

# Carcase Classification and Price Reporting (Wales) Regulations 2018

## Technical Point 1

1. The wording in Regulation 19(b) reflects identical provisions in the predecessor Regulations, namely the Beef and Pig Carcase Classification (Wales) Regulations 2011 (S.I. 2011/1826) (W.198). The wording in Regulation 19(b) also broadly mirrors a significant number of other legislative provisions to be found in Assembly and UK Acts and statutory instruments made by the Welsh Ministers, the Secretary of State and the Scottish Ministers and which create powers of entry to inspect records processed and held electronically.
2. The provision, as drafted, ensures all aspects of considering the computer/machinery in question is covered under the regulation.
3. The provision provides inspectors with the powers to be able to gain access to the computer, to be able to inspect any records contained on it and check the operation of the computer. If an Inspector suspected that the computer was not being used correctly (for example, duplicate and differing records being stored or information being recorded was incorrect or the Inspector suspected a fraud) or that software was faulty, the Inspector's powers would be adequate to check how the computer was operating. For example, it is occasionally found that when checking price reporting information, the file that sends data to AHDB has become corrupted leading to incorrect data being sent

## Technical Point 2

4. Regulation 29(1) provides that if classification of a bovine carcase is carried out at an approved slaughterhouse without a licence granted under Regulation 8, or in breach of that licence, the person who carries out the classification and the operator of that slaughterhouse are each guilty of an offence.
5. Regulation 8 expressly provides that a licence is granted for "visual classification". Therefore, it is clear that the offence in 29(1) relates to visual classification only and not all classifications.

## Merit Point 1

6. There have been no appeals to the Welsh Ministers in respect of the granting of classification licences under this, or its predecessor provision. The appeal mechanism is an administrative process rather than a judicial process.
7. Applications for classification licences under these Regulations are processed on behalf of the Welsh Ministers by the Rural Payment Agency (RPA). The RPA has a reciprocal agreement with Scottish Inspectors that any appeal against the granting of a classifier licence in England or Wales by an RPA Inspector could be considered by Scottish Inspectors as an appointed person.

Welsh Ministers support the view of the RPA that the appointed person to whom an appeal must be made must have knowledge of how to classify carcasses and Inspectors have this knowledge. To get an independent view the RPA devised the reciprocal agreement between Scotland and the RPA (acting on behalf of England and Wales). Therefore, Welsh Ministers envisage that, should an appeal need to be made, a Scottish Inspector would act as 'appointed person' under regulation 10.

#### Merit Point 2

8. Welsh Government can confirm the industry was already compliant with the new requirement to include "U4 deadweight category" in bovine classifications prior to the implementation of these Regulations.