

**2005 No. 556**

**FOOD**

**Meat (Examinations for Residues) (Charges) Regulations  
(Northern Ireland) 2005**

*Made - - - - - 13th December 2005*

*Coming into operation 1st January 2006*

The Department of Agriculture and Rural Development(a), being a Department designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(d), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Meat (Examinations for Residues) (Charges) Regulations (Northern Ireland) 2005 and shall come into operation on 1st January 2006.

**Interpretation**

2.—(1) In these Regulations—

“the Department” means the Department of Agriculture and Rural Development;

“meat” has the meaning given to it in point 1.1 of Annex I to Regulation 853/2004;

“operator” means a food business operator who is carrying on the business of a slaughterhouse or his duly authorised representative;

“published”, in relation to rates of conversion of the Euro, means published annually in the C Series of the Official Journal of the European Communities normally on the first working day of the month of September;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(e);

“residues examination charge” means the charge under regulation 5;

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(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4)

(b) S.I. 2003/2812

(c) 1972 c. 68

(d) O.J. No. L31, 1.2.2002, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4)

(e) O.J. No. L139, 30.4.2004, p. 55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (O.J. No. L226, 25.6.2004, p. 22)

“the Residues Regulations” means the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998<sup>(a)</sup>;

“slaughterhouse” has the meaning given to it in point 1.16 of Annex I to Regulation 853/2004; and

“verify” means checking, by examination and the provision of objective evidence.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(b)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Euro conversion**

3.—(1) Any amount expressed in these Regulations as a number of Euros shall be converted to sterling at the official rate.

(2) The official rate is, in relation to each calendar year, the rate published in the preceding calendar year.

### **Duty to charge for residues examinations**

4. The Department shall make a charge in respect of functions performed by it at a slaughterhouse in relation to examinations for the presence of residues for the purposes of the Residues Regulations.

### **Residues Examination charge**

5. The residues examination charge to be levied by the Department in accordance with regulation 4 shall be 1.35 Euros per tonne of meat.

### **Liability for and recovery of charges**

6.—(1) A charge made by the Department under these Regulations shall be payable to it.

(2) A charge payable to the Department under these Regulations shall be payable by the operator of the slaughterhouse in relation to which the charge arises.

(3) A charge payable to the Department under these Regulations shall be recoverable by it as a civil debt.

### **Determination and variation of charges**

7.—(1) Charges under these Regulations shall be fixed by the Department in accordance with the provisions of these Regulations.

(2) Before determining and, subject to paragraph (3), before varying charges under these Regulations the Department shall give any person who appears to it to be affected notice in writing—

(a) of the charges that it proposes to fix; and

(b) of the date on which they are to commence.

(3) Notice is not required where a proposed variation is the result of a change in the published official rate for conversion.

(4) The date specified in a notice must be a date after the end of the period of 14 days commencing with the day on which the notice is given.

(5) If not later than the end of the period of 14 days commencing with the day on which notice is given a person to whom it was given makes a written request to the Department for details of how the proposed charges were calculated, the Department shall supply that person with those details.

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(a) S.R.1998 No. 237

(b) 1954 c. 33 (N.I.)

(6) If not later than the end of the period of 14 days commencing with the day on which the Department supplies a person with such details in pursuance of the duty imposed by paragraph (5), that person, or a person acting on his behalf, makes representations to the Department concerning the proposed charges, the Department shall have regard to the representations.

(7) The Department shall give all persons to whom notice of the charges was given under paragraph (2), written notice of the charges which are fixed.

(8) When a charge is fixed, it shall be payable in respect of functions performed by the Department at a slaughterhouse in relation to examinations for the presence of residues for the purposes of the Residues Regulations carried on or after the date notified under paragraph (2), and the reference in that paragraph to the date on which charges are to commence is to be construed accordingly.

(9) Pending the fixing of the amount of a charge in accordance with this regulation the charge notified under paragraph (2) shall be payable.

(10) When the charge is fixed, such payment shall be made by or to the Department as will secure that the person liable to pay the charge does not pay more or less than the amount fixed.

### **Information**

8. A person shall, within 10 days of a demand being made by the Department, supply—
- (a) such information as the Department may reasonably require for the purpose of calculating the residues examination charge; and
  - (b) such evidence as the Department may reasonably require to enable it to verify information supplied under sub-paragraph (a).

### **Offences**

9.—(1) Any person who, without reasonable cause, fails to comply with regulation 8(a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) Any person who, in purported compliance with regulation 8 (a) or (b), furnishes information or evidence which he knows to be false or misleading in a material particular, or recklessly furnishes information or evidence which is false or misleading in a material particular, shall be guilty of an offence and shall be liable-

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

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 13th December 2005.

(L.S.)

*Liam McKibben*

A senior officer of the Department of Agriculture and Rural Development

## EXPLANATORY NOTE

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

These Regulations re-implement the provisions concerning the level of the fees to be charged for examinations for the presence of residues contained in Council Directive 85/73/EEC (O.J. No. L32, 5.2.85, p. 14) on the financing of health inspections and controls of fresh meat and poultry meat, as amended by Council Directive 93/118/EEC (O.J. No. L340, 31.12.93, p. 15).

The Regulations require the Department to make a charge relating to examinations for the presence of residues (regulation 4) and provide for the level of charges (in Euros) to be levied (regulation 5). In addition, the Regulations determine who is liable to pay the charges and provide for their recovery (regulation 6).

Before fixing charges under these Regulations the Department is required to give notice of the amount of the proposed charge and to consider any representations made concerning the charge by any person whom it has notified (regulation 7). The Regulations also make provision regarding the supply of information and evidence to the Department for purposes connected with the calculation of charges (regulation 8). Regulation 9 creates offences.

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