

EXECUTIVE NOTE

THE MEAT (OFFICIAL CONTROLS CHARGES) (SCOTLAND) REGULATIONS 2005 SSI/2005/607

Made by Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972¹ and of all other powers enabling them in that behalf, after consultation as 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 safety². This instrument is subject to negative resolution procedure.

Issue

1. The Statutory Instrument will provide for the Meat Hygiene Service to recover the costs of carrying out official controls in respect of meat at approved meat premises in Scotland.

Background

2. The instrument is being made to allow for the continued collection of current meat hygiene and inspection charges in Scotland until 1 January 2007. It is required to take effect from 1 January 2006 when new EU food hygiene Regulations enter into force in all Member States and the legislative base for the current meat hygiene inspection will be revoked. Under the new EU Regulations, Member States are required to maintain the current charging regime as stated in Directive 85/73/EEC until 1 January 2007. However, references in that Directive to the superseded hygiene Directives are to be read instead as if they were references to the new EU hygiene Regulations.
3. The SI is made under the powers given by section 2 (2) of the European Communities Act (ECA) 1972.

Extent

4. The Regulations apply to Scotland only. Parallel legislation has been made in England, and is being developed in Wales and Northern Ireland.

¹ 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) (“the 1998 Act”), Schedule 8 paragraph 15(3). The function was conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The competence of Scottish Ministers was extended to include all “food” as defined in EC Regulation 178/2002 by virtue of Section 63 of the 1998 Act.

² O.J. No. L31, 1.2.02, p.1, as last amended by Regulation (EC) No. 1642/2003 (O.J. No. L245, 29.9.03, p.4).

Policy Background

5. The objective of the EU charges Directive is to set minimum rates, based on throughput, that must be charged for specified meat hygiene controls, but to allow higher rates to be charged provided that the total charge does not exceed the actual cost of inspection. There is flexibility as to implementation, and the present system of charging abattoirs and meat plants the lesser of the EC minimum throughput rates or the time cost of exercising the controls (subject to the charge not being less than 45% of the throughput charge as required by the EU charging Directive) is to be continued. This is to ensure that charges are affordable by small to medium sized businesses.
6. New EU hygiene legislation is to come into force across the EU on 1 January 2006. This legislation will repeal and replace the current legislation applicable to meat hygiene. The national measures implementing the EU legislation will therefore be revoked. However, the EU Directive setting out the relevant inspection charges provisions is being preserved for the time being by the new hygiene legislation (as if the references in it to the current legislation applicable to meat hygiene were references to the corresponding requirements in the new EU hygiene Regulations) and therefore this instrument will be needed to carry forward the charging requirements in Scotland.

Public Consultation

7. A public consultation was carried out by the Agency in Scotland between 27 May 2005 and 19 August 2005 on the draft Meat (Official Controls Charges) (Scotland) Regulations (at that time entitled the draft Meat (Hygiene and Inspection Charges) (Scotland) Regulations). One response was received, and it did not give rise to the need for the provisions to be amended.
8. A list of interested parties consulted is attached at Annex A below.

Parliamentary Procedure

9. The intention is for these regulations to come into force on 1 January 2006. They are subject to negative resolution procedure and the 21-day rule applies.

Publicity

10. Guidance on the charges for official controls is available from the Meat Hygiene Service and from the Agency's web-site. A summary of the responses to the consultation will also be placed on the Agency's web-site.

Impact

11. A Regulatory Impact Assessment has not been prepared for this Instrument as it does not adversely impact on business, charities or voluntary bodies.

FOOD STANDARDS AGENCY SCOTLAND**NOVEMBER 2005****Contact:**

Karen McCallum-Smith, Food Standards Agency, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ

Tel: 01224 285105

Karen.mccallum-smith@foodstandards.gsi.gov.uk

www.food.gov.uk

Scottish consultation on draft Meat (Hygiene and Inspection) (Charges) (Scotland) Regulations: List of Interested Parties

Aberdeen Angus Cattle Society
Aberdeen Scotch Meat Ltd
ABP Scotland
ANM Group Ltd
Association of Deer Management Groups
Association of Meat Inspectors
BASC Scotland
Braehead Foods Ltd
Branded Beef Breeders Ltd
British Deer Society
British Goat Society
British Poultry Council
British Veterinary Association
Coldstorage and Distribution Federation
Deer Commission for Scotland
Department for Environment and Rural Affairs
Fenton Barns (Scotland) Ltd
Food Industry Forum
Glasgow University Veterinary School
Grampian Country Food Group
Grampian Pig Producers
Greggs Scotland
Independent Farming Group
James Finlay Ltd
Lacors
MacSween of Edinburgh
M D Longhorn & Co
Meat and Livestock Commission
Meat Hygiene Service
NBA Scotland
National Farmers Union Scotland
National Pig Association
Orkney Direct Waste Disposal
Orkney Meat Ltd
Pataks Frozen Food
Quality Meat Scotland
Rick Bestwick Ltd
Royal Environmental Health Institute for Scotland

Royal Highland and Agricultural Society of Scotland
Scottish Agricultural College
Scottish Association of Meat Wholesalers
Scottish Beef Council

Scottish Centre for Infection and Environmental Health
Scottish Chambers of Commerce
Scottish Committee of the Council on Tribunals
Scottish Consumer Council
Scottish Crofting Foundation
Scottish Executive
Scottish Executive Environment and Rural Affairs Department
Scottish Federation of Meat Traders Association
Scottish Food and Drink Federation
Scottish Food Quality Certification Ltd
Scottish Game Dealers and Processors Association
Scottish Gamekeepers Association
Scottish Parliament
Scottish Retail Consortium
Scottish Rural Property and Business Association
Scottish Society for the Prevention of Cruelty to Animals
Simply Organic
The Halal Food Authority
The Scottish Gourmet (Scotland Direct)
Tombuie Smokehouse
Women's Food and Farming Union
And 6 individuals