

**2009 No. 2779**

**FOOD**

**The Charges for Residues Surveillance (Amendment)  
Regulations 2009**

<i>Made</i>	- - - -	<i>12th October 2009</i>
<i>Laid before Parliament</i>		<i>20th October 2009</i>
<i>Coming into force</i>	- -	<i>10th November 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4), 45 and 48(1)(b) of the Food Safety Act 1990(a), and now vested in the Secretary of State(b).

In accordance with section 48(4A) of that Act the Secretary of State has had regard to advice given by the Food Standards Agency on the proposal to make the Regulations.

The Secretary of State has carried out the public consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c).

**Title and commencement**

1. These Regulations may be cited as the Charges for Residues Surveillance (Amendment) Regulations 2009, and come into force on 10th November 2009.

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- (a) 1990 c. 16. Sections 45 and 48 were amended by Schedule 5 to the Food Standards Act 1999 (c. 28): paragraphs 7, 8 and 20 of that Schedule amended section 45 and paragraphs 7, 8 and 21 amended section 48. Section 48(4C) (introduced by regulation 5 of S.I. 2004/2990) disapplies section 48(4) where consultation is required by Article 9 of Regulation (EC) No. 178/2002 (OJ No. L31, 1.2.2002, p.1).
- (b) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State. In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46), but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act. In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers, having been transferred by section 162 of, and paragraph 30(2)(a) of Schedule 11 to, the Government of Wales Act 2006 (c. 32). However, the Ministers of the Crown responsible retained a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38), re-enacted by paragraph 5 of Schedule 3 to the 2006 Act (as read in conjunction with paragraph 26(1) of Schedule 11 to that Act): that concurrent power became vested in the Secretary of State in consequence of section 40(1) of, and Schedule 5 to, the Food Standards Act 1999 (c. 28), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by regulation 13 of S.I. 2000/656, to join in making regulations concerning charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of S.I. 2002/794.
- (c) OJ No. L31, 1.2.2002, p.1, last amended by Commission Regulation (EC) No. 202/2008 (OJ No. L60, 5.3.2008, p.17).

## Amendment of the Charges for Residues Surveillance Regulations 2006

2.—(1) The Charges for Residues Surveillance Regulations 2006(a) are amended in accordance with this regulation.

(2) In regulation 3(3), for sub-paragraph (d) substitute—

“(d) in relation to milk, the operator of the food business collecting the milk, or, in the case of milk that is not collected from its producer by a food business before being sold, supplied or prepared for sale for human consumption, its producer; and”.

(3) In Schedule 1, for the table, substitute the table in the Schedule to these Regulations.

*Jim Fitzpatrick*  
Minister of State

12th October 2009

Department for Environment, Food and Rural Affairs

## SCHEDULE

Regulation 2(3)

### Substitution of the table in Schedule 1 to the Charges for Residues Surveillance Regulations 2006

<i>Type of creature or animal product</i>	<i>Charge (£)</i>
Bovine	0.5106}
Goat	0.0588}
Sheep	0.0588} per carcase
Soliped	0.3536}
Swine	0.0558}
Game and wild game	1.0461} per tonne
Poultry	0.6701}
Eggs	0.0221 per 360
Milk	0.0287 per 1000 litres
Fish, other than salmon and trout	2.1484 per tonne of marketed product
Salmon	2.1484 per tonne of marketed product
Trout	1.8179 per tonne of fish food

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(a) S.I. 2006/2285, amended by S.I. 2008/2999.

## EXPLANATORY NOTE

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

These Regulations amend the Charges for Residues Surveillance Regulations 2006.

The Charges for Residues Surveillance Regulations 2006 give effect (except for honey) to Article 27, as read with Annex IV, section A, of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No. L165, 30.4.2004, p.1, as corrected by the corrigendum in OJ No. L191, 28.5.2004, p.1).

These Regulations replace regulation 3(3)(d) to allow the charge relating to milk to be collected from any food business that collects milk as well as from producers who sell milk, including milk that has been used in manufacture, processed, or treated, directly to the public (regulation 2(2)).

The effect of the amendments made by regulation 2(3) and the Schedule is to vary the level of fees charged under the Charges for Residues Surveillance Regulations 2006 for the Secretary of State's surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

Changes to fees (by comparison with the Charges for Residues Surveillance Regulations 2006, as amended by the Charges for Residues Surveillance (Amendment) Regulations 2008) are itemised in the table below (to the nearest 0.5%) and range from a decrease of 2.5% to an increase of 3%.

<i>Type of creature or animal product and basis of charge</i>		<i>Previous charge (£)</i>	<i>Replacement charge (£)</i>	<i>Change (%)</i>
Bovine}		0.4981	0.5106	2.5
Goat}		0.0603	0.0588	-2.5
Sheep}	per carcase	0.0603	0.0588	-2.5
Soliped}		0.3450	0.3536	2.5
Swine}		0.0572	0.0558	-2.5
Game and wild game	per tonne	1.0461	1.0461	0
Poultry		0.6538	0.6701	2.5
Eggs	per case of 360	0.0214	0.0221	3
Milk	per 1000 litres	0.0279	0.0287	3
Fish other than salmon and trout	per tonne of marketed product	2.0960	2.1484	2.5
Salmon	per tonne of marketed product	2.0960	2.1484	2.5
Trout	per tonne of fish food	1.7736	1.8179	2.5

An impact assessment of the effect of this instrument on the costs of business has been placed in the Library of each House of Parliament. Copies are available from the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS.

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