

1995 No. 431

AGRICULTURE

**Meat (Hygiene, Inspection and Examinations for Residues)
(Charges) Regulations (Northern Ireland) 1995**

Made 20th November 1995.

Coming into operation—

- (a) *regulation 12, with regulation 11 so far as may be necessary to enable the Department or a district council to exercise the power conferred by regulation 12* 19th December 1995
- (b) *the remainder* 7th January 1996

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1995 and, subject to paragraph (2), shall come into operation on 7th January 1996.

(2) Regulation 12 shall come into operation on 19th December 1995 together with regulation 11 so far as may be necessary to enable the Department or, as the case may be, a district council to exercise the power conferred on it by regulation 12.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking carried on by a district council or other public authority;

(a) S.I. 1972/1811

(b) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

(c) 1954 c. 33 (N.I.)

“carcase” means—

- (a) the whole body of a slaughtered animal or of a completely eviscerated bird after bleeding and dressing; or
- (b) the whole body of a slaughtered, uneviscerated or partly eviscerated bird after bleeding;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, any meat is prepared for sale to the ultimate consumer for immediate consumption;

“cold store” means—

- (a) in relation to meat other than poultry meat, premises used for the cold storage of meat intended for sale for human consumption but does not include any premises used wholly or mainly for sales of meat to the ultimate consumer; or
- (b) in relation to poultry meat, a cold store as defined in regulation 2(1) of the Poultry Meat Regulations;

“the Community standard slaughterhouse charge” means, in the case of each animal or bird inspected, the charge specified in column (3) in Part I of the Schedule opposite the animal or bird specified in column (1);

“cutting premises” means premises (whether or not forming part of a slaughterhouse) used for the purpose of cutting up any meat which is intended for sale for human consumption, but does not include any premises used wholly or mainly for sales of meat to the ultimate consumer;

“cost”, in relation to the carrying out of a health inspection and control exercise, means the cost of such an exercise calculated in accordance with the provisions of regulation 9;

“cutting up” means—

- (a) cutting meat into cuts smaller than half carcases cut into three wholesale cuts;
- (b) cutting poultry meat carcases into cuts; or
- (c) boning meat or poultry meat;

“the Department” means the Department of Agriculture for Northern Ireland;

“domestic animals” means domestic animals of the following species—

- (a) bovine animals (including buffalo);
- (b) swine;
- (c) solipeds;
- (d) sheep; and
- (e) goats;

“domestic birds” means—

- (a) turkeys;
- (b) ducks;
- (c) geese;
- (d) guinea-fowl; and
- (e) domestic fowl;

“farmed game” means wild land mammals which are reared and slaughtered in captivity, excluding—

- (a) mammals of the family Leporidae; or
- (b) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;

“farmed game birds” has the meaning assigned to it by the Poultry Meat Regulations;

“game” means—

- (a) farmed game;
- (b) farmed game birds; and
- (c) rabbits;

“health inspection and control exercise” means an inspection or supervisory function, other than in relation to game or meat derived therefrom, carried out by the Department at any slaughterhouse, cutting premises, cold store or re-wrapping centre under the Slaughterhouses Act (Northern Ireland) 1953(a), the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(b) or the Poultry Meat Regulations or by a district council at any slaughterhouse, cutting premises or cold store under the Meat Inspection Regulations (Northern Ireland) 1984(c), the Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963(d), the Food Hygiene (General) Regulations (Northern Ireland) 1964(e), or the Food Hygiene (Docks, Carriers, etc) Regulations (Northern Ireland) 1970(f);

“meat” means the flesh or other edible parts of domestic animals or domestic birds, except flesh or other parts which have been subjected to any preservation process other than chilling or freezing;

“the minimum charge” means, in the case of each animal or bird inspected, the charge specified in column (2) of Part I of the Schedule opposite the animal or bird specified in column (1);

“PIA salary costs” means costs in respect of salaries of persons (plant inspection assistants) who are authorised under regulation 10 of the Poultry Meat Regulations to act as assistants in health inspection and

(a) 1953 c. 21 (N.I.)

(b) 1962 c. 13 (N.I.)

(c) S.R. 1984 No. 402 as amended by S.R. 1988 No. 60, S.R. 1991 No. 5 and S.R. 1991 No. 158

(d) S.R. & O. (N.I.) 1963 No. 162 as amended by S.R. 1991 No. 158

(e) S.R. & O. (N.I.) 1964 No. 129 to which there are amendments not relevant to these Regulations

(f) S.R. & O. (N.I.) 1970 No. 144 to which there are amendments not relevant to these Regulations

control exercises under those Regulations at premises where they are employed and of contributions paid by employers in respect of such persons under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) or as superannuation contributions;

“poultry” and “poultry meat” have the meanings assigned to them by the Poultry Meat Regulations;

“the Poultry Meat Regulations” means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(b);

“published”, in relation to rates of conversion of the ECU, means published annually in the C Series of the Official Journal of the European Communities normally on the first working day of the month of September;

“rabbit” has the meaning assigned to it by the Poultry Meat Regulations;

“residues examination charge” means the charge under regulation 4(2);

“the Residues Regulations” means the Animals, Meat and Meat Products (Examination for Residues and Maximum Residues Limits) Regulations (Northern Ireland) 1992(c);

“re-wrapping centre” has the meaning assigned to it by the Poultry Meat Regulations;

“slaughterhouse” means a slaughterhouse licensed by the Department under the Slaughterhouses Act (Northern Ireland) 1953 or the Poultry Meat Regulations; and

“ultimate consumer” means a person who purchases meat otherwise than—

(a) for the purpose of resale;

(b) for the purpose of a catering establishment; or

(c) for the purpose of a processing business.

ECU conversion

3.—(1) In these Regulations “ECU” means European Currency Unit.

(2) Any amount expressed in these Regulations as a number of ECUs shall be converted to sterling at the official rate.

(3) The official rate is, in relation to each calendar year, the rate published in the preceding calendar year.

Duty to charge for health inspection and control exercises

4.—(1) The Department or, as the case may be, a district council shall make a general charge for the performance of its functions in relation to health inspection and control exercises carried out by it in respect of domestic animals and domestic birds at a slaughterhouse, cutting premises or a cold store and, in the case of the Department, at a re-wrapping centre.

(a) 1992 c. 7

(b) S.R. 1995 No. 396

(c) S.R. 1992 No. 39 as amended by S.R. 1995 No. 97

(2) In connection with such exercises the Department shall make a charge in respect of functions performed by it in relation to examinations for the presence of residues for the purposes of the Residues Regulations.

General charges at slaughterhouses

5.—(1) Subject to paragraphs (2) to (4), the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at a slaughterhouse shall be an amount equal to the Community standard slaughterhouse charge less the residues examination charge.

(2) Where the aggregate of the cost of carrying out such a health inspection and control exercise at a slaughterhouse and the residues examination charge is lower than the Community standard slaughterhouse charge then—

- (a) if the aggregate is higher than the minimum charge, the general charge shall be an amount equal to the cost; and
- (b) if the aggregate is not higher than the minimum charge, the general charge shall be an amount equal to the minimum charge less the residues examination charge.

(3) PIA salary costs are to be included when calculating the aggregate.

(4) Where the aggregate of the cost of carrying out at a slaughterhouse a health inspection or control exercise in respect of domestic animals or domestic birds and the residues examination charge is higher than the Community standard slaughterhouse charge, the general charge shall be such an amount as is fixed by the body carrying out the health inspection and control exercise being—

- (a) an amount not greater than the cost of carrying out the exercise; or
- (b) an amount equal to the Community standard slaughterhouse charge less the residues examination charge.

General charges at cutting premises

6.—(1) Subject to paragraph (2), the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at cutting premises shall be such an amount as is fixed by the body carrying out the health inspection and control exercise being—

- (a) ECU 3 per tonne on meat entering the premises (“the standard amount”); or
- (b) an amount equal to the cost of carrying out the exercise.

(2) Where the cutting operations are carried out in the establishment where the meat is obtained, the body carrying out the health inspection and control exercise may determine a charge calculated by reducing the standard amount by up to 55%.

(3) In this regulation and regulation 7 the cost shall be determined by reference to the number of hours worked, any fraction of an hour being counted as an hour worked.

General charges at re-wrapping centres and cold stores

7. The general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at a re-wrapping centre or cold store shall be an amount equal to the cost of carrying out the exercise.

Residues examination charges

8.—(1) The residues examination charge for the carcase of an animal specified in column (1) of Part II of the Schedule shall be the charge specified opposite it in column (2).

(2) It shall be assumed, for the purpose of making the calculations specified in regulation 5, that a residues examination charge is made at the rate of ECU 1.35 per tonne of unboned poultry meat.

Calculation of cost of carrying out a health inspection and control exercise

9.—(1) The amount of the cost of carrying out a health inspection and control exercise calculated by the Department or, as the case may be, a district council for the purposes of these Regulations—

(a) must be reasonable; and

(b) must cover the items specified in paragraph (2).

(2) The items mentioned in paragraph (1) are—

(a) salary costs other than PIA salary costs;

(b) administrative costs, which may include the expenditure required for in-service training; and

(c) the costs resulting from monitoring the rules laid down in Directive 93/119/EC(a) on the protection of animals at the time of slaughter or killing.

(3) In calculating the cost of carrying out a health inspection and control exercise at a slaughterhouse the Department or, as the case may be, a district council shall assume that the administrative costs are not lower than ECU 0.725 per tonne of unboned meat.

Liability for and recovery of charges

10.—(1) Any charge made by a district council under these Regulations shall be payable to it.

(2) Subject to paragraph (3) any charge made by the Department under these Regulations shall be payable to it.

(3) Any charge made by the Department under regulation 4(2) shall, where the functions in relation to the health inspection and control exercise in connection with which that charge was made were performed by a district council, be payable to that district council.

(4) Any charge payable to a district council under these Regulations shall be payable—

(a) O.J. No. L340, 31.12.93, p. 21

- (a) where the charge is in relation to a slaughterhouse, cutting premises or cold store provided by a district council, by the person on whose behalf the slaughter, cutting up or storage (as the case may be) is carried out; and
- (b) in any other case, by the operator or owner of the slaughterhouse, cutting premises or cold store in relation to which the charge arises, but that operator or owner shall have the option of passing on the cost of any such charge which he has paid to any natural or legal person on whose behalf the operations in relation to which he made the payment were carried out.

(5) Any charge payable to the Department under these Regulations shall be payable by the operator or owner of the slaughterhouse, cutting premises, re-wrapping centre or cold store in relation to which the charge arises, but he shall have the option of passing on the cost of any such charge which he has paid to any natural or legal person on whose behalf the operations in relation to which he made the payment were carried out.

(6) Any charge payable to the Department or, as the case may be, a district council under these Regulations shall be recoverable by it as a civil debt.

(7) Where any charges have been paid to a district council under paragraph (3) the council shall pay such charges to the Department at such times and in such manner as the Department shall direct.

Determination and variation of charges

11.—(1) Charges under these Regulations are to be fixed by the Department or, as the case may be, a district council in accordance with the provisions of these Regulations.

(2) Before determining and, subject to paragraph (3), before varying charges under these Regulations the Department, or as the case may be, a district council shall give any person who appears to it to be affected notice in writing—

- (a) of the charges that it proposes to fix; and
- (b) of the date on which they are to commence.

(3) Notice is not required where a proposed variation is the result of a change in the published rate for conversion of the ECU.

(4) The date specified in a notice must be a date after the end of the period of 14 days commencing with the day on which the notice is given.

(5) If not later than the end of the period of 14 days commencing with the day on which notice is given a person to whom it was given makes a written request to the Department, or as the case may be, the district council, for details of how the proposed charges were calculated, the Department, or as the case may be, the district council shall supply that person with those details.

(6) If not later than the end of the period of 14 days commencing with the day on which the Department or, as the case may be, a district council supplies a person with such details in pursuance of the duty imposed by paragraph (5), that person, or a person acting on his behalf, makes

representations to the Department or, as the case may be, the district council concerning the proposed charges, the Department or, as the case may be, the district council shall have regard to the representations.

(7) The Department or, as the case may be, the district council shall give all persons to whom notice of the charges was given under paragraph (2), written notice of the charges which are fixed.

(8) When a charge is fixed, it shall be payable in respect of any health inspection and control exercise carried out on or after the date notified under paragraph (2), and the reference in that paragraph to the date on which charges are to commence is to be construed accordingly.

(9) Pending the fixing of the amount of a charge in accordance with this regulation the charge notified under paragraph (2) shall be payable.

(10) When the charge is fixed, such payments shall be made by or to the Department or, as the case may be, a district council, as will secure that the person liable to pay the charges does not pay more or less than the amount fixed.

Power of Department or a district council to determine or take steps towards determination of charges before 7th January 1996

12. The Department or, as the case may be, a district council may determine charges under these Regulations before the date specified in regulation 1(1) and may accordingly take any step for which regulation 11 provides before that date.

Information

13.—(1) A person shall, on demand by the Department or, as the case may be, a district council, supply—

(a) such information as the Department or, as the case may be, the district council, may reasonably require for the purpose of calculating charges under these Regulations; and

(b) such evidence as the Department or, as the case may be, the district council, may reasonably require to enable it to verify information supplied under sub-paragraph (a).

(2) Each district council shall provide the Department with such information relating to the calculation of charges for the purposes of these Regulations as the Department may from time to time require and with copies of such representation made to it under regulation 11 as the Department may so require.

Offences

14.—(1) Any person who, without reasonable cause, fails to comply with regulation 13(1)(a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) Any person who, in purported compliance with regulation 13(1)(a) or (b) furnishes information or evidence which he knows to be false or

misleading in a material particular, or recklessly furnishes information or evidence which is false or misleading in a material particular, shall be guilty of an offence and shall be liable—

- (a) on conviction or indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.

Revocations

15.—(1) Subject to paragraph (2) the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991(a) (“the 1991 Regulations”) are hereby revoked.

(2) The revocation in paragraph (1) shall not affect the amendments of section 14 of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(b) contained in regulation 13(1) of the 1991 Regulations.

(3) Regulation 24(3) of the Residues Regulations is hereby revoked.

(4) Regulation 26(2), in so far as it relates to the 1991 Regulations, and (3) of the Poultry Meat Regulations is hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 20th November 1995.

(L.S.)

L. Sinclair

Assistant Secretary

(a) S.R. 1991 No. 6 as amended by S.R. 1992 No. 39, S.R. 1994 No. 346 and S.R. 1995 No. 396
(b) 1962 c. 13 (N.I.); section 14 was substituted by S.I. 1984/702 (N.I. 2) Art. 11 and amended by S.R. 1991 No. 6

Charges

PART I

SLAUGHTERHOUSES

(1)	(2)	(3)
<i>Animal or bird inspected</i>	<i>Minimum charge per carcass (ECU)</i>	<i>Community standard slaughterhouse charge per carcass (ECU)</i>
Bovine animals not less than 6 weeks old	2.14	4.75
Bovine animals less than 6 weeks old	1.13	2.50
Swine	0.59	1.30
Solipeds	1.98	4.40
Sheep and goats weighing less than 12 kgs	0.08	0.175
Sheep and goats weighing at least 12 kgs but not more than 18 kgs	0.16	0.35
Sheep and goats weighing more than 18 kgs	0.23	0.50
Turkeys, ducks, geese and guinea fowl and all domestic fowl weighing less than 2 kgs	0.005	0.01
Turkeys, ducks, geese kept for laying and breeding weighing more than 5 kgs	0.02	0.04
All other birds weighing at least 2 kgs	0.01	0.02

PART II

RESIDUES EXAMINATION CHARGES

(1)	(2)
<i>Animal</i>	<i>Charge per carcass</i>
Bovine animals	£0.3859
Swine	£0.1029
Solipeds	£0.3219
Sheep and goats	£0.1940

(This note is not part of the Regulations.)

These Regulations implement the provisions concerning the level of the fees to be charged for health inspections and controls of meat contained in Council Directive 85/73/EEC (O.J. No. L32, 5.2.85, p. 14) on the financing of health inspections and controls of fresh meat and poultrymeat as amended by Council Directive 93/118/EC (O.J. No. L340, 31.12.93, p. 15).

The Regulations require the Department of Agriculture (the "Department") or, as the case may be, a district council, to make a charge for the performance of functions relating to health inspection and control exercises in respect of domestic animal or domestic bird meat. The Regulations also require the Department to make a charge relating to examinations for the presence of residues (regulation 4).

The Regulations provide for the calculation of the charges for health inspection and control exercises carried out at slaughterhouses (regulation 5), cutting premises (regulation 6) and re-wrapping centres and cold stores (regulation 7). The calculation of the cost of carrying out a health inspection and control exercise must comply with regulation 9.

The Regulations also provide for the calculation of the charges for examinations for the presence of residues (regulation 8 and Schedule 1).

Before fixing charges under these Regulations the Department or, as the case may be, a district council is required to give notice of the amount of the proposed charge and to consider any representations made concerning the charge by any person whom it has notified (regulation 11).

The Regulations require that the Department or, as the case may be, a district council, be provided with the information necessary to calculate charges under the Regulations and with any evidence necessary to verify such information (regulation 13).

The Regulations also determine who is liable to pay the charges and provide for their recovery (regulation 10), create offences (regulation 14) and revoke, with a saving, the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991 (regulation 15).