

ORDINANCE 4 OF 2004

AN ORDINANCE TO PROVIDE FOR THE CLASSIFICATION OF PIG, OVINE AND ADULT BOVINE CARCASSES, AND THE REPORTING OF THEIR PRICES TO THE AUTHORISED SERVICE OF THE REPUBLIC

P. T. C. Pearson CBE
ADMINISTRATOR

24th February 2004.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Classification of Pig, Ovine and Adult Bovine Carcasses Ordinance 2004. Short title.

2. In this Ordinance, unless the context otherwise requires – Interpretation.

“animal” means any pig, ovine or adult bovine;

“Ministry” means the Ministry of Agriculture, Natural Resources and Environment of the Republic and includes any Department of that Ministry;

“Authorised Service” means the Director, Department of Agriculture of the Republic and includes any officer of that Department who is authorised by the Director to perform any of the duties or to exercise any of the powers of the Authorised Service;

“carcass” means the carcass of an animal;

“Commission” means the Commission of the European Union;

“corresponding Republican Law” means Republican Law No. 49(I)/2002 and includes any legislation of the Republic amending or substituting that Law, and any subordinate legislation made under that Law or under any amending or substituting legislation; and any reference to a particular provision of the corresponding Republican Law shall be construed accordingly;

“Inspector” means any Inspector appointed by the Chief Officer in accordance with section 16;

“manager”, in relation to a slaughterhouse, means the owner of, or the person having overall responsibility for the running of the slaughterhouse;

“slaughterhouse” means a slaughterhouse licensed in accordance with the Meat Hygiene Ordinance.

Ordinance 3/2004.

Application.

3. This Ordinance applies to any slaughterhouse other than an exempt slaughterhouse.

Classification and marking of carcasses.

4. The manager of a slaughterhouse shall ensure that the carcass of any animal slaughtered at his slaughterhouse is classified and marked in accordance with any applicable Community measure and any regulations made under section 17.

Reporting of price.

5. The manager of a slaughterhouse shall ensure that the price of any carcass classified and marked in accordance with section 4 is reported to the Authorised Service in accordance with any regulations made under section 17:

Provided that regulations made under section 17 may provide that the reporting of the price to the Authorised Service may, in prescribed cases, be performed without first classifying and marking the carcass in accordance with section 4.

Prohibition against removal of marking.

6. No person shall alter, adulterate or in any manner interfere with a mark which has been placed on a carcass in accordance with section 4 other than immediately before the cutting of the carcass by an establishment licensed for that purpose.

Prohibition of sale etc. of carcass which is not marked.

7. A slaughterhouse shall not sell, or offer or expose for sale, or dispose of in any other way, a carcass which does not bear the prescribed marking.

Record keeping.

8. The manager of a slaughterhouse shall keep proper records of any carcasses and cuts of carcasses handled by his slaughterhouse which shall enable the identification of—

- (a) the animal from which the carcass derived; and
- (b) the price paid to the supplier of the animal from which the carcass derived.

Certificate for purchaser.

9. The manager of a slaughterhouse shall, after classifying and marking a carcass in accordance with section 4, issue to the purchaser of that carcass a certificate in the form prescribed by regulations made under section 17 and which shall include the price to be reported to the Authorised Service.

Keeping and use of certificates.

10. The manager of a slaughterhouse shall –

- (a) record and keep a copy of any certificate issued under section 9 and shall keep such record in chronological order;
- (b) keep the said record for a period of six months from the date of classification of the carcass;
- (c) deliver a copy of each certificate issued under section 9 to the Authorised Service in such manner as may be determined by the Authorised Service.

Duties of the Authorised Service

11. The Authorised Service shall use the information recorded in a certificate delivered to it in accordance with paragraph (c) of section 10 when calculating the fixed national average price of

each class of carcass and shall notify the Commission each such average price.

12.—(1) No person shall classify any carcass in accordance with this Ordinance unless there is in relation to that person the necessary licence or certificate of approval permitting him to do so.

Licensing and approval.

(2) The relevant provisions of the corresponding Republican Law and any regulations made under it shall apply to and in relation to the application, determination, attachment of conditions, grant, refusal, suspension and revocation of and payment for any licence or certificate of approval required by subsection (1).

13.—(1) In any legal proceedings under this Ordinance, a Court of the Areas may take judicial notice of the corresponding Republican Law (hereinafter in this section referred to as “the Republican Law”) and any licence or certificate of approval granted in accordance with its provisions for the purposes of section 12.

Judicial notice and proving Republican legislation.

(2) For the purposes of subsection (1), the production in the Court of a copy of the Republican Law or any part of it –

- (a) contained in any printed collection of laws purporting to be printed and published by or on behalf of the Republic; or
- (b) contained in any issue of the Gazette of the Republic; or
- (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,

shall be incontrovertible evidence, for all purposes, that the Republican Law was duly enacted.

(3) For the purposes of this section, an English language version of the Republican Law or any part of it—

- (a) purporting to be produced by any authority of the Republic; or
- (b) certified as being accurate by any officer of the Administration considered by the Court to have been at the time of such certification a competent translator into the English language from the language in which the Republican Law was published in the Republic; or
- (c) given or produced in the course of oral evidence by any person whom the Court considers to be a competent translator for the purpose; or
- (d) stated orally in the Court or produced in writing by a Registrar or an official court interpreter;

may be held by the Court to be incontrovertible evidence for all purposes that such version is the accurate English version of the Republican Law or part thereof.

(4) For the purposes of this section, the production of—

- (a) a copy of any licence or certificate of approval, the accuracy of which is certified in writing by a senior officer of the Ministry; or
- (b) an English language version of any licence or certificate of approval, the accuracy of which is certified in writing by a translator of recognised competence,

may be held by the Court to be incontrovertible evidence for all purposes of the contents of the licence or approval.

Appointment and powers of officers.

14.—(1) The Chief Officer may, in addition to the authority conferred on the Authorised Service, by notification to be published in the Gazette, appoint one or more officers from the Ministry, for any purpose connected with this Ordinance and of any regulations made under it, and shall specify the duties and powers of such persons and the manner in which such duties are to be performed and such powers are to be exercised. Any officer appointed under section 14 of the corresponding Republican Law to perform any duty and exercise any power under that Law shall be deemed an authorised officer for the purposes of this Ordinance.

(2) An officer appointed in accordance with subsection (1) shall notify the Authorised Service of any duty or power to which he has been assigned in accordance with this section.

Appointment and powers of Inspectors.

15.—(1) The Chief Officer may appoint, by notification to be published in the Gazette, one or more officers of the Ministry to act as Inspectors to exercise powers and perform duties for the effective application of this Ordinance. Any person appointed under section 15 of the corresponding Republican Law to perform any duty and exercise any power under that Law shall be deemed an Inspector for the purposes of this Ordinance.

(2) An Inspector shall at all times during the execution of any power or performance of any duty carry proof of his capacity to act in accordance with this Ordinance and shall produce such proof upon request by any interested person.

(3) An Inspector may, for the purpose of the execution of any power and performance of any duty assigned to him by this Ordinance –

- (a) enter, at any reasonable time, a slaughterhouse or any other premises at which he reasonably suspects that –
 - (i) an animal is being kept for the purpose of slaughter or an animal has been slaughtered;
 - (ii) a carcass is being stored; or
 - (iii) records or other documents are kept in relation to the number of animals which are to be slaughtered or have been slaughtered and other information related to the classification of carcasses, the price to be reported in accordance with section 5 and the price paid by the purchaser of a carcass;
- (b) require the manager of a slaughterhouse or the person responsible for premises at which an activity of the kind mentioned in subsection (3)(a) above is being or is believed to be carried on, to produce to him any books, records or other documents which are in the possession or control of that person and which the Inspector reasonably believes to contain information relating to any matter connected with this Ordinance and to provide the Inspector with such information as he may reasonably require in relation to any such books, records or other documents;

- (c) take copies or extracts from any document inspected by him;
- (d) perform any check he deems necessary to ensure that the classification of a carcass is carried out lawfully.

(4) An Inspector shall co-operate with and accompany an authorised officer of the European Union to any slaughterhouse or premises at which an activity of the kind mentioned in subsection (3)(a) above is being or is believed to be carried on and shall provide such authorised officer with any assistance he may require in order to fulfil his duties.

(5) The manager of a slaughterhouse shall provide such facilities to an Inspector as the Inspector may reasonably require for the purpose of executing any power and performing any duty in accordance with this Ordinance and any regulations made under it.

(6) Where an Inspector appointed in accordance with subsection (1) above, is not a member of the Authorised Service, he shall co-operate with and notify the Authorised Service of any duty he performs or power he exercises in accordance with this Ordinance and any regulations made under it.

16.—(1) Any person who—

- (a) wilfully obstructs an Inspector or any other officer appointed under this Ordinance during the performance of any of his duties or exercise of any of his powers in accordance with this Ordinance or any regulations made under it;
- (b) intentionally makes a false statement to an Inspector or any other officer appointed under this Ordinance during the performance of any of his duties or exercise of any of his powers in accordance with this Ordinance or any regulations made under it;
- (c) forges or otherwise alters or interferes in any manner with any certificate or other document provided for by this Ordinance or any regulations made under it, or is in possession of such a document and in either case does so with the intention of deceiving any person;
- (d) otherwise than in accordance with section 4, places a mark on a carcass which is the same as or similar to the official marking system provided for by this Ordinance or any regulations made under it;
- (e) alters or interferes in any manner with any marking which is placed on a carcass for the purposes of this Ordinance or any regulations made under it;
- (f) in any other way acts in contravention of, or fails to comply with any provision of this Ordinance and any regulations made under it,

shall be guilty of an offence.

(2) A person found guilty of an offence prescribed by subsection (1) shall be liable on conviction—

- (a) in the case of a first offence, to a fine of two thousand pounds;

Offences and penalties.

- (b) in the case of a second and any subsequent conviction to a fine of four thousand pounds or to imprisonment of six months or to both such penalties.

Regulations.

17.—The Administrator may make regulations in relation to any matter which may be prescribed under this Ordinance and more generally for the purpose of applying this Ordinance more effectively and in particular, but without prejudice to the generality of the foregoing, may make regulations for all or any of the following purposes –

- (a) for defining exempt slaughterhouses;
- (b) for defining pig, ovine and adult bovine carcasses;
- (c) for defining the criteria for determining into which category a carcass shall be classified;
- (d) for defining the subdivision of any category mentioned in paragraph (c);
- (e) for defining when the classification of a carcass shall be performed;
- (f) for the granting of powers to authorised officers of the European Union, the exercise of which presupposes a relevant obligation on the part of the Republic, which is provided for in a convention ratified by the Republic;
- (g) for defining the categories of shaping and obesity and other characteristics of a carcass;
- (h) to provide for the manner, time and method of marking a carcass which has been classified in accordance with this Ordinance;
- (i) to provide for the manner in which an inspection of the classification of a carcass shall be performed;
- (j) to provide any further detail deemed necessary for the more accurate classification of a carcass;
- (k) to provide for the manner in which the reporting of the price of a classified carcass to the Authorised Service is to be performed;
- (l) for defining when the reporting of a price to the Authorised Service may be performed without first classifying and marking the carcass to which that price relates;
- (m) to provide for any form, document or certificate.

Commencement.

18. This Ordinance shall come into force on a date to be appointed by the Administrator and published in the Gazette.

1st March 2004

(128/177)

P. D. Draycott

Chief Officer.

Marginal Notes:

1. Short title.
2. Interpretation.
2. (next to the line in which the words ‘Meat Hygiene Ordinance’ appear) Ordinance No. []/2004.
3. Application.
4. Classification and marking of carcasses.
5. Reporting of price.
6. Prohibition against removal of marking.
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8. Record keeping.
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