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STATUTORY INSTRUMENTS

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**1993 No. 1359**

**FOOD**

**The Farmed Game Meat (Hygiene and Inspection) (Charges) Regulations 1993**

<i>Made</i>	- - - -	<i>24th May 1993</i>
<i>Laid before Parliament</i>		<i>4th June 1993</i>
<i>Coming into force</i>	- -	<i>25th June 1993</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 45 and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48(4) of the said Act, with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Farmed Game Meat (Hygiene and Inspection) (Charges) Regulations 1993 and shall come into force on 25th June 1993.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“appropriate Minister” means, as respects England, the Minister and, as respects Scotland and Wales, the Secretary of State;

“authorised officer” means a person authorised by a local authority to carry out a health inspection and control exercise;

“carcase” means the whole body of a slaughtered farmed game animal after bleeding and dressing;

“the Decision” means Council Decision [88/408/EEC](#)<sup>(2)</sup> on the levels of the fees to be charged for health inspections and controls of fresh meat pursuant to Council Directive [85/73/EEC](#)<sup>(3)</sup>;

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(1) [1990 c. 16](#); “the Ministers” is defined in section 4(1) of the Act.  
(2) OJ No. L194, 22.7.88, p.24.  
(3) OJ No. L32, 5.2.85, p.14.

“ECU” means European Currency Unit as defined in Council Regulation (EEC) No. 3180/78<sup>(4)</sup> and any amount expressed as a number of ECUs shall be converted to sterling at such rate as shall be published annually on the first working day of September in the C Series of the Official Journal of the European Communities (as specified by article 9 of the Decision);

“farmed game” means wild land mammals which are reared and slaughtered in captivity, excluding—

- (a) mammals of the family Leporidae, or
- (b) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;

“farmed game handling facility” means any building, premises or place, other than a slaughterhouse, used for the purpose of slaughtering farmed game, the flesh of which is intended for sale for human consumption;

“farmed game meat” means meat obtained from farmed game;

“farmed game processing facility” means premises, other than a slaughterhouse, used for the purpose of dressing farmed game the flesh of which is intended for sale for human consumption;

“health inspection and control exercise” means an inspection or supervisory function carried out in respect of farmed game meat by a local authority at any premises pursuant to the Fresh Meat (Hygiene and Inspection) Regulations 1992<sup>(5)</sup>;

“livestock unit” means 3 deer or swine;

“local authority” means—

- (a) as respects any district or London borough, the council of that district or borough;
- (b) as respects the City of London (including the Temples), the Common Council; and
- (c) as respects Scotland, an islands or district council;

“meat” means all parts of farmed game meat which are suitable for human consumption;

“premises” means any slaughterhouse, cutting premises, cold store, farmed game handling facility or farmed game processing facility;

“real cost”, in relation to the carrying out of a health inspection and control exercise, means the cost of such an exercise calculated in accordance with the provisions of regulation 5;

“slaughterhouse” means any building, premises or place (other than a farmed game handling facility) for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there.

(2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations.

### **Charges for health inspection and control exercises**

3. A local authority may make a charge for every health inspection and control exercise carried out by it at a premises.

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(4) OJ No. L379, 30.12.78, p.1.

(5) S.I.1992/2037.

### **Calculation of charges for health inspection and control exercises**

4. The charge for a health inspection and control exercise carried out at a premises shall not exceed the amount equal to the real cost of carrying out that exercise; and that real cost shall not exceed—

- (a) £40 for the first four livestock units presented on the same occasion for inspection, and
- (b) £6.30 for each additional livestock unit also presented on that same occasion for inspection.

### **Calculation of real cost**

5.—(1) The amount of the real cost of carrying out an inspection and control exercise calculated by a local authority for the purposes of these Regulations shall be reasonable; and, in calculating such real cost the factors which a local authority is to use in doing so are the factors specified in the Schedule hereto.

(2) In calculating the real cost of carrying out a health inspection and control exercise in respect of farmed game at a slaughterhouse for the purposes of these Regulations a local authority shall assume that the real cost of its administrative costs (being the costs specified in paragraphs 4 to 8 of the Schedule hereto) falls to be assessed at 0.725 ECU per tonne of unboned farmed game meat.

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

6.—(1) Any charge made by a local authority under these Regulations shall be payable to it.

(2) Any charge payable to a local authority under these Regulations shall be payable by the occupier of the premises in relation to which the charge arises.

(3) Any charge payable to a local authority under these Regulations shall be recoverable by it as a civil debt.

### **Additional provisions relating to charges for health inspection and control exercises**

7. A local authority shall, in making charges for health inspection and control exercises—

- (a) consult in writing the occupier of the premises affected by such charges about the amounts which the authority proposes to charge;
- (b) supply to any person consulted by it under sub-paragraph (a) above on his written request made within 14 days of the day on which he was so consulted, details of the calculations used to decide the amounts of the proposed charges;
- (c) consider any representations which have been made (within 14 days of the day on which the details referred to in sub-paragraph (b) above were supplied by it) to it by, or on behalf of, any person whom it has supplied with those details and, after having regard to any such representations, determine the amounts of its charges; and
- (d) notify in writing all persons consulted under sub-paragraph (a) above of the amounts of such charges at least 14 days before the day on which the charges are to be paid.

### **Information to be provided by local authorities**

8.—(1) An occupier of a premises shall, on demand by a local authority, supply to the authority such information as it may from time to time reasonably require for the purpose of calculating charges under the Regulations for which he will be liable.

(2) Each local authority shall provide the appropriate Minister with such information relating to the calculation of charges for the purposes of these Regulations as he may from time to time require and with copies of such representations made to it under regulation 7(c) as he may so require.

## Appeals

9.—(1) Where a local authority has determined a charge for a health inspection and control exercise then, if the occupier of the premises affected by the charge considers it to be excessive, he may, within 28 days of being notified of the amount of the charge under regulation 7(d) appeal to the appropriate Minister against the amount of the charge on the ground that the local authority has determined an amount in respect of the real cost of the exercise which is unreasonably high.

(2) Where an appeal is brought under paragraph (1) above the appropriate Minister shall consult with the local authority and if, after such consultation, he is satisfied that the ground of appeal mentioned in paragraph (1) exists, he shall require the authority to recalculate the amount of the charge in accordance with such directions as he may give to the authority with regard to such recalculation; and if, after such consultation, the appropriate Minister is not so satisfied he shall inform the authority and the occupier of the premises affected by the charge of this fact.

(3) Pending the recalculation of the amount of a charge by a local authority in accordance with paragraph (2) above the charge originally determined by the authority shall continue in force and, when the authority has recalculated the amount of the charge in the required manner, the recalculated charge shall have effect from the date on which the original charge took effect and the authority shall repay to the occupier of the premises affected by the charge the amount of any excess paid by him to the authority since that date.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th May 1993.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

*Cumberlege*  
Parliamentary Under Secretary of State for  
Health

18th May 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

18th May 1993

*David Hunt*  
Secretary of State for Wales

24th May 1993

## SCHEDULE

Regulation 5(1)

### PERMITTED COST FACTORS FOR THE CALCULATION OF THE REAL COST OF CARRYING OUT A HEALTH INSPECTION AND CONTROL EXERCISE

#### **General**

1. The use made by a premises of the local authority's facilities required to carry out health inspection and control exercises at those premises, account being taken of economies in inspection resources made possible by their scale or mode of operation.

#### **Salaries and related costs**

2.—(1) The salaries or fees, together with overtime payments and employers' national insurance and superannuation contributions, of an authorised officer engaged in carrying out health inspection and control exercises (or the relevant proportion thereof in so far as those exercises do not occupy their full working day). In determining the amount chargeable in respect of these costs the following shall apply:

- (a) if the hours required for the carrying out of health inspection and control exercises at a premises occupy less than the full working day of an authorised officer but the remaining period is too short for it to be practicable to employ the person fully on other duties, the full day other than time actually spent on other duties may be charged. In particular, if inspection is required at two or more distinct periods of the working day, the full time from the start of the first period of inspection to the end of the final period may be charged, other than any time actually spent on other duties;
- (b) where, because of a change in the scale or mode of operation of a premises the number of hours required for health inspection and control exercises at that premises falls below the number envisaged when the charges applicable to that premises were determined and the occupier thereof has given written notice to the local authority of that change of circumstances, the charges applicable to that premises shall be correspondingly reduced on or before the expiry of a period of two months from the date of that notice.

(2) Travelling and related incidental expenses incurred by authorised officers in the carrying out of health inspection and control exercises (including subsistence and car user allowances where these are paid) except that such expenses shall not be charged where an authorised officer is employed exclusively at one premises unless otherwise mutually agreed between the local authority and the occupier of that premises.

#### **Furniture and office equipment**

3. Depreciation of any office furniture or office equipment provided by the local authority for the use of authorised officers at the premises. Such costs shall not be included where, by agreement with the local authority, these items are provided by the occupier of those premises.

#### **Administrative Costs**

#### **Stationery and printing etc.**

4. The invoice price paid for record sheets and labels used in connection with meat inspection, and ink for marking meat.

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### **Protective clothing and working equipment**

5. The invoice price paid for protective clothing and equipment used for the carrying out of health inspection and control exercises to the extent that they are paid for by the local authority.

### **Laundry**

6. The cost of laundering protective clothing at the local authority's expense.

### **Telephone**

7. Costs incurred by the local authority in respect of telephone calls to and from any premises in relation to health inspection and control exercises carried out there.

### **Other administrative costs**

8. The cost of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of an authorised officer, including the cost to the local authority of arranging the provision, and ensuring the proper carrying out of health inspection and control exercises.

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## **EXPLANATORY NOTE**

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

These Regulations provide for local authorities to make a charge for every health inspection and control exercise carried out by them in respect of farmed game meat at a slaughterhouse, cutting premises, cold store, farmed game handling facility or a farmed game processing facility pursuant to the Fresh Meat (Hygiene and Inspection) Regulations 1992 (regulation 3).

There is an upper limit on the amount that can be charged by a local authority in respect of such health inspection and control exercises. That limit is £ 40 for the first four livestock units presented at a slaughterhouse on the same occasion for inspection. For any additional livestock units presented together with the first four, the limit is £6.30 per livestock unit. In all cases the amount that may be charged for a health inspection and control exercise must not exceed the real cost (regulation 4). A livestock unit is defined as 3 deer or swine (regulation 2(1)).

In calculating the real cost of carrying out a health inspection and control exercise at a premises a local authority is required to use the factors specified in the Schedule (regulation 5).

Before making a charge for a health inspection and control exercise under the Regulations a local authority is required to notify the occupier of the premises affected by such charge of the amount which it proposes to charge and to consider any representations made to it concerning the charge by any person whom it has notified (regulation 7). If the occupier considers that the authority has determined an amount in respect of the real cost of the exercise which is excessively high he may appeal to the appropriate Minister against it, and if the appropriate Minister is satisfied that this is the case, he shall require the authority to recalculate the amount of the charge in accordance with such directions as he may give it (regulation 9).

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