
STATUTORY INSTRUMENTS

1999 No. 1585

FOOD

**The Food Safety (Fishery Products and Live Shellfish)
(Hygiene) Amendment (No. 2) Regulations 1999**

<i>Made</i>	- - - -	<i>4th June 1999</i>
<i>Laid before Parliament</i>		<i>9th June 1999</i>
<i>Coming into force</i>	- -	<i>30th June 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State respectively concerned with health in England and food and health in 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) and 48(1)(c) of the Food Safety Act 1990⁽¹⁾, and the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, being Ministers designated⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽³⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on them by the said section 2(2), and in each case in exercise of all other powers respectively enabling them in that behalf, after consultation (so far as required by section 48(4) of the Food Safety Act 1990) with such organisations as appear to them to be representative of interests likely to be substantively affected, hereby make the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment (No. 2) Regulations 1999 and shall come into force on 30th June 1999.

(2) In these Regulations “the principal Regulations” means the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998⁽⁴⁾.

Amendment of regulation 2(1) of the principal Regulations

2. In regulation 2(1) (interpretation) after the definition of “potable water” there shall be inserted the following definition—

(1) 1990 c. 16. See section 4(1) which contains a definition of “the Ministers” which is relevant to the powers being exercised in making these Regulations.
(2) S.I.1972/1811.
(3) 1972 c. 68.
(4) S.I. 1998/994, amended by S.I. 1999/399.

““prepared”, in relation to fishery products, means undergoing an operation affecting the products' anatomical wholeness, such as gutting, heading, slicing, filleting, chopping, etc;”.

Amendment of regulation 20(1) of the principal Regulations

3. In regulation 20(1)(b) (direct transfers of live shellfish on local markets) of the principal Regulations, after the word “live” there shall be inserted the words “scallops (other than aquaculture products),”.

Amendment of regulation 30 of the principal Regulations

4. For regulation 30 (obligations upon food business proprietors operating auction or wholesale markets) of the principal Regulations there shall be substituted the following regulation—

“Obligations on persons responsible for auction or wholesale markets

30.—(1) Any person who makes premises available for an auction or wholesale market at which fishery products which are intended for placing on the market for human consumption are handled shall ensure that the applicable provisions of Chapters II and III of Schedule 3 are complied with as respects the market.

(2) Any food business proprietor who operates within an auction or wholesale market shall ensure that the applicable provisions of Chapters II and III of Schedule 3 are complied with as respects his business.”.

Amendment of regulation 41 of the principal Regulations

5. At the end of regulation 41(2) (direct transfers of fishery products on local markets) of the principal Regulations there shall be added the following words—

“and “fishery products” in its application to shellfish means bivalve molluscs which have been gathered from a class A designated bivalve production area, scallops other than aquaculture products, echinoderms, tunicates and marine gastropods.”.

Substitution of Part V of the principal Regulations

6. For Part V of the principal Regulations (inspection charges) there shall be substituted the following Part—

**“PART V
INSPECTION CHARGES**

Inspection charges

47. Schedule 4A (inspection charges) shall have effect.”.

Amendment of Chapter III of Schedule 3 to the principal Regulations

7. In Section II (general conditions of hygiene) of Chapter III (general conditions for establishments on land) of Schedule 3 (production and placing on the market conditions for fishery products)—

- (a) in paragraph A1, for the word “equipment” there shall be substituted the words “lavatories, equipment intended to facilitate personal hygiene (such as hand basins) and equipment”;

(b) for paragraphs B1 and B2 there shall be substituted—

“B.

General conditions of hygiene applicable to persons working on or handling fishery products

1. The highest possible standard of cleanliness is required of persons working on or handling fishery products. More specifically—

- (a) persons working on or handling fishery products must wear suitable clean working clothes and headgear which completely encloses the hair; this applies particularly to persons handling exposed fishery products;
- (b) persons working on or handling fishery products must wash their hands at least each time work is resumed; wounds to hands must be covered by a waterproof dressing;
- (c) persons working on or handling fishery products must not smoke, spit, eat, or drink in any fishery products working or storage area.

2.—(1) The employer shall take all requisite measures to prevent persons working on or handling fishery products from contaminating them.

(2) The employer shall prevent persons liable to contaminate fishery products from working on or handling them, until there is evidence that such persons can do so without risk.

(3) When recruited, any person working on or handling fishery products must prove, by medical certificate, that there is no impediment to such work or handling.”

Insertion of Schedule 4A in the principal Regulations

8. After Schedule 4 to the principal Regulations there shall be inserted Schedule 4A as set out in the Schedule to these Regulations.

Amendment of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999

9. In paragraph 5(2)(a) of the Schedule (amendments relating to the introduction of the standard registration document) to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999(5), after “paragraphs 6A(5)” there shall be inserted “and (8)”.

2nd June 1999

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

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Signed by authority of the Secretary of State for Health

27th May 1999

Tessa Jowell
Minister of State for Public Health
Department of Health

4th June 1999

Jon Owen Jones
Parliamentary Under Secretary of State Welsh
Office

4th June 1999

Sewel
Parliamentary Under Secretary of State Scottish
Office

THE SCHEDULE

Regulation 8

SCHEDULE TO BE INSERTED AFTER SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

“SCHEDULE 4A

Regulation 47

INSPECTION CHARGES

PART I

COMMON PROVISIONS

Interpretation

1. In this Schedule—

“account period” means an account period determined under paragraph 4;

“actual costs” means actual costs determined in accordance with paragraph 2;

“relevant food authority” means the food authority to which a charge is payable under paragraph 6;

“specified pelagic fish” means—

- (a) herring of the species *Clupea harengus*,
- (b) sardines of the species *Sardina pilchardus*,
- (c) mackerel of the species *Scomber scombrus* or *Scomber japonicus*,
- (d) horse mackerel,
- (e) anchovies,
- (f) picarels of the species *Maena smaris*;

“third country”, except in the expression third country import, means any country or territory, other than Greenland, which does not comprise the whole or part of a member State or an EEA State;

“vendor” means—

- (a) where an agent sells fishery products on behalf of the owner or master of a vessel, that agent;
- (b) in any other case, the owner or master of the vessel.

The calculation of actual costs

2.—(1) For the purposes of this Schedule, the actual costs of an inspection are the costs directly involved in carrying out a health inspection under these Regulations having regard to the following factors—

- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of all staff directly involved in the health inspection and all staff engaged in the management or administration of health inspections;
- (b) the costs of in-service training for staff directly involved in the health inspection;
- (c) any travelling costs and related incidental expenses incurred in carrying out an inspection except those incurred by a person attending his normal place of work;

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- (d) the costs of office accommodation, equipment and services for staff involved in carrying out inspections under these Regulations, including depreciation of any office furniture and equipment and also including the cost of information technology, stationery and forms;
- (e) the costs of protective clothing and equipment used in carrying out the inspection;
- (f) the costs of laundering protective clothing used for the inspection;
- (g) sampling and analysis costs incurred in the inspection;
- (h) the routine administrative costs of accounting and collecting charges and of providing payroll and personnel services in connection with the employment of staff carrying out the inspection.

(2) Where any of the above factors relate only partly to the inspection in question, only the appropriate percentage of the costs shall be charged.

Sterling equivalents of euro

3.—(1) The sterling equivalent of any amount expressed in this Schedule as a number of euros shall be converted to sterling at the official rate as follows—

- (a) before 1st January 2000, at the rate of euro 1 equals £0.668484,
- (b) after 31st December 1999, the rate for each subsequent year to 31st December shall be that which is published annually on the first working day of the preceding September in the C Series of the Official Journal of the European Communities.

(2) Any reference in this Schedule to a specified number of euros shall be taken to be a reference to the sterling equivalent of that number calculated under this regulation.

Account period

4.—(1) For the purposes of this Schedule, the account period shall be one month or such longer period not exceeding 12 months as is determined by the food authority.

(2) The account period shall be determined with a view to reducing to a reasonable amount, in comparison with the charges which are expected to fall due, the costs of—

- (a) making returns; and
- (b) collecting charges.

Recovery of charges

5.—(1) Any sum which may be recovered under this Schedule may be recovered as a civil debt.

(2) Where the same duty is imposed by this Schedule on more than one person, the food authority may enforce it—

- (a) jointly against them, or any two or more of them, or
- (b) separately against any one or more of them.

Food authorities, assessments and appeals

Charges to be paid to food authorities

6.—(1) Subject to the following provisions of this paragraph, a sum equal to the amount of any charge which is payable under this Schedule shall be payable to the food authority in whose area the obligation to pay it arises.

(2) If in respect of landings of fishery products a chargeable transaction takes place before the fishery products are landed in Great Britain, a sum equal to the amount of any general landings charge under Part II or any third country direct landings charge under Part III which a vendor is required to include in the purchase price shall be payable by him to the food authority responsible for the checks provided for in Section II of Chapter V of Schedule 3 in respect of those products.

(3) If an inspection is carried out on a factory vessel whilst it is abroad, a charge under paragraph 9 of Part II equal to the actual costs of carrying out those checks shall be payable by the owner or master of the vessel to the food authority which has carried them out.

(4) Where a food authority becomes aware that any charge is due to it under this Schedule, it shall—

- (a) calculate the amount of the charge having regard to the information in its possession;
- (b) give notice of the amount so calculated to any person from whom it may be collected;
- (c) seek recovery of that amount from that person.

(5) If a food authority is satisfied (as a result of receiving further information or otherwise) that a calculation made under sub-paragraph (4) is incorrect, it shall recalculate the charge and—

- (a) where it is more than the amount calculated under sub-paragraph (4), it shall recover the higher amount in accordance with that sub-paragraph;
- (b) where it is less than the amount calculated under that sub-paragraph and that amount has not been recovered, it shall recover the lesser amount in accordance with that sub-paragraph;
- (c) where no charge is payable or it is less than the amount calculated under that sub-paragraph, and that amount has been recovered, it shall repay the difference.

Appeals

7.—(1) A person may appeal against any decision of the food authority which imposes a charge under this Schedule.

(2) The appeal shall be heard by a magistrates' court or, in Scotland, by the sheriff, and section 37(3) to (6) of the Act shall apply in relation to such an appeal as it applies in relation to an appeal under section 37(1)(c) of the Act.

(3) On an appeal, the court may—

- (a) confirm the decision of the food authority;
- (b) determine any charge which is payable under this Schedule and, in particular, may reduce the amount of any charge by the reducible element where the food authority has not made this reduction;
- (c) determine that no charge is payable.

(4) Pending the outcome of the appeal the original amount of the charge shall remain payable, but if after the court's decision the amount of the charge needs to be recalculated, the new amount of the charge shall have effect from the date on which the original charge was made and the sum equal to that new amount shall be payable to the food authority.

(5) If the court determines that the amount of any charge imposed under this Schedule is less than the amount which any person has paid to a food authority in respect of it, the overpayment shall be reimbursed by that authority.

Fees payable to more than one authority

8. In any case where there is a deferred inspection and—

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- (a) the food authority responsible for checks on vessels and on conditions of landing (“the general monitoring authority”); or
- (b) the food authority responsible for the checks provided for in Section II of Chapter V of Schedule 3 (“the special checks authority”),

is different from the food authority to which a charge is required to be paid under this Schedule, the recipient authority shall remit to the general monitoring authority or, as the case may be, the special checks authority a sum equal to any amount received which is referable to checks for which the general monitoring authority or, as the case may be, the special checks authority are responsible.

PART II

INSPECTION CHARGES OTHER THAN CHARGES FOR DIRECT LANDINGS FROM THIRD COUNTRY VESSELS AND THIRD COUNTRY IMPORTS

General provisions

Interpretation

1. In this Part—

“chargeable transaction” has the same meaning as in paragraph 2(1);

“general landings charge” means a charge calculated under paragraph 2;

“reducible element” means—

- (a) in relation to the general landings charge, the element in that charge which may be reduced under paragraph 3;
- (b) in relation to the charge payable under paragraph 5 for fishery products landed from factory ships, the element in that charge which may be reduced under paragraph 7;
- (c) in relation to the charge payable under paragraph 10 in respect of a preparation or processing establishment, the element in that charge which may be reduced under paragraph 12;

“relevant landed fishery products” means fishery products which—

- (a) were caught in their natural environment;
- (b) have not or had not been on land prior to being landed;
- (c) are or will be landed in Great Britain; and
- (d) are intended for placing on the market for human consumption;

other than third country direct landings to which Part III applies or third country imports;

“third country import” means an import in respect of which an inspection charge is payable under regulation 30(d) (certain imports from third countries) of the Products of Animal Origin (Import and Export) Regulations 1996⁽⁶⁾.

(6) S.I. 1996/3124, amended by S.I. 1997/3023.

Charges in respect of landings

General landings charge

2.—(1) The first sale in Great Britain of relevant landed fishery products shall be a chargeable transaction for the purposes of this Part.

(2) Where there is a chargeable transaction, the vendor shall include in the price which he charges the purchaser an amount in respect of the general landings charge.

(3) Subject to sub-paragraph (4) and paragraph 3, the amount of the general landings charge shall be a contribution in respect of allaying expenditure incurred in carrying out the checks mentioned in Section II of Chapter V of Schedule 3 (special checks) of euro 1 per tonne of directly landed fishery products for the first 50 tonnes and euro 0.5 per tonne thereafter.

(4) Any charge in respect of specified pelagic fish shall not exceed euros 50 per consignment unloaded, if the actual costs do not exceed that amount.

(5) The charge shall be payable to the relevant food authority.

The reducible element of the general landings charge

3. The relevant food authority shall reduce by 55% the part of the general landings charge which is calculated in accordance with paragraph 2 where any of the checks mentioned in Section II of Chapter V of Schedule 3 are or were facilitated by one or both of the following factors—

- (a) the fish are or were graded for freshness or size in accordance with relevant national or Community rules;
- (b) the first sale transactions are or were grouped together, in particular at an auction or wholesale market.

Collection and remittance of charges relating to general landings

4.—(1) Within 7 days of the end of each account period in which a vendor enters into a chargeable transaction, he shall make a written return in respect of that transaction to the relevant food authority to which the general landings charge is payable.

(2) The return shall give information which relates to the chargeable transaction entered into during that account period or, if there has been more than one such transaction, information in respect of the aggregate of the transactions.

(3) A return made under this paragraph shall include the following information—

- (a) the account period to which the return relates;
- (b) the places of landing and first sale of the fishery products to which it relates;
- (c) for landings of 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 heavier consignments;
 - (iii) the aggregate weight of consignments less the weight calculated under (ii);
- (d) for landings of 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 heavier consignments;

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- (e) the amount of any reducible element which has been taken into account in calculating the amount of the charge in respect of—
 - (i) consignments of fish other than specified pelagic fish; and
 - (ii) consignments of specified pelagic fish;specifying whether it has been taken into account under paragraph 3(a) or (b); and
 - (f) the amount of the relevant charge.
- (4) During the period of 1 year beginning on the day on which a vendor makes a return under this paragraph—
- (a) the food authority to whom it was made may require the vendor to provide separate information of the kind required by sub-paragraph (3) in respect of each transaction included in it; and
 - (b) the vendor shall retain information which is sufficient to enable him to supply any such information which is requested.

Additional charges relating to factory ships

Charges for fishery products landed from factor ships

5.—(1) A charge is payable under this paragraph by the master or owner of a factory ship as a contribution in respect of allaying expenditure incurred in carrying out checks mentioned in Sections I and II of Chapter V of Schedule 3.

- (2) The charge payable under sub-paragraph (1)—
 - (a) shall be payable in addition to the charge payable under paragraph 2; but
 - (b) shall not apply to third country imports or third country direct landings to which Part III applies.
- (3) The charge shall be payable to the relevant food authority.

Payment of the charge for fishery products landed from factory ships

6. The charge payable under paragraph 5 shall be euro 1 per tonne of fishery products which are landed.

The reducible element of the charge in respect of products landed from factory ships

7. The food authority to which a charge is payable under paragraph 5 shall reduce the charge payable under paragraph 6 by 55% where—

- (a) first sale and preparation or processing is carried out on the same factory ship; or
- (b) operating conditions on a factory ship, and guarantees as to the ship's own checks, are such that inspection staff requirements can be reduced.

Collection and remittance of the factory ship charge

8.—(1) Within 7 days of the end of each account period in which fishery products in respect of which a charge is payable under paragraph 5 have been landed from a factory ship, the master or owner of the ship who is responsible for paying that charge shall make a written return in respect of it to the relevant food authority.

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(2) The return shall give information which relates to a landing of fishery products from a factory ship during that account period or, if there has been more than one such landing, information in respect of the aggregate of them.

(3) A return made under this paragraph shall include the following information—

- (a) the account period to which the return relates;
- (b) the name of each factory ship from which fishery products are landed and each place of landing;
- (c) the number of landings during that account period;
- (d) the weight of the fishery products landed;
- (e) the amount of any reducible element which has been taken into account, specifying whether it has been taken into account under paragraph 7(a) or (b); and
- (f) the amount of the charge.

(4) During the period of 1 year beginning on the day on which a master or owner makes a return under this paragraph—

- (a) the food authority to whom the return was made may require him to provide separate information of the kind required by sub-paragraph (3) in respect of each landing included in it; and
- (b) he shall retain information which is sufficient to enable him to supply any such information which is requested.

Charges in respect of inspections of factory ships abroad

9.—(1) A charge is payable by the master or owner of a factory ship approved under regulation 24 (approval of factory vessels) in respect of the expenditure incurred in carrying out inspections abroad for the purposes of the checks mentioned in Sections I and II of Chapter V of Schedule 3.

- (2) The charge is the actual cost of the inspection.
- (3) The charge shall be payable to the relevant food authority.

Charges in respect of fishery products entering establishments

Charges in respect of preparation or processing establishments

10.—(1) A charge is payable by the proprietor or operator of a preparation or processing establishment as a contribution in respect of allaying expenditure incurred in carrying out checks mentioned in Sections I and II of Chapter V of Schedule 3.

- (2) The charge shall be payable to the relevant food authority.

Payment of the charge in respect of preparation or processing establishments

11.—(1) The charge shall be euro 1 per tonne of fishery products which enter the establishment.

(2) The charge shall not apply to fishery products returned to an establishment in an identical form to that in which they were when they left it.

The reducible element of the charge in respect of preparation or processing establishments

12. The relevant food authority shall reduce the charge payable under paragraph 10 by 55% where preparation or processing is carried out—

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- (a) on the same site as the first sale; or
- (b) in an establishment in which operating conditions and guarantees as to the establishment's own checks are such that inspection staff requirements can be reduced.

Collection and remittance of charges relating to preparation or processing establishments

13.—(1) Within 7 days of the end of each account period in which fishery products have entered a preparation or processing establishment, the proprietor or operator who is responsible for paying the charge under paragraph 10 relating to that establishment shall make a written return in respect of it to the relevant food authority.

(2) The return shall give information which relates to the fishery products which have entered that establishment during that account period.

(3) A return made under this paragraph shall include the following information—

- (a) the account period to which the return relates;
- (b) the weight of the fishery products entering the establishment;
- (c) the amount of any reducible element which has been taken into account, specifying whether it has been taken into account under paragraph 12(a) or (b), and
- (d) the amount of the charge.

(4) During the period of 1 year beginning on the day on which a proprietor or operator makes a return under this paragraph—

- (a) the food authority to whom the return was made may require him to provide separate information of the kind required by sub-paragraph (3) in respect of each batch of fishery products included in it; and
- (b) he shall retain information which is sufficient to enable him to supply any such information which is requested.

Charges in respect of other establishments

14.—(1) A charge is payable by the proprietor or operator of an establishment (other than an establishment in which fishery products are prepared or processed) in which fishery products are only chilled, frozen, packaged or stored.

(2) The charge is in respect of the expenditure incurred in carrying out programmed inspections for the purposes of the checks mentioned in Sections I and II of Chapter V of Schedule 3.

(3) The charge is the actual cost of the programmed inspection.

(4) The charge shall be payable to the relevant food authority.

PART III

INSPECTION CHARGES FOR DIRECT LANDINGS FROM THIRD COUNTRY VESSELS

Interpretation

1.—(1) In this Part—

“chargeable transaction” shall be construed in accordance with paragraph 2(1);

“reducible element” means the part of the charge which is reducible under paragraph 3;

“relevant fishery products” means imported fishery products which—

- (a) originate in a third country;
- (b) were caught in their natural environment;
- (c) have not or had not been on land prior to their importation or proposed importation into the European Community, an EEA State or Greenland;
- (d) are or will be landed in Great Britain; and
- (e) are intended for placing on the market for human consumption;

“third country direct landings charge” shall be construed in accordance with paragraph 2(1).

Charge in respect of official checks on third country direct landings

2.—(1) When any relevant fishery products are sold for the first time in Great Britain (referred to in this Part as a “chargeable transaction”), the vendor of those products shall include in the price which the first purchaser is required to pay for them an amount referred to in this Part as the “third country direct landings charge”.

(2) Subject to paragraph 3, the amount of the third country direct landings charge shall be—

- (a) in respect of allaying the expenditure incurred in carrying out the checks mentioned in Section II of Chapter V of Schedule 3 (special checks), euro 1 per tonne of relevant fishery products for the first 50 tonnes and euro 0.5 per tonne thereafter, except that any charge in respect of specified pelagic fish shall not exceed euros 50 per consignment unloaded, if the actual costs do not exceed that amount; and
- (b) in respect of allaying the expenditure incurred in carrying out checks on vessels and on conditions of landing, euro 1 per tonne.

The reducible element of the charge

3. The relevant food authority shall reduce by 55% the part of the third country direct landings charge which is calculated in accordance with paragraph 2(2)(a) in circumstances where any of the checks mentioned in Section II of Chapter V of Schedule 3 are or were facilitated by one or both of the following factors—

- (a) the fish are or were graded for freshness and/or size in accordance with relevant national or Community rules,
- (b) the first sale transactions are or were grouped together, in particular at an auction or wholesale market.

Collection and remittance arrangements

4.—(1) A vendor who has entered into a chargeable transaction shall within seven days of the end of the account period during which the chargeable transaction took place make a return to the food authority in respect of it or, if there has been more than one such transaction, information in respect of the aggregate of the transactions.

(2) For the purpose of calculating the third country direct landings charge, he shall include in that return the following information—

- (a) the account period to which the return relates;
- (b) the places of landing and first sale of the fishery products to which it relates;
- (c) for landings of fishery products other than specified pelagic fish—
 - (i) the name of each vessel and the number of consignments landed from it;

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- (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of heavier consignments;
 - (iii) the aggregate weight of consignments less the weight calculated under (ii);
 - (d) for landings of 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 heavier consignments;
 - (e) the amount of any reducible element which has been taken into account in calculating the amount of the charge in respect of—
 - (i) consignments of fish other than specified pelagic fish; and
 - (ii) consignments of specified pelagic fish;specifying whether it has been taken into account under paragraph 3(a) or (b); and
 - (f) the amount of the relevant charge.
- (3) For the purpose of allaying the expenditure incurred in carrying out checks on vessels and on conditions of landing, the vendor shall, in addition to the information required under subparagraph (2), include information on—
- (a) the total weight of all fishery products landed, including specified pelagic fish; and
 - (b) the amount of the charge in respect of those products.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (the principal Regulations) to give effect to the provisions of Council Directive [96/43/EC](#) which relate to the financing of hygiene inspections of fishery products. Regulation 9 makes a technical amendment to the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999 which relates to the introduction of standard registration documents for the movement of live shellfish.

Regulation 6 substitutes a new Part for Part V of the principal Regulations and regulation 47 of the new Part gives effect to Schedule 4A. Regulation 8 and the Schedule to these Regulations insert Schedule 4A in the principal Regulations.

Part I of the Schedule contains definitions and other general provisions.

Part II of the Schedule makes provision for food authorities to recover a contribution towards the costs of carrying out inspections required under Chapter V of Schedule 3 to the principal Regulations in respect of fishery products landed from a vessel of a member State, an EEA State or Greenland (paragraph 2). It also makes provision for additional charges in relation to fishery products landed from factory ships (paragraph 5), the inspection of factory ships abroad (paragraph 9), fishery products entering preparation or processing establishments (paragraph 10) and fishery products entering other establishments in which fishery products are only chilled, frozen, packaged or stored (paragraph 14). The charges payable under Part II are new.

Under Part II the level of the contribution is: euro 1 per tonne in respect of the first 50 tonnes of fishery products landed and euro 0.5 per tonne thereafter; an additional euro 1 per tonne for fishery products landed from factory ships; euro 1 per tonne for fishery products entering preparation or processing establishments; the actual costs of inspecting other establishments and the actual costs of inspecting factory ships which are abroad. Some of the charges may be reduced by 55% in certain circumstances (paragraphs 3, 7 and 12). An appeal to the magistrates' court (or in Scotland the sheriff) lies against the amount of the charges (paragraph 7 of Part I).

Part III of the Schedule contains similar provisions which enable food authorities to recover a contribution towards the costs of carrying out inspections required under Chapter V of Schedule 3 to the principal Regulations in respect of fishery products directly landed from a fishing vessel of any other country (paragraph 2). Part III provides for charges which have been payable under Part V of the principal Regulations.

In addition, these Regulations make minor amendments, including those to provisions which relate to direct transfers of live shellfish and fishery products on local markets (regulations 3 and 5), persons responsible for auction and wholesale markets (regulation 4) and the hygiene conditions in fishery products establishments and markets on land (regulation 7).

A Regulatory Impact Assessment has been prepared and copies may be obtained from the Department of Health, Room 501A, Skipton House, 80 London Road, London SE1 6LW, or the Scottish Office Agriculture, Environment and Fisheries Department, Room 358, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW. A copy has also been placed in the library of each of the Houses of Parliament.