
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 485

The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2006

PART 2

OFFICIAL CONTROLS CHARGES OTHER THAN CHARGES FOR THIRD COUNTRY IMPORTS

Charge in respect of the first placing on the market or the first sale in a fish market of relevant fishery products or relevant landed fishery products

10.—(1) The first placing on the market or first sale in a fish market of relevant fishery products or relevant landed fishery products shall be a chargeable transaction for the purposes of this Part.

(2) Subject to paragraph (6), where there is a chargeable transaction for the purposes of this Part, the vendor shall pay the charge determined in accordance with paragraphs (3) to (5) (“the landings charge”) to the relevant district council.

(3) Subject to paragraphs (4) and (5), the landings charge shall be a contribution of 1 Euro per tonne for the first 50 tonnes of fishery products and 0.5 Euro per tonne for each additional tonne towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004.

(4) Subject to paragraph (5), in respect of any consignment of specified pelagic fish which are relevant landed fishery products, the landings charge shall not exceed 50 Euros.

(5) Where—

- (a) the chargeable transaction is a first sale in a fish market and relates to relevant landed fishery products only; and
- (b) any official controls required under Annex III to Regulation 854/2004 are facilitated on the basis that —
 - (i) the relevant landed fishery products concerned are graded for freshness or size in accordance with relevant national or Community rules, or
 - (ii) such transactions are grouped together,

the landings charge shall be 45% of the amount that it would otherwise be under paragraph (3) or (4).

(6) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the landings charge, the vendor shall pay an amount equal to those costs to the relevant district council, instead of the landings charge.

Returns and records relating to relevant fishery products or relevant landed fishery products

11.—(1) Within 7 days of the end of each account period, the vendor shall make a written return to the relevant district council to which the landings charge is payable in respect of the aggregate of chargeable transactions that he has entered into during that period.

- (2) The return referred to in paragraph (1) shall include the following information —
- (a) the account period to which the return relates;
 - (b) the place of landing and first placing on the market or first sale in a fish market of the fishery products to which it relates;
 - (c) for landings of relevant fishery products and for landings of relevant landed fishery products other than specified pelagic fish —
 - (i) the name of each vessel and the number of consignments landed from it,
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount, and
 - (iii) the aggregate weight of consignments less the weight calculated under paragraph (ii);
 - (d) for landings of relevant landed fishery products which are specified pelagic fish —
 - (i) the name of each vessel and the number of consignments landed from it, and
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount;
 - (e) notification of any amount paid by virtue of paragraph (5) of regulation 10 which has been paid in respect of —
 - (i) consignments of fish consisting only of fish other than specified pelagic fish, or
 - (ii) consignments of specified pelagic fish only,specifying under which of sub-paragraph (b)(i) or (b)(ii) of that paragraph that payment has been made;
 - (f) in relation to consignments of relevant fishery products —
 - (i) the total weight of all relevant fishery products landed, and
 - (ii) the total amount of the charge payable under regulation 10 in respect of those products; and
 - (g) the amount of the landings charge.
- (3) Subject to paragraph (4), during the period of 1 year beginning on and including the day on which a vendor makes a return under this regulation —
- (a) the relevant district council to which it was made may require the vendor to provide separate information of the kind required by paragraph (2) in respect of each transaction included in it; and
 - (b) the vendor shall retain records which are sufficient to enable him to supply any such information.
- (4) Paragraph (3) shall not apply in relation to landings of relevant fishery products.
- (5) Any vendor who without reasonable excuse —
- (a) fails to comply with paragraph (1) or (3)(b); or
 - (b) fails to comply with a requirement made under paragraph (3)(a),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Charge in respect of processing establishments

12.—(1) Subject to paragraph (4), the proprietor or operator of a processing establishment shall pay the charge determined in accordance with paragraphs (2) and (3) (“the processing establishment charge”) to the relevant district council.

(2) Subject to paragraph (3), the processing establishment charge shall be a contribution of 1 Euro per tonne of fishery products entering the establishment towards the expenditure incurred by the relevant district council in exercising the official controls required under Annex III to Regulation 854/2004.

(3) Where processing is carried out —

- (a) on the same site as that on which the first placing on the market or first sale in a fish market of the fishery products concerned is effected; or
- (b) in an establishment in which operating conditions and guarantees as to the establishment’s own checks are such that staff requirements for the exercise of official controls can be reduced,

the processing establishment charge shall be 45% of the amount that it would otherwise be under paragraph (2).

(4) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the processing establishment charge, the proprietor or operator shall pay an amount equal to those costs to the relevant district council, instead of the processing establishment charge.

Returns and records relating to processing establishments

13.—(1) Within 7 days of the end of each account period, the proprietor or operator who is responsible for paying the processing establishment charge shall make a written return to the relevant district council to which that charge is payable in respect of the fishery products which have entered the establishment concerned during that period.

(2) The return referred to in paragraph (1) shall include the following information —

- (a) the account period to which the return relates;
- (b) the weight of the fishery products entering the establishment;
- (c) notification of any amount paid by virtue of paragraph (3) of regulation 12, specifying which of the circumstances described in sub-paragraph (a) or (b) of that paragraph led to the payment of that amount; and
- (d) the amount of the charge payable under regulation 12.

(3) During the period of one year beginning on and including the day on which a proprietor or operator makes a return under this regulation —

- (a) the relevant district council to which the return was made may require the proprietor or operator to provide separate information of the kind required by paragraph (2) in respect of each batch of fishery products included in it; and
- (b) the proprietor or operator shall retain records which are sufficient to enable him to supply any such information.

(4) Any proprietor or operator who without reasonable excuse —

- (a) fails to comply with paragraph (1) or (3)(b); or

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

(b) fails to comply with a requirement made under paragraph (3)(a), shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

14. The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2005⁽¹⁾ are revoked.

⁽¹⁾ SR 2005 No. 524