STATUTORY RULES OF NORTHERN IRELAND

2007 No. 497

The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2007

PART 2

OFFICIAL CONTROLS CHARGES OTHER THAN CHARGES FOR THIRD COUNTRY IMPORTS

Payment of landings charge in respect of the first placing on the market of relevant fishery products or relevant landed fishery products and the first sale in a fish market of relevant fishery products or relevant landed fishery products

10.—(1) Each of the following is a chargeable transaction for the purposes of this regulation and regulation 11—

(a) the first placing on the market of relevant fishery products;

(b) the first placing on the market of relevant landed fishery products;

(c) the first sale in a fish market of relevant fishery products; and

(d) the first sale in a fish market of relevant landed fishery products.

(2) Subject to paragraph (8), where there is a chargeable transaction for the purposes of this regulation and regulation 11, the vendor shall pay the charge determined in accordance with paragraphs (3) to (7) ("the landings charge") to the relevant district council.

(3) Subject to paragraph (7), where the chargeable transaction is the first placing on the market of relevant fishery products or relevant landed fishery products; the landings charge shall be a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant fishery products or relevant landed fishery products first placed on the market in a calendar month.

(4) Where the chargeable transaction is the first sale in a fish market of relevant fishery products, the landings charge shall be a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant fishery products first sold in a fish market in a calendar month.

(5) Subject to paragraphs (6) and (7), where the chargeable transaction is the first sale in a fish market of relevant landed fishery products, the landings charge shall be a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 0.5 Euro per tonne for the first 50 tonnes and 0.25 Euro per tonne for each additional tonne of relevant landed fishery products first sold in a fish market in a calendar month.

(6) Subject to paragraph (7), where —

(a) the chargeable transaction is the first sale in a fish market of relevant landed fishery products; and

(b) the relevant landed fishery products concerned are not, or are insufficiently, graded for freshness and/or size in accordance with Regulation 2406/96,

the landings charge shall be a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant landed fishery products first sold in a fish market in a calendar month.

(7) In respect of any consignment of relevant landed fishery products consisting of specified pelagic fish, the landings charge shall not exceed 50 Euros.

(8) 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 and date of landing of the fishery products to which it relates;

(c) the place and date of the first placing on the market or as the case may be the first sale in a fish market of those products;

(d) 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);

(e) 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;

(f) notification of any amount paid by virtue of paragraph (4) 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,

identifying the circumstances that led to the payment of that amount;

(g) 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

(h) the amount of the landings charge.

(3) 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 supply 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) 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 (3), the proprietor or operator of a processing establishment shall pay the charge determined in accordance with paragraph (2) ("the processing establishment charge") to the relevant district council.

(2) The processing establishment charge shall be a contribution towards the expenditure incurred by the relevant district council in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 0.5 Euro per tonne of fishery products entering the establishment for the purpose of processing.

(3) 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; and

(c) 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 supply 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

(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) 2006(**1**) are revoked.

(**1**) SR 2006 No. 485