
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 607

**The Meat (Official Controls Charges)
(Scotland) Regulations 2005**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Meat (Official Controls Charges) (Scotland) Regulations 2005 and shall come into force on 1st January 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“accounting period” means a period of less than a year determined by the Agency;

“the Agency” means the Food Standards Agency;

“agreed slaughterhouse staff costs” means, in respect of any slaughterhouse at which poultry or lagomorphs are slaughtered—

(a) the proportion (expressed as a sum of money) of the salaries (including overtime payments and employers' pension contributions and employers' National Insurance contributions) paid to the staff at that slaughterhouse, in respect of an accounting period, which the Agency and the operator of the slaughterhouse agree as being attributable to any such staff assisting with official controls by carrying out certain tasks there during that period under Article 5.6 of Regulation 854/2004; plus

(b) 25% of that sum;

“cutting plant” means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which—

(a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, licensed as cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995(1) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(2);

“cutting up” has the meaning it bears in Regulation 853/2004 and “cut up” shall be construed accordingly;

“Directive 2004/41”, “Regulation 178/2002”, Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004” and “Regulation 1688/2005” have the meanings respectively given to them in Schedule 1;

(1) S.I.1995/539, revoked with effect from 1st January 2006 by S.S.I. 2005/505.

(2) S.I. 1995/540, revoked with effect from 1st January 2006 by S.S.I. 2005/505.

“employers' National Insurance contributions” means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992(3);

“establishment” has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

“food business operator” has the meaning given to it in Article 3.3 of Regulation 178/2002;

“game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, licensed as a wild game processing facility under the Wild Game (Hygiene and Inspection) Regulations 1995(4);

“game meat” has the meaning that it bears in Regulation 853/2004;

“lagomorph” shall be construed in accordance with the definition of the term “lagomorphs” in point 1.4 of Annex I to Regulation 853/2004;

“meat” has the meaning given to it in point 1.1 of Annex I to Regulation 853/2004;

“official controls” means the controls that the Agency performs under Regulation 854/2004 for the verification of compliance with—

- (a) Articles 3, 4.1(a), 5, 7 and (save insofar as it relates to minced meat and eggs) 8 of Regulation 853/2004; and
- (b) the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995(5) insofar as such verification relates to the welfare of animals slaughtered for human consumption in slaughterhouses;

“official controls charge” means the charge calculated in accordance with Schedule 2 to these Regulations and notified in accordance with regulation 3(1), (2) or (3) of these Regulations;

“operator” means a food business operator who is carrying on the business of a slaughterhouse, game-handling establishment or cutting plant or that operator’s duly authorised representative;

“placing on the market” has the meaning given to it in Article 3.8 of Regulation 178/2002;

“poultry” has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

“premises” means any slaughterhouse, game-handling establishment or cutting plant;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, licensed as a slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; and

“verification” means checking, by examination and the provision of objective evidence.

Charges

3.—(1) The Agency shall, subject to the following provisions of this regulation, notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official

(3) 1992 c. 4.

(4) S.I. 1995/2148, revoked with effect from 1st January 2006 by S.S.I. 2005/505.

(5) S.I. 1995/731, amended by S.I. 1999/400 and 1820, S.S.I. 2000/62, 2001/73 and 145, 2002/238 and 255 and 2004/13.

controls have been exercised in any accounting period of an official controls charge in respect of those official controls as soon as practicable after the end of that period.

(2) Where the Agency cannot comply with paragraph (1) because it has insufficient information available to it to enable it to calculate the official controls charge for any accounting period in respect of any such premises as are specified in that paragraph, it shall notify the operator of those premises of an interim charge, being such amount as the Agency estimates (having regard to the information it has) the official controls charge to be.

(3) Where the Agency has notified an operator of an interim charge in accordance with paragraph (2), and sufficient information becomes available to the Agency to calculate the official controls charge, it shall calculate that charge and—

- (a) where it exceeds the interim charge, notify the operator of the final charge, being the amount by which the official controls charge exceeds the interim charge; or
- (b) subject to paragraph (6), where it is less than the interim charge, credit to the operator the amount by which the interim charge exceeds the official controls charge.

(4) Any charge notified to an operator under paragraph (1), (2) or (3) shall be payable by the occupier to the Scottish Ministers and shall be recoverable on demand by the Scottish Ministers, or by the Agency acting on their behalf, as a debt from the occupier concerned.

(5) Where any slaughterhouse staff costs have been used to calculate a charge falling to be notified under paragraph (1), (2) or (3), those costs shall be set off against the amount of that charge in determining the actual charge notified thereunder, provided that the amount so set off shall not exceed the charge as originally calculated.

(6) Where under paragraph (3)(b) a sum is to be credited to an operator, the Scottish Ministers or the Agency acting on their behalf may, if they so determine, pay such sum to the operator concerned instead of crediting it to the operator.

Withdrawal of official controls

4. Where the Scottish Ministers, or the Agency acting on their behalf, have obtained decree against an operator of any premises for any sum which is payable to the Scottish Ministers under regulation 3(4) and the operator fails within a reasonable time thereafter to comply with that decree, the Scottish Ministers may (without prejudice to any other legal remedy open to them) direct the Agency not to exercise any further official controls at those premises in respect of which the debt accrued until the debt has been satisfied.

Information

5.—(1) Any person shall on demand being made by the Agency, supply—

- (a) such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying an operator of it; and
- (b) such evidence as the Agency may reasonably require to enable it to verify information supplied under sub-paragraph (a) of this paragraph.

(2) Any person who—

- (a) in purported compliance with paragraph (1), knowingly or recklessly furnishes information which is false or misleading in a material particular; or
- (b) without reasonable excuse, fails to comply within a reasonable time with a demand made under that paragraph,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

Revocations

6. The Meat (Hygiene and Inspection) (Charges) Regulations 1998(6), the Meat (Hygiene and Inspection) (Charges) Amendment (Scotland) Regulations 2000(7), regulation 6(11) of and Part XI of Schedule 4 to the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000(8) and the Meat (Hygiene and Inspection) (Charges) Amendment (Scotland) Regulations 2001(9) are revoked.

St Andrew's House, Edinburgh
29th November 2005

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(6) S.I. 1998/2095, amended by S.S.I. 2000/61 and 62 and 2001/89.
(7) S.S.I. 2000/61.
(8) S.S.I. 2000/62.
(9) S.S.I. 2001/89.