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STATUTORY INSTRUMENTS

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**1997 No. 2893**

**FOOD**

**The Charges for Inspections and Controls Regulations 1997**

*Made* - - - - *8th December 1997*

*Laid before Parliament* *9th December 1997*

*Coming into force* - - *1st January 1998*

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by that section insofar as these Regulations could not have been made under the powers mentioned below;

And the Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by section 56(1) and (2) of the Finance Act 1973<sup>(3)</sup> with the consent of the Treasury;

And 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(1), 45 and 48(1)(b) and (c) of the Food Safety Act 1990<sup>(4)</sup>, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations;

And in exercise of all other powers enabling them in that behalf;

Hereby make the following Regulations:

**Title, extent and commencement**

**1.** These Regulations may be cited as the Charges for Inspections and Controls Regulations 1997, shall extend to Great Britain and shall come into force on 1st January 1998.

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) 1973 c. 51.

(4) 1990 c. 16; “the Ministers” is defined in section 4(1) and “the enforcing authority” is defined in section 6(1).

## Interpretation

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

“animal” means any—

- (a) bovine animal;
- (b) swine;
- (c) soliped;
- (d) sheep;
- (e) goat;
- (f) poultry;
- (g) game; or
- (h) wild game;

“brown trout” means any fish of the species *Salmo trutta* (L.) which has spent all of its life in fresh water;

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

“eggs” has the same meaning as in Article 1(1) of Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs<sup>(5)</sup>, as last amended by Council Regulation (EC) No. 818/96<sup>(6)</sup>;

“egg packing centre” means an undertaking authorised by the Minister to grade eggs by quality and weight under the provisions of the Eggs (Marketing Standards) Regulations 1995<sup>(7)</sup> and the aforementioned Council Regulation (EEC) No. 1907/90;

“fish” means salmon, brown trout and rainbow trout;

“game” means—

- (a) wild land mammals which are reared and slaughtered in captivity, excluding—
  - (i) mammals of the family *Leporidae*, and
  - (ii) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;
- (b) birds (including ratites but excluding poultry) which are not generally considered to be domestic but which are bred, reared and slaughtered in captivity; and
- (c) domestic rabbits;

“milk” means cows' milk;

“the Minister” means—

- (a) in relation to England and Wales, the Minister of Agriculture, Fisheries and Food or the Secretary of State; or
- (b) in relation to Scotland, the Secretary of State;

“poultry” means domestic fowls, turkeys, guinea fowls, ducks and geese;

“producer” means a person who produces milk in Great Britain and sells it by way of business;

“product of animal origin” means—

- (a) milk; and
- (b) eggs;

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<sup>(5)</sup> OJ No. L173, 6.7.90, p.5.

<sup>(6)</sup> OJ No. L111, 4.5.96, p.1.

<sup>(7)</sup> S.I. 1995/1544, amended by S.I. 1996/1725 and S.I. 1997/1414.

“rainbow trout” means fish of the species *Oncorhynchus mykiss*;

“salmon” means fish of the species *Salmo salar* (L.);

“wild game” means—

- (a) wild land mammals which are hunted (including wild land mammals living within an enclosed area under conditions of freedom similar to those they would enjoy if they were living in the wild); and
- (b) wild birds.

(2) In these Regulations, any reference to—

- (a) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears;
- (b) the Schedule is a reference to the Schedule to these Regulations.

### **Charges**

3.—(1) The Minister shall make a charge in respect of the costs incurred by him in carrying out the inspections and controls provided for by Council Directive [96/23/EC](#) on measures to monitor certain substances and residues thereof in live animals and animal products<sup>(8)</sup>.

(2) The charge referred to in paragraph (1) shall be the charge specified in column (2) of the Schedule which is opposite the animal, fish or as the case may be product of animal origin in question in column (1) of the Schedule.

(3) In the case of any charge specified in column (2) of the Schedule (other than the one relating to poultry, game, wild game or milk), the Minister may reduce that charge to reflect the actual costs of the inspections and controls to which it relates.

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

4.—(1) Any charge under these Regulations shall, subject to paragraphs (9) to (14), be payable to the Minister, and shall be recoverable by him on demand as a debt owed to him by the person by whom the charge concerned is stated by paragraph (2) to be payable.

(2) Charges under these Regulations shall, subject to paragraphs (3) to (5), be payable—

- (a) (where the charge concerned relates to any animal falling within paragraph (a), (b), (c), (d) or (e) of the definition of “animal” in regulation 2(1) of these Regulations) by the occupier of any slaughterhouse at which such an animal is slaughtered for human consumption;
- (b) (where the charge concerned relates to any bird comprised in the definition of “poultry” in regulation 2(1) of these Regulations) by the occupier of any slaughterhouse at which any such bird is slaughtered for human consumption;
- (c) (where the charge concerned relates to any animal falling within paragraph (a) of the definition of “game” in regulation 2(1) of these Regulations) by the occupier of any farmed game handling facility at which such an animal is slaughtered for human consumption;
- (d) (where the charge concerned relates to any animal falling within paragraph (b) or (c) of the definition of “game” in regulation 2(1) of these Regulations) by the occupier of any slaughterhouse at which such an animal is slaughtered for human consumption;
- (e) (where the charge concerned relates to wild game) by the occupier of any wild game processing facility at which wild game is dressed or cut up for human consumption;
- (f) (where the charge concerned relates to fish) by the operator of any establishment at which the fish in question is produced for human consumption;

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(8) OJ No. L125, 23.5.96, p.10.

- (g) (where the charge concerned relates to milk) by each producer; and
- (h) (where the charge concerned relates to eggs) by the occupier of each egg packing centre at which eggs are graded by quality and weight under the provisions of the Eggs (Marketing Standards) Regulations 1995 and Council Regulation (EEC) No. 1907/90, as last amended by Council Regulation (EC) No. 818/96.

(3) Where any occupier such as is referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (2) has paid any charge under the sub-paragraph concerned in respect of any animal, he shall by virtue of this provision have the right to recover on demand a sum equal to the charge as a debt owed to him by the person on whose behalf the animal has been slaughtered.

(4) Where any occupier such as is referred to in sub-paragraph (e) of paragraph (2) has paid any charge under that sub-paragraph in respect of any wild game, he shall by virtue of this provision have the right to recover on demand a sum equal to the charge as a debt owed to him by the person on whose behalf the wild game has been dressed or cut up.

(5) Where any operator such as is referred to in sub-paragraph (h) of paragraph (2) has paid any charge under that sub-paragraph in respect of any eggs, he shall by virtue of this provision have the right to recover on demand a sum equal to the charge as a debt owed to him by the person on whose behalf the eggs have been graded by quality and weight.

(6) In paragraph (2)—

(a) in sub-paragraph (a)—

- (i) “occupier” has the same meaning as in regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995 (“S.I. 1995/539”)(9), and
- (ii) “slaughterhouse” means a slaughterhouse (as defined by the said regulation 2(1)) licensed under regulation 4 of S.I. 1995/539;

(b) in sub-paragraphs (b) and (d)—

- (i) “occupier” has the same meaning as in regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (“S.I. 1995/540”)(10), and
- (ii) “slaughterhouse” means a slaughterhouse (as defined by the said regulation 2(1)) licensed under regulation 4 of S.I. 1995/540;

(c) in sub-paragraph (c)—

- (i) “occupier” has the same meaning as in regulation 2(1) of S.I. 1995/539; and
- (ii) “farmed game handling facility” means a farmed game handling facility (as defined by the said regulation 2(1)) licensed under regulation 4 of S.I. 1995/539;

(d) in sub-paragraph (e)—

- (i) “occupier” has the same meaning as in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995 (“S.I. 1995/2148”)(11),
- (ii) “wild game processing facility” means a wild game processing facility (as defined by the said regulation 2(1)) licensed under regulation 3 of S.I. 1995/2148, and
- (iii) “cut up” shall be construed by reference to the definition of “cutting up” in the said regulation 2(1).

(7) In paragraph (3)—

(a) “slaughterhouse” means—

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(9) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1997/1729 and S.I. 1997/2074.

(10) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.

(11) S.I. 1995/2148, amended by S.I. 1995/3205.

- (i) (insofar as that paragraph relates to an occupier such as is referred to in sub-paragraph (a) of paragraph (2)) a slaughterhouse (as defined by regulation 2(1) of [S.I. 1995/539](#)) licensed under regulation 4 thereof; and
  - (ii) (insofar as that paragraph relates to an occupier such as is referred to in sub-paragraph (b) or (d) of paragraph (2)) a slaughterhouse (as defined by regulation 2(1) of [S.I. 1995/540](#)) licensed under regulation 4 thereof; and
- (b) “farmed game handling facility” means a farmed game handling facility (as defined by regulation 2(1) of [S.I. 1995/539](#)) licensed under regulation 4 thereof.
- (8) In paragraph (4), “wild game processing facility” means a wild game processing facility (as defined by regulation 2(1) of [S.I. 1995/2148](#)) licensed under regulation 3 thereof, and “cut up” shall be construed by reference to the definition of “cutting up” in the said regulation 2(1).
- (9) The Minister and the operator of any establishment manufacturing feed for sale to or for use by the operator of any establishment producing brown trout or rainbow trout for human consumption may enter into an agreement providing that the charge payable by that last-mentioned operator under paragraph (2)(f) in respect of those fish is to be paid to that first-mentioned operator as agent for the Minister.
- (10) The charge payable by each producer under paragraph (2)(g) shall for the purposes of these Regulations be treated as a charge imposed on that producer under article 9(1) of the Milk Development Council Order 1995 (“the 1995 Order”)(12).
- (11) Where in accordance with paragraph (10) and article 9(2) of the 1995 Order a charge payable under paragraph (2)(g) is paid to the agent who purchases the milk in respect of which the charge arises—
- (a) the Milk Development Council (established by article 3 of the 1995 Order) shall (in circumstances where it receives the charge from the agent) forward that charge to the Minister; and
  - (b) the Minister may (where that Council does not receive that charge from that agent) recover that charge on demand as a debt owed to him by that agent.
- (12) The charge required to be forwarded by the Milk Development Council to the Minister under paragraph (11)(a) shall (where it is not so forwarded) be recoverable by the Minister on demand as a debt owed to him by that Council.
- (13) Where in accordance with paragraph (10) and article 9(2) of the 1995 Order a charge payable under paragraph (2)(g) is paid to the Milk Development Council it shall be forwarded by that Council to the Minister.
- (14) The charge required to be forwarded by the Milk Development Council to the Minister under paragraph (13) shall be recoverable by the Minister on demand as a debt owed to him by that Council.

### **Information and offences**

- 5.—(1) Any person shall, on reasonable demand being made by the Minister, supply—
- (a) such information as the Minister may reasonably require for the purpose of calculating charges payable under these Regulations; and
  - (b) such evidence as the Minister may reasonably require to enable him to verify information supplied under sub-paragraph (a) of this paragraph.
- (2) Any person who, in purported compliance with paragraph (1), furnishes information knowing it to be false or misleading in a material particular, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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(12) [S.I. 1995/356](#).

(3) Any person who, without reasonable excuse, fails to comply within a reasonable time with a demand made under paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Revocations**

6. The following provisions of the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995(**13**) are revoked—

- (a) the definitions of “residues examination charge” and “the Residues Regulations” in regulation 2(1);
- (b) regulation 4(2);
- (c) regulation 8;
- (d) Part II of Schedule 1.

4th December 1997

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

5th December 1997

*Jay*  
Parliamentary Under Secretary of State for  
Health

5th December 1997

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

8th December 1997

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

We consent to the making of these Regulations

8th December 1997

*Graham Allen,*  
*Jim Dowd*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## THE SCHEDULE

Regulation 3(2) and (3)

### CHARGES FOR CARRYING OUT INSPECTIONS AND CONTROLS PROVIDED FOR BY COUNCIL DIRECTIVE 96/23/EC

(1) <i>Animal, fish or product of animal origin</i>	(2) <i>Charge</i>	
Bovine	£0.3666	per carcase
Swine	£0.0978	” ”
Soliped	£0.3058	” ”
Sheep	£0.0184	” ”
Goat	£0.0184	” ”
Poultry	£1.0461	per tonne
Game	£1.0461	” ”
Wild game	£1.0461	” ”
Salmon	£1.30 per tonne of marketed product	
Brown trout, rainbow trout	£1.10 per tonne of fish feed	
Milk	£0.0154 per 1,000 litres	
Eggs	£0.0088 per case of 360 eggs	

### EXPLANATORY NOTE

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

1. These Regulations give effect to Article 2 of Council Directive 85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (OJ No. L162, 1.7.96, p.4). The text of Council Directive 85/73/EEC is set out in the Annex to Council Directive 96/43/EC (OJ No. L162, 1.7.96, p.1).

2. The said Article 2 requires member States to ensure that (in accordance with Annex B to Council Directive 85/73/EEC) fees are collected to cover the costs occasioned by the inspections and controls provided for by Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products (OJ No. L125, 23.5.96, p.10).

3. These Regulations—

- (a) lay down provisions requiring the fees mentioned in paragraph 2 above to be paid (*regulation 3*);
- (b) lay down provisions relating to the liability for and recovery of those fees (*regulation 4*);
- (c) enable the appropriate Minister to require information and supporting evidence to be supplied to him for the purpose of enabling that Minister to calculate those fees and create



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offences of supplying false or misleading information and failing to comply with a demand to supply information (*regulation 5*);

- (d) revoke those provisions of the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995 (S.I. 1995/361, as amended) which relate to the subject-matter of these Regulations (*regulation 6*).

4. Regulations 4(10), (11)(a) and (13) and 5(2) and (3) are made under section 2(2) of the European Communities Act 1972 (1972 c. 68).

5. A regulatory appraisal has been prepared in respect of these Regulations. A copy of it has been deposited in the library of each House of Parliament.