², a person —

(a) designated as an official veterinary surgeon in accordance with regulation 8(1) of those Regulations; or

(b) appointed as a meat inspector in accordance with regulation 8(2) of those Regulations;

“bovine animal” includes —

(a) buffalo of the species *Bubalus bubalis*; and

(b) *Bison bison*;

“the Department” means the Department of Local Government and the Environment;

¹ 1996 c.8

² SD 365/97.

“meat” means any part of a bovine animal that is suitable for human consumption including its blood;

“place on the market” means sell, supply in any other way against payment or free of charge and store with a view to supply against payment or free of charge and “placed on the market” shall be construed accordingly;

“slaughtered” means the killing of animals the flesh of which it is intended to place on the market for human consumption;

(2) Where any blood to which the prohibition imposed by regulation 3 applies comes into contact with any other blood, that other blood shall be treated as blood to which that prohibition applies.

3. Prohibition on the placing on the market of meat derived from certain bovine animals

No person shall place on the market any meat derived from a bovine animal which —

(1) has been slaughtered in the United Kingdom and imported into the Island, which —

- (a) was born there before 1st August 1996; or
- (b) reared there at any time prior to that date; or

(2) has been slaughtered in the Island and which —

- (a) was born there before 1st January 1998; or
- (b) reared there at any time prior to that date;

4. Offences and penalties

(1) Any person who contravenes regulation 3 or knowingly contravenes the requirements of a notice under regulation 6(2)(a) shall be guilty of an offence.

(2) Any person guilty of an offence under this regulation shall be liable —

- (a) on summary conviction, to a fine not exceeding £5000 or to custody for a term not exceeding three months or to both; or
- (b) on conviction on information, to a fine or to custody for a term not exceeding two years or to both.

(3) No prosecution for an offence consisting of a contravention of regulation 3 or of knowingly contravening the requirements of a notice given under regulation 6(2)(a) 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.

5. Application of various provisions of the Food Act 1996

The following provisions of the Food Act 1996 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof shall be construed as a reference to these Regulations —

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 26 (powers of entry);
- (d) section 27(1) (obstruction etc. of officers);
- (e) section 27(2), with the modification that the reference to “any such requirement as is mentioned in paragraph 1(b)” shall be deemed to be a reference to any such requirement as is mentioned in that paragraph as applied by sub-paragraph (d);
- (f) section 29(1) (punishment of offences), in so far as it relates to offences under section 27(1) as applied by sub-paragraph (d);
- (g) section 29(2) and (3) in so far as it relates to offences under section 27(2) as applied by sub-paragraph (e).
- (h) section 30 (offences by bodies corporate)
- (i) section 31 (offences due to fault of another person);
- (j) section 32 (defence of due diligence)

6. Inspection and seizure of suspected meat

(1) An authorised officer may at all reasonable times inspect any meat which has been placed on the market and paragraphs (2) to (7) shall apply where, on such an inspection or for any other reasonable cause, it appears to the authorised officer that any person has failed to comply with regulation 3 in relation to any meat.

- (2) The authorised officer may either —
 - (a) give notice to the person in charge of the meat that, until the notice is withdrawn, the meat or any specified portion of it —
 - (i) is not to be used for human consumption, and
 - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
 - (b) seize the meat and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under sub-paragraph (a) shall be guilty of an offence.

(3) Where the authorised officer exercises the power conferred by paragraph (2)(a), he shall, as soon as is reasonably practicable and in any event before

the expiration of 21 days, determine whether or not he is satisfied that regulation 3 has been complied with in relation to the meat and —

- (a) if he is so satisfied, shall forthwith withdraw the notice; and
- (b) if he is not so satisfied, shall seize the meat and remove it in order to have it dealt with by a justice of the peace.

(4) Where an authorised officer exercises the power conferred by paragraph (2)(b) or (3)(b), he shall inform the person in charge of the meat of his intention to have it dealt with by a justice of the peace and —

- (a) any person who under regulation 3 might be liable to a prosecution in respect of the meat shall, if he attends before the justice of the peace by whom the meat falls to be dealt with, be entitled to be heard and to call witnesses; and
- (b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under that regulation in relation to that meat.

(5) If it appears to a justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that there has been a failure to comply with regulation 3 in relation to any meat falling to be dealt with by him under this regulation, he shall condemn the meat and order —

- (a) the meat to be destroyed or to be so disposed of as to prevent it from being further placed on the market; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the meat.

(6) If a notice under paragraph (2)(a) is withdrawn, or the justice of the peace by whom any meat falls to be dealt with under this regulation refuses to condemn it, the Department shall compensate the owner of the meat for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by a single arbitrator appointed, failing agreement between the parties, by the Chief Secretary.

7. Enforcement

These Regulations shall be executed and enforced by the Department.

8. Revocations

The Beef (Emergency Control) Order 1996³ is revoked.

³ SD 209/96

Made 25th January 2006

John Rimington
Minister for Local Government and the Environment.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, prohibit the placing on the market for human consumption of meat derived from bovine animals born or reared within the United Kingdom before 1st August 1996 or born or reared within the Island before 1st January 1998 (regulation 3)
2. These Regulations also —
 - (a) apply with modifications certain provisions of the Food Act 1996 for the purposes of these Regulations (regulation 5);
 - (b) provide for the inspection and seizure of meat that is suspected of having been placed on the market in contravention of regulation 3 of these Regulations (regulation 6);
 - (c) create offences and penalties (regulation 4);
 - (d) make provision for their enforcement (regulation 7);
 - (d) revoke the Beef (Emergency Control) Order 1996 (regulation 8).

