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STATUTORY INSTRUMENTS

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**1995 No. 361**

**FOOD**

**The Meat (Hygiene, Inspection and Examinations  
for Residues) (Charges) Regulations 1995**

<i>Made</i>	- - - -	<i>14th February 1995</i>
<i>Laid before Parliament</i>		<i>17th February 1995</i>
<i>Coming into force</i>		
<i>(a) regulation 13, with regulation 12 so far as may be necessary to enable the Minister to exercise the power conferred by regulation 13</i>		<i>1st March 1995</i>
<i>(b) the remainder</i>		<i>1st April 1995</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 17, 45 and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and of all other powers enabling them in that behalf, after consultation in accordance with section 48 of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

**PART I**

**PRELIMINARY**

**Title and commencement**

1.—(1) These Regulations may be cited as the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995 and, subject to paragraph (2), shall come into force on 1st April 1995.

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<sup>(1)</sup> 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act.

(2) Regulation 13 shall come into force on 1st March 1995 together with regulation 12 so far as may be necessary to enable the Minister to exercise the power conferred on him by regulation 13.

## Interpretation

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

“carcase” means—

- (a) the whole body of a slaughtered animal or of a completely eviscerated bird after bleeding and dressing; or
- (b) the whole body of a slaughtered uneviscerated or partly eviscerated bird after bleeding;

“cold store” means a licensed cold store;

“the Community standard slaughterhouse charge” means, in the case of each animal or bird inspected, the charge specified in column (3) in Part I of Schedule 1 opposite the animal or bird specified in column (1);

“cutting premises” means licensed cutting premises;

“cutting up” means—

- (a) cutting meat into cuts smaller than half carcasses cut into three wholesale cuts;
- (b) cutting poultry meat carcasses into cuts; or
- (c) boning meat or poultry meat;

“domestic animals” means domestic animals of the following species—

- (a) bovine animals (including buffalo);
- (b) swine;
- (c) solipeds;
- (d) sheep; and
- (e) goats;

“domestic birds” means—

- (a) turkeys;
- (b) ducks;
- (c) geese;
- (d) guinea-fowl; and
- (e) domestic fowl;

“the Fresh Meat Regulations” means the Regulations mentioned in paragraph (a) of Schedule 2;

“game” means—

- (a) farmed game, as defined in the Fresh Meat Regulations;
- (b) farmed game birds, as defined in the Poultry Meat Regulations; and
- (c) domestic rabbits;

“general charge” means a charge under regulations 4(1) or 9;

“health inspection and control exercise” means an inspection or supervisory function carried out by the Minister under any provision of the Hygiene Regulations except paragraph 3 of Schedule 7 to the Poultry Meat Regulations (on-farm inspections);

“the Hygiene Regulations” means the Regulations specified in Schedule 2;

“meat” means—

(a) the flesh or other edible parts of domestic animals or domestic birds, except flesh or other parts which have been subjected to any preservation process other than chilling or freezing; and

(b) all parts of game which are suitable for human consumption;

“the minimum charge” means, in the case of each animal or bird inspected, the charge specified in column (2) in Part I of Schedule 1 opposite the animal or bird specified in column (1);

“PIA salary costs” means costs in respect of salaries of persons (plant inspection assistants) who are authorised under regulation 11 of the Poultry Meat Regulations to act as assistants in health inspection and control exercises under those Regulations at premises where they are employed and of contributions paid by employers in respect of such persons under the Social Security Contributions and Benefits Act 1992(2) or as superannuation contributions;

“poultry” and “poultry meat” have the meanings assigned to them by the Poultry Meat Regulations;

“the Poultry Meat Regulations” means the Regulations mentioned in paragraph (b) of Schedule 2;

“published”, in relation to rates of conversion of the ECU, 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;

“residues examination charge” means the charge under regulation 4(2);

“the Residues Regulations” means the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991(2);

“rewrapping centre” has the meaning assigned to it by the Poultry Meat Regulations; and

“slaughterhouse” means a licensed slaughterhouse.

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

### **ECU conversions**

3.—(1) In these Regulations “ECU” means European Currency Unit.

(2) Any amount expressed in these Regulations as a number of ECUs shall be converted to sterling at the official rate.

(3) For 1995 the official rate is the average of the published rates of conversion for the preceding three years.

(4) For each subsequent year it is the rate published in the preceding year.

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(2) 1992 c. 4.  
(2) 1992 c. 4.

## PART II

### DOMESTIC ANIMALS AND DOMESTIC BIRDS

#### *Duty to charge for health inspection and control exercises*

#### **Duty of Minister to charge for health inspection and control exercises in respect of domestic animals or domestic birds**

4.—(1) The Minister shall make a general charge for the performance of his functions in relation to health inspection and control exercises in respect of domestic animals or domestic birds.

(2) In connection with such exercises the Minister shall also make a charge in respect of functions performed by him in relation to examinations for the presence of residues for the purposes of the Residues Regulations.

#### *General charges*

#### **Slaughterhouses**

5.—(1) Subject to paragraphs (2) to (4) below, the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at a slaughterhouse shall be an amount equal to the Community standard slaughterhouse charge less the residues examination charge.

(2) Where the aggregate of the cost of carrying out such a health inspection and control exercise at a slaughterhouse and the residues examination charge is lower than the Community standard slaughterhouse charge, then—

- (a) if the aggregate is higher than the minimum charge, the general charge shall be an amount equal to the cost; and
- (b) if the aggregate is not higher than the minimum charge, the general charge shall be an amount equal to the minimum charge less the residues examination charge.

(3) PIA salary costs are to be included when calculating the aggregate.

(4) Where the aggregate of the cost of carrying out at a slaughterhouse a health inspection and control exercise in respect of domestic animals or domestic birds and the residues examination charge is higher than the Community standard slaughterhouse charge, the general charge shall be—

- (a) an amount not greater than the cost of carrying out the exercise; or
- (b) an amount equal to the Community standard slaughterhouse charge less the residues examination charge;

and the Minister shall determine whether it is to be calculated for a particular slaughterhouse under sub-paragraph (a) or sub-paragraph (b) above.

#### **Cutting premises**

6.—(1) Subject to paragraph (2) below, the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at cutting premises shall be—

- (a) ECU 3 per tonne on meat entering the premises, (“the standard amount”); or
- (b) an amount equal to the cost of carrying out the exercise.

(2) Where the cutting operations are carried out in the establishment where the meat is obtained, the Minister may determine a charge calculated by reducing the standard amount by up to 55%.

(3) In this regulation and regulation 7 the cost shall be determined by reference to the numbers of hours worked, any fraction of an hour being counted as an hour worked.

### **Rewrapping centres and cold stores**

7. The general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at a rewrapping centre or cold store shall be an amount equal to the cost of carrying out the exercise.

### *Residues examination charges*

### **Residues examination charges**

8.—(1) The residues examination charge for the carcase of an animal specified in column (1) of Part II of Schedule 1 shall be the charge specified opposite it in column (2).

(2) It shall be assumed, for the purpose of making the calculations specified in regulation 5, that a residues examination charge is made at the rate of ECU 1.35 per tonne of unboned poultry meat.

## **PART III**

### **GAME**

### **Power of Minister to charge for health inspection and control exercises in respect of game**

9.—(1) The Minister may make a general charge for the performance of his functions in relation to health inspection and control exercises in respect of game.

(2) The charge shall not exceed the cost of the exercise.

## **PART IV**

### **GENERAL**

### **Calculation of general charge**

10.—(1) The general charge for carrying out a health inspection and control exercise—

- (a) must be reasonable; and
- (b) must cover the items specified in paragraph (2) below.

(2) The items mentioned in paragraph (1) above are—

- (a) salary costs other than PIA salary costs;
- (b) administrative costs, which may include the expenditure required for in-service training; and
- (c) the costs resulting from monitoring the rules laid down in Directive 93/119/EC<sup>(3)</sup> on the protection of animals at the time of slaughter or killing.

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(3) OJ No. L340, 31.12.93, p.21.

(3) In calculating the cost of carrying out a health inspection and control exercise at a slaughterhouse the Minister shall assume that the administrative costs are not lower than ECU0.725 per tonne of unboned meat.

#### **Recovery of and liability for charges**

**11.**—(1) Charges under these Regulations shall be payable to and recoverable by the Minister.

(2) Charges under these Regulations shall be payable by the operator or owner of the slaughterhouse, cutting premises, rewrapping centre or cold store in relation to which they arise, but he shall have the option of passing on the cost of any such charge which he has paid to any natural or legal person on whose behalf the operations in relation to which he made the payment were carried out.

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

**12.**—(1) Charges under these Regulations are to be fixed by the Minister in accordance with the provisions of these Regulations.

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

(a) of the charges that he 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 rate for conversion of the ECU.

(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 Minister for details of how he calculated the proposed charges, the Minister shall supply him with those details.

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

(7) The Minister shall give all persons to whom notice of the charges was given under paragraph (2) above written notice of the charges which he fixes.

(8) When a charge is fixed, it shall be payable in respect of any health inspection and control exercise carried out on or after the date notified under paragraph (2) above, 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) above shall be payable.

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

#### **Power of Minister to determine or take steps towards determination of charges before 1st April 1995**

**13.** The Minister may determine charges under these Regulations before the date specified in regulation 1(1) and may accordingly take any step for which regulation 12 provides before that date.

## Information

14. A person shall, on demand by the Minister, supply—
- (a) such information as the Minister may reasonably require for the purpose of calculating charges under these Regulations; and
  - (b) such evidence as the Minister may reasonably require to enable him to verify information supplied under paragraph (a) above.

## Revocations

15. The Regulations specified in Schedule 3 are hereby revoked to the extent specified in column 3 of that Schedule.

14th February 1995

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

14th February 1995

*Cumberlege*  
Parliamentary Under Secretary of State for  
Health

14th February 1995

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

Signed by authority of the Secretary of State for Wales

13th February 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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

## SCHEDULE 1

Regulations 2 and 8

## CHARGES

## PART I

## SLAUGHTERHOUSES

(1) Animal or bird inspected	(2) Minimum charge per carcase(ECU)	(3) Community standard slaughterhouse charge per carcase (ECU)
Bovine animals not less than 6 weeks old	2.14	4.75
Bovine animals less than 6 weeks old	1.13	2.5
Swine	0.59	1.3
Solipeds	1.98	4.4
Sheep and goats weighing less than 12kg	0.08	0.175
Sheep and goats weighing at least 12kg but not more than 18kg	0.16	0.35
Sheep and goats weighing more than 18kg	0.23	0.5
Turkeys, ducks, geese and guinea fowl (in each case weighing less than 2kg) and all domestic fowl	0.005	0.01
Turkeys, ducks and geese kept for laying and breeding weighing more than 5kg	0.02	0.04
All other birds weighing at least 2kg	0.01	0.02

## PART II

## RESIDUES EXAMINATION CHARGES

(1) Animal	(2) Charge per carcase
Bovine animals	£0.3859
Swine	£0.1029



(1) Animal	(2) Charge per carcass
Solipeds	£0.3219
Sheep and goats	£0.194

## SCHEDULE 2

Regulation 2

## THE HYGIENE REGULATIONS

The Hygiene Regulations are—

- (a) the Fresh Meat (Hygiene and Inspection) Regulations 1992<sup>(4)</sup>
- (b) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994<sup>(5)</sup>

## SCHEDULE 3

Regulation 15

## REVOCATIONS

<i>Column 1 Regulations revoked</i>	<i>Column 2 References</i>	<i>Column 3 Extent of revocation</i>
The Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1990	S.I. <a href="#">1990/2494</a>	The whole Regulations
The Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991	S.I. <a href="#">1991/2843</a>	Regulation 24(3)
The Fresh Meat (Hygiene and Inspection) Regulations 1992	S.I. <a href="#">1991/2037</a>	Regulation 27(4)
The Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) (Amendment) Regulations 1992	S.I. <a href="#">1992/2353</a>	The whole Regulations
The Farmed Game Meat (Hygiene and Inspection) (Charges) Regulations 1993	S.I. <a href="#">1993/1359</a>	The whole Regulations
The Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues)	S.I. <a href="#">1993/1360</a>	The whole Regulations

(4) S.I. [1992/2037](#).(5) S.I. [1994/1029](#).

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<i>Column 1 Regulations revoked</i>	<i>Column 2 References</i>	<i>Column 3 Extent of revocation</i>
(Charges) (Amendment) Regulations 1993		
The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994	S.I. <a href="#">1994/1029</a>	Regulation 27(4)

## EXPLANATORY NOTE

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

These Regulations, which extend to Great Britain, implement the provisions concerning the level of the fees to be charged for health inspections and controls of meat contained in Council Directive [85/73/EEC](#) (OJ 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/EC](#) (OJ No. L340, 31.12.93, p.15).

The Regulations require the Minister to make a charge for the performance of his functions relating to health inspection and control exercises in respect of domestic animal or domestic bird meat and to examinations for the presence of residues (regulation 4).

The Regulations provide for the calculation of the charges for health inspection and control exercises carried out at slaughterhouses (regulation 5), cutting premises (regulation 6) and rewrapping centres and cold stores (regulation 7).

The Regulations provide for the calculation of the charges for examinations for the presence of residues (regulation 8 and Schedule 1) and authorise the Minister to make a charge for health inspection and control exercises in respect of game meat (regulation 9).

Before fixing charges the Minister 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 he has notified (regulation 12).

The Regulations require that the Minister be provided with the information necessary to calculate charges under the Regulations and with any evidence necessary to verify such information (regulation 14).

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.