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STATUTORY INSTRUMENTS

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**1995 No. 1122**

**FOOD**

**The Dairy Products (Hygiene) (Charges) Regulations 1995**

<i>Made</i>	- - - -	<i>18th April 1995</i>
<i>Laid before Parliament</i>		<i>21st April 1995</i>
<i>Coming into force</i>	- -	<i>12th May 1995</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, in exercise of the powers conferred by sections 6(4), 45 and 48(1)(b) of the Food Safety Act 1990<sup>(1)</sup>, and of all other powers enabling them in that behalf after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations, hereby make the following Regulations:—

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Dairy Products (Hygiene) (Charges) Regulations 1995 and shall come into force on 12th May 1995.

(2) These Regulations extend to England and Wales.

**Interpretation**

2. In these Regulations, except where the context requires otherwise—

“the Act” means the Food Safety Act 1990;

“dairy farm visit” means a visit to a registered production holding by an inspector and the undertaking by him there of inspection, supervision, sampling or any one or more of those functions for the purpose of ascertaining whether provisions of the principal Regulations are being complied with, and—

(a) “sampling dairy farm visit” means a dairy farm visit for the sole purpose of taking samples of milk, and

(b) “general dairy farm visit” means any other dairy farm visit;

“inspector” means an inspector or other authorised officer of the Minister;

“milk” means the milk of one or more cows intended for sale, or sold, for human consumption;

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(1) 1990 c. 16. “the Ministers” is defined in section 4(1) of the Act; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40), section 31 and Schedule 9, paragraph 6.

“the Minister” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food, and
- (b) in relation to Wales, the Secretary of State;

“the principal Regulations” means the Dairy Products (Hygiene) Regulations 1995<sup>(2)</sup>;

“production holding” has the meaning assigned to it by the principal Regulations;

“registered production holding” means a production holding registered under regulation 4 or 14 of the principal Regulations;

“specified producer” means any person carrying on the business of a producer of milk from any registered production holding or his duly authorised representative.

### **Liability to charges**

**3.**—(1) For the purposes of carrying out any function in pursuance of regulation 16(3) of the principal Regulations and subject to paragraph (2) below, there shall be due from a specified producer to the Minister, in respect of any matter specified in the first column of the Schedule to these Regulations, the charge specified in relation thereto in the second column thereof.

(2) No charge shall be due in respect of—

- (a) any dairy farm visit for the purpose of ascertaining whether there is a particular threat to public health, or for the purpose of taking measures to reduce such a threat;
- (b) any sampling dairy farm visit for the taking of samples of milk sold in accordance with regulation 12(2)(b) of the principal Regulations;
- (c) any sampling dairy farm visit where the specified producer is a person to whom a consent has been granted under regulation 2B of the Milk (Special Designation) Regulations 1989<sup>(3)</sup> and that consent was in force immediately before the coming into force of the principal Regulations.

### **Payment of charges**

**4.** A specified producer shall pay to the Minister on demand any charge payable by that specified producer under regulation 3 of these Regulations.

14th April 1995

*Angela Browning*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

18th April 1995

*Cumberlege*  
Parliamentary Under Secretary of State,  
Department of Health

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(2) S.I. 1995/1086.

(3) S.I. 1989/2383 revoked by S.I. 1995/1086.

Signed by authority of the Secretary of State for Wales

12th April 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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

## SCHEDULE

Regulation 3

Matter	Charge £
1. General dairy farm visit	94
2. Sampling dairy farm visit	63

**EXPLANATORY NOTE**

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

These Regulations which apply to England and Wales, re-enact the provision for charging contained in the Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1990 (S.I. 1990/1584) which were revoked by the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).

The amounts of the charges are the same as those that were recoverable under the revoked 1990 Regulations namely, £94 for a general dairy farm visit and £63 for a sampling dairy farm visit. Exemptions from charges (other than in relation to public health) are restricted to specified sampling dairy farm visits and are similar to those granted by the revoked 1990 Regulations.

A compliance cost assessment has been prepared in relation to these Regulations and deposited in the libraries of both Houses of Parliament. Copies may be obtained from:

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