
STATUTORY INSTRUMENTS

2001 No. 750

FOOD, ENGLAND

**The Meat (Hygiene and Inspection) (Charges)
(Amendment) (England) Regulations 2001**

<i>Made</i>	- - - -	<i>7th March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>2nd April 2001</i>

The Secretary of State being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community in exercise of the powers conferred on him by that section so far as these Regulations relate to the imposition of charges in respect of monitoring the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995⁽³⁾;

And the Secretary of State in exercise of the powers conferred on him by sections 17(1), 45 and 48(1) of the Food Safety Act 1990⁽⁴⁾ having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act;

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

Makes the following Regulations:

Extent, title and commencement

1. These Regulations, which extend to England only, may be cited as the Meat (Hygiene and Inspection) (Charges) (Amendment) (England) Regulations 2001 and shall come into force on 2nd April 2001.

(1) By S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1995/731, amended by S.I. 1999/400, S.I. 1999/1820 and S.I. 2000/656.

(4) 1990 c. 16. Functions formerly exercisable by “the Ministers” are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12, 20 and 21 of that Schedule amend sections 17(1), 45(1) and 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

Amendments to the Meat (Hygiene and Inspection) (Charges) Regulations 1998

2.—(1) The Meat (Hygiene and Inspection) (Charges) Regulations 1998⁽⁵⁾ shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation), in the definition of “accounting period”, the words “of less than a year” shall be inserted before the word “determined”.

(3) In regulation 3 (charges), paragraphs (5) and (6) shall be omitted.

(4) In regulation 3(10), the words “or (5)” shall be omitted.

(5) In the Schedule (calculation of the inspection charge), paragraph 1 shall be omitted and the following paragraph inserted—

“1. Subject to paragraphs 1A, 2, 3 and 4. below, the inspection charge payable by the occupier of any premises for any accounting period shall be the lower of—

(a) the sum of—

(i) the standard charge incurred in relation to those premises for that period, and

(ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 8A below; and

(b) the time costs generated by those premises for that period.”.

(6) In the Schedule, the following paragraph shall be inserted between paragraphs 1 and 2—

“1A.—(1) This paragraph applies where the inspection charge calculated under paragraph 1 above for any accounting period (amount A), when added to the inspection charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the inspection charge which would be payable under paragraph 1 above if those accounting periods were one accounting period (amount D).

(2) Where this paragraph applies, the inspection charge payable by an occupier for an accounting period shall be the amount by which amount D exceeds amount B.

(3) In this paragraph “financial period” means a period commencing on the Monday immediately following the last Sunday in March in any year and ending on the last Sunday in March in the following year.”.

(7) In the Schedule, paragraph 2 shall be omitted and the following paragraph inserted—

“2. The inspection charge payable in relation to inspections at a re-packaging centre shall be the time costs.”.

(8) In the Schedule, paragraphs 3 to 5 shall be omitted and the following paragraphs inserted—

“3. The inspection charge payable by the occupier of a slaughterhouse or cutting premises for any accounting period shall not be lower than 45% of the standard charge incurred in relation to those premises for that period.

4. The inspection charge payable in relation to inspections at a cold store shall be determined in accordance with paragraph 12 below.”.

(9) In the table in paragraph 6 of the Schedule, the following entries shall be inserted at the end of the first column—

“Ostriches and other ratites

Land mammals and birds of a type not mentioned above”.

(5) S.I. 1998/2095, amended by S.I. 2000/224 and S.I. 2000/656.

and the figure “1.3” shall be inserted into the third column of that table opposite to each of those new entries.

- (10) In the Schedule, in paragraph 7—
 - (a) the words “any cutting operation carried out on” shall be omitted; and
 - (b) the words “entering the cutting room” to the end shall be omitted and the words “brought into those premises during that period” inserted in their place.
- (11) In the Schedule, after paragraph 8, there shall be inserted the following paragraphs—

“**8A.**—(1) Where in respect of an accounting period the Agency finds that it has incurred increased costs because of inefficiency in the operation of premises, the Agency may in accordance with this paragraph add an additional charge to the standard charge incurred in relation to the premises for that period.

(2) The additional charge shall be a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the occupier of its intention to do so.

(4) The notification referred to in sub-paragraph (3) above shall be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph “inefficiency” means an inefficiency on the part of the occupier and shall include in particular—

- (a) delay in the start of slaughtering attributable to the occupier;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an inspector;
- (d) under-employment of inspectors caused by the occupier’s failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (e) insufficient provision of slaughter staff caused by the occupier’s failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (f) delays caused by risks to the health or safety of inspectors attributable to the occupier; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below which is attributable to the occupier.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g) above, the Agency and the occupier shall agree working hours and working practices and shall keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the occupier that it is appropriate to do so, they may by further agreement vary any working hours or working practices agreed pursuant to sub-paragraph (6) above.

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) above they shall be treated as having been agreed pursuant to sub-paragraph (6) above.

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices

which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6) above.

8B.—(1) An occupier who does not agree that an additional charge is payable in accordance with paragraph 8A above may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a) below.

(2) A request under sub-paragraph (1) above shall be made within 1 week of the Agency giving the occupier notice under paragraph 8A(3) above.

(3) Where an occupier makes a request under sub-paragraph (1) above—

- (a) the Agency shall nominate a person to determine the question from the list established under sub-paragraph (4) below;
- (b) the person so nominated shall give the occupier and the Agency an opportunity to make representations on the question to be determined; and
- (c) the person so nominated shall, within 1 month of being nominated, decide whether an additional charge is payable and shall notify the occupier and the Agency of his decision.

(4) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this paragraph and shall consult those organisations appearing to represent occupiers before including any person on the list.”

(12) In the Schedule, paragraph 12 shall be omitted and the following paragraph inserted—

“Cold Stores

12.—(1) The inspection charge for a cold store with a storage capacity—

- (a) of less than 100 cubic metres;
- (b) of 100 cubic metres or more but not more than 25000 cubic metres; or
- (c) of more than 25000 cubic metres,

shall be calculated by multiplying the sum determined by the Agency in accordance with the following sub-paragraphs of this paragraph for cold stores of that storage capacity by the number of inspections carried out at the cold store concerned in an accounting period.

(2) The Agency shall from time to time determine the sum used for the purpose of calculating the inspection charge for cold stores of each storage capacity specified in sub-paragraph (1) above having regard to the cost of providing inspections at cold stores of that storage capacity.

(3) The sum determined by the Agency under sub-paragraph (2) above for the purpose of calculating the inspection charge for cold stores of a given storage capacity shall reflect the salary costs and fees of the inspectors carrying out inspections at cold stores of that storage capacity and such proportion of the administrative costs of inspection services as the Agency considers it proper to apportion to carrying out inspections at such cold stores.

(4) Before determining any sum in accordance with sub-paragraph (2) above, the Agency shall consult such occupiers as are likely to be affected by that sum.”

(13) In the Schedule paragraph 13 shall be omitted and the following paragraph inserted—

“13. The Agency shall determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of providing inspections by different inspectors or classes of inspector. The Agency may vary any rate determined pursuant to this paragraph where,

having regard to the factors set out in paragraphs 14 and 15 below, it appears to the Agency to be necessary to do so.”.

(14) In paragraph 14—

- (a) after “rate for any”, there shall be inserted “inspector or”; and
- (b) in sub-paragraph (a), the words “of inspectors in that class” shall be omitted and there shall be inserted in their place “and other costs of providing inspections by that inspector or that class of inspector.”.

(15) In paragraph 15, the words “paragraph 14(b)” shall be omitted and the words “paragraphs 12(3) and 14(b)” inserted.

Signed by authority of the Secretary of State for Health

7th March 2001

Gisela Stuart
Parliamentary Under Secretary of State,
Department of Health

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Meat (Hygiene and Inspection) (Charges) Regulations 1998 (S.I.1998/2095, as already amended) in so far as they extend to England. Those Regulations implemented in Great Britain the provisions relating to charges for meat hygiene inspections of Council Directive 85/73/EEC (an amended and consolidated text of which is annexed to Council Directive 96/43/EC at OJNo. L162, 1.7.96, p. 4).

2. These Regulations change the basis on which the charges required by that Directive to be levied for meat hygiene inspections are calculated in England. The revised basis for calculating those charges remains compatible with Council Directive 85/73/EEC.

3. The amendments made by these Regulations to the Meat (Hygiene and Inspection) (Charges) Regulations 1998 are as follows:

- (a) the definition of “accounting period” in regulation 2(1) is revised and now states that it means a period of less than a year (*regulation 2(2)*);
- (b) in view of the amendments to the Schedule which are described below, paragraphs (5) and (6) of regulation 3 (dealing with the annualisation of monthly charges) are revoked (*regulation 2(3)*);
- (c) in view of the revocation of regulation 3(5), the reference to that provision in regulation 3(10) is deleted (*regulation 2(4)*);
- (d) paragraph 1 of the Schedule (stating that the inspection charge payable by the occupier of premises under the Regulations will in principle equal the EU standard charge) is revoked and a new paragraph, which states that the occupier of a slaughterhouse or cutting premises is required to pay the lower of the EU standard charge (plus any additional charge incurred by virtue of new paragraph 8A of the Schedule) and the actual inspection costs, is inserted in its place (*regulation 2(5)*);
- (e) a new paragraph, 1A, providing a mechanism for calculating the inspection charge in accordance with paragraph 1 of the Schedule on a cumulative basis, is inserted into the Schedule (*regulation 2(6)*);
- (f) paragraph 2 of the Schedule (relating to the inspection charge payable in respect of cold stores, the storage of meat at cutting premises, re-packaging centres and the slaughter of certain birds and mammals) is revoked and a new paragraph, which specifies the inspection charge payable in respect of re-packaging centres, is inserted in its place (*regulation 2(7)*);
- (g) paragraphs 3 to 5 of the Schedule, dealing respectively with—
 - (i) the inspection charge payable where cutting premises and a slaughterhouse are located on the same site,
 - (ii) the case where the standard charge exceeds the time costs, and
 - (iii) the case where the time costs exceed the standard charge,
 are revoked and new paragraphs, 3 and 4 (which specify respectively the minimum charge payable by the occupier of a slaughterhouse or cutting premises and how the inspection charge payable in respect of cold stores is to be determined), are inserted in their place (*regulation 2(8)*);

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- (h) the table in paragraph 6 of the Schedule is revised to include a reference to ostriches and other ratites and also a reference to land mammals and birds not expressly mentioned in the table (*regulation 2(9)*);
- (i) paragraph 7 of the Schedule (which relates to the inspection charge payable in respect of meat cut up at cutting premises) is revised and now provides that the inspection charge payable in respect of cutting premises will be based on the mass of meat brought into those premises (*regulation 2(10)*);
- (j) new paragraphs, 8A and 8B, enabling additional charges to be levied because of the occupier's inefficiency and providing a mechanism for resolving disputes where additional charges are so levied, are inserted into the Schedule (*regulation 2(11)*);
- (k) paragraph 12 of the Schedule (dealing with the calculation of the time costs generated by the inspection of certain land mammals or birds in a slaughterhouse and of meat which is stored in cutting premises) is revoked and a new paragraph, specifying how the inspection charge for cold stores will be calculated, is inserted in its place (*regulation 2(12)*);
- (l) paragraph 13 of the Schedule (requiring the Agency to determine the hourly rate applicable to inspectors) is revoked and a new paragraph, replicating that requirement but enabling the Agency additionally to determine rates for individual inspectors, is inserted in its place (*regulation 2(13)*);
- (m) paragraph 14 of the Schedule (specifying the costs which the hourly rate for inspectors must reflect) is revised in the light of the amendment to paragraph 13 of the Schedule made by these Regulations (*regulation 12(14)*); and
- (n) paragraph 15 of the Schedule (defining "administrative costs") is amended in the light of new paragraph 12(3) of the Schedule (*regulation 12(15)*).

4. A regulatory impact assessment has been prepared in respect of these Regulations. A copy of it has been placed in the library of each House of Parliament. Further copies of the assessment can be obtained from the Meat Hygiene Division of the Food Standards Agency, Ergon House, Horseferry Road, London SW1P 3WG.