
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend to Scotland only. They revoke and replace the Meat (Official Controls Charges) (Scotland) (No. 2) Regulations 2007.

These Regulations provide for the execution and enforcement in relation to Scotland of Articles 26 and 27 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, in so far as those provisions—

- (a) require or, in the case of certain types of poultry (e.g. quail), permit fees to be collected to cover the costs occasioned by official controls performed on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and meat of wild game under Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and;
- (b) require fees to be collected to cover the costs occasioned by official controls performed to verify compliance with the animal welfare rules set out in Council Directive 93/119/EC (O.J. No. L 340, 31.12.93, p.21) in so far as they apply in relation to animals slaughtered for human consumption at slaughterhouses.

These Regulations—

- (a) provide that references to the Community instruments defined in Schedule 1 are to be construed as references to those instruments as they may be amended from time to time (regulation 2(2));
- (b) require the Food Standards Agency (“the Agency”) to notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised of the official controls charge that has arisen in relation to those official controls (the terms “slaughterhouse”, “game-handling establishment”, “cutting plant”, “official controls” and “official controls charge” are all defined in regulation 2) (regulation 3);
- (c) provide that any official controls charge so notified is payable by the operator to the Scottish Ministers on demand (regulation 3);
- (d) allow the Scottish Ministers to direct the Agency not to exercise any further official controls at given premises where, despite a Court decree requiring the operator of the premises to pay the official controls charge for which the operator is liable, that operator fails to comply with the decree (regulation 4);
- (e) require persons to supply the Agency on demand—
 - (i) with such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying the operator of it; and
 - (ii) with such evidence as the Agency may reasonably require to verify that information (regulation 5); and
- (f) provide that a person who—
 - (i) without reasonable excuse, fails to comply within a reasonable time with a demand for information or evidence; or

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(ii) in response to a demand for information or evidence, knowingly or recklessly gives false or misleading information,

is guilty of an offence (regulation 5).

Schedule 2 to these Regulations sets out how the official controls charge is to be calculated.

A full regulatory impact assessment of the effect that this instrument will have on business costs has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ.