
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 45

Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

Part VI

Charges

Interpretation

27. For the purposes of this Part, a “health inspection and control exercise” means an inspection or supervisory function carried out by an officer of the Department or of a district council pursuant to any provision of these Regulations.

Payment of charges

28. The Department or a district council, as the case may be, shall make a charge for any health inspection and control exercise carried out by any of its officers.

Calculation of charges

29.—(1) The charge for carrying out a health inspection and control exercise shall be reasonable and shall be calculated in accordance with this regulation.

(2) Where the health inspection and control exercise relates to products of animal origin other than imports, the charge must cover the items listed in paragraphs 1, 3, 5 and 6 of Schedule 4 read with paragraphs 9 and 10 of that Schedule.

(3) Where the health inspection and control exercise relates to an imported product of animal origin which is not covered by paragraphs (4) to (6), the charge must cover the items specified in paragraph 1 of Schedule 4, read with paragraphs 9 and 10 of that Schedule.

(4) Where the health inspection and control exercise relates to imported meat—

(a) which is meat covered by the provisions of—

(i) Directive 71/118, Chapter III (fresh poultry meat),

(ii) Directive 72/462 (fresh meat),

(iii) Directive 92/45, Chapter III (wild game meat), or

(iv) Directive 92/118, Chapter II of Annex I (rabbit meat and farmed game meat), and

(b) which is imported from a third country which is not covered by paragraph (6),

the charge shall be calculated in accordance with Schedule 5.

(5) Where the health inspection and control exercise relates to imported fishery products—

(a) which are covered by the provisions of Chapter II of Directive 91/493, (fishery products which have to be imported through a border inspection post), other than those covered by paragraph 2 of Article 10 in that Chapter, and

(b) which are imported from a country which is not covered by paragraph (e), the charge shall be calculated in accordance with Schedule 6.

(6) Where the health inspection and control exercise relates to any product of animal origin imported from a country specified in column 1 of Schedule 7 the charge shall be calculated in accordance with column 2 of that Schedule.

European Currency Unit

30.—(1) In Schedule 5 (Charges relating to imports of certain categories of meat), Schedule 6 (Charges relating to imports of certain categories of fishery products) and Schedule 7 (Charges relating to imports from specified countries) the term “ECU” means European Currency Unit, and any reference in that Schedule to a specified number of ECU shall be taken as a reference to the sterling equivalent of that number of ECU, converted in accordance with paragraph (2).

(2) The sterling equivalent of any amount expressed in Schedules 5, 6 and 7 as a number of ECU shall be calculated as follows—

- (a) from 1st January 1998 to 31st December 1998, the rate shall be ECU 1 = £00·774947(1); and
- (b) from 1st January 1999, the rate for each subsequent year to 31st December shall be that which is normally published annually on the first working day of the preceding September in the C series of the Official Journal of the European Communities.

Liability for charges

31. Any charges made under this Part shall be payable—

- (a) in the case of charges for a health inspection and control exercise carried out under regulation 11 or 12, by the person who has control of the establishment in relation to which those charges arise; and
- (b) in the case of charges for any other health inspection and control exercise, by the person who imports the products of animal origin in relation to which those charges arise.

Release of products

32. Where charges are made under this Part in respect of a health inspection control exercise on any products of animal origin, those products shall not be released by the person carrying out the health inspection and control exercise until such charges have been collected.

Information relating to charging

33.—(1) The Department or the district council making any charge under this Part, shall if requested in writing, supply to any person who is liable to pay the charge, or any organisation representing such a person, details of the calculations used in deciding the amount of the charge, and shall take into account any representations made to them by any such person or organisation in determining the level of charges made by it.

(2) If requested in writing to do so by the Department, a district council shall provide the Department with such information as the Department may require relating to the calculation of any charges made by it under this Part, and with copies of any written representations made by the persons or organisations mentioned in paragraph (1).

(1) Under Article 7 of Council Directive [85/73/EEC](#) (as amended and consolidated by Council Directive [96/43/EEC](#) (O.J. No. L162, 1.7.96, p. 1), for the year 1998 the rate of conversion into national currencies of the ECU is the average of the conversion rates published on the first working day of September in the C series of the Official Journal of the European Communities for the preceding three years. This is the rate for sterling calculated in that way.

Review

34.—(1) Any person who, under this Part, pays a charge to a district council or an organisation representing such a person may, if that person or organisation considers the charges to be unreasonably high, within 28 days of the charge being levied, ask the Department to review the amount of the charge.

(2) Where a review is sought under paragraph (1), the Department shall consult the district council in question and if, after such consultation, it is satisfied that the charge to which the review relates is unreasonably high, it shall require the district council to recalculate the amount of the charge in accordance with such directions as it shall give.

(3) Where a district council is required to recalculate any charge (“the original charge”) under paragraph (2), it may continue to collect that charge in relation to any health inspection and control exercise as it was originally calculated, until the recalculation is completed but thereafter the recalculated charge shall have effect from the date on which the original charge was made in any case and the district council shall re-imburse any person who has paid the charge accordingly.

(4) A person who, under this Part, pays a charge to the Department or an organisation representing such a person may, if that person or organisation considers the charges to be unreasonably high, within 28 days of the charge being levied, ask an independent person appointed by the Department to review the amount of the charge.

(5) If the independent person appointed under paragraph (4) is satisfied that the charge to which the review relates is unreasonably high, the Department shall recalculate the charge accordingly.

(6) Where the Department recalculates any charge (“the original charge”) in pursuance of paragraph (5), it may continue to collect that charge in relation to any health inspection and control exercise until the recalculation is complete but thereafter the recalculated charge shall have effect from the date on which the original charge was made in any case and the Department shall reimburse any person who has paid the charge accordingly.

(7) The terms of appointment and the remuneration of the independent person shall be determined by the Department.