
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 431

FOOD

The Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999

Made - - - - 18th October 1999

Coming into operation 15th November 1999

Whereas it appears to the Department of Agriculture, acting as the Department concerned that it is necessary or expedient—

- (a) for the purposes of ensuring that food complies with food safety requirements or in the interests of public health; or
- (b) for the purposes of protecting or promoting the interests of consumers,

to make the following Regulations:

Now therefore the said Department concerned, in exercise of the powers conferred on it by Articles 15(1)(d) and (f) and (2)(a), 18(1)(a), 25, 44 and 47(2) of the Food Safety (Northern Ireland) Order 1991⁽¹⁾ and of every other power enabling it in that behalf, and after consultation in accordance with Article 47(3) of that Order, with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“approved”, in relation to a slaughterhouse or cutting plant, means approved under regulation 15 of the Specified Risk Material Regulations (Northern Ireland) 1997⁽²⁾;

“cutting premises” means cutting premises (as defined by regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997⁽³⁾) which are licenced under regulation 4 thereof;

(1) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)
(2) S.R. 1997 No. 552
(3) S.R. 1997 No. 493

“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 (Northern Ireland) 1992(4);

“owner” means, in relation to any slaughterhouse or authorised cutting premises, any person (save one who is also its occupier) who owns any interest in it;

“slaughterhouse” includes an approved slaughterhouse;

“the SRM charge” means a charge calculated in accordance with the Schedule in respect of the costs incurred by the Department in carrying out the SRM inspections;

“the SRM inspections” means any of the inspections and controls specified in regulation 9(9) or 15(4) of the Specified Risk Material Regulations (Northern Ireland) 1997; and

“SRM inspector” means an officer of the Department engaged in carrying out the SRM inspections.

Charges

3.—(1) The Department shall send to the occupier of any slaughterhouse or any approved cutting premises notification of the SRM charge in respect of SRM inspections undertaken there in any accounting period as soon as practicable after the end of that period.

(2) As soon as the SRM charge has been notified to an occupier of any premises in accordance with paragraph (1), the owner of the premises to which the charge relates or, if there is both an owner and an occupier, the owner and occupier jointly and severally shall be liable for the amount of the charge as a debt owed to the Department.

(3) For the purposes of this Regulation, “accounting period” means a period determined by the Department for the purpose of calculating the SRM charge.

Information

4.—(1) Any person shall, on demand being made to him by the Department, supply to the Department—

- (a) such information as the Department may reasonably require for the purpose of calculating the SRM charge or of notifying an occupier or owner of it; and
- (b) such evidence as the Department may reasonably require to enable it to verify any information supplied to it under sub-paragraph (a).

(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 paragraph (1),

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

Amendment of the Specified Risk Material Regulations (Northern Ireland) 1997

5.—(1) The Specified Risk Material Regulations (Northern Ireland) 1997 shall be amended in accordance with paragraphs (2) and (3).

(2) After regulation 9(9) (Initial treatment of bovine, sheep and goat carcasses in a slaughterhouse) there shall be inserted the following paragraph—

(4) 1992 c. 7

“(10) A person shall not sell the carcase of any ruminant animal for human consumption unless it has been subjected to the controls specified in—

(a) paragraph (9); or

(b) (in the case of the carcase of any sheep or goat consigned to an approved slaughterhouse or cutting premises pursuant to paragraph (2)(b)) regulation 15(4), and found to comply with the requirements of these Regulations”.

(3) After regulation 31 (enforcement) there shall be added the following regulation—

“Withdrawal of inspections and supervision and suspension of authorisations

31A.—(1) Where the Department has had judgement entered against the occupier or owner of any slaughterhouse, or any approved cutting premises, for any sum for which that person is liable or jointly and severally liable as a debt owed to the Department under regulation 3(2) of the Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999 and the occupier or owner concerned fails within a reasonable time to satisfy the judgement the Department may, without prejudice to any other legal remedy open to him—

(a) (where the debt owed has arisen in respect of any inspections and controls carried out at a slaughterhouse in accordance with regulation 9(9)) refuse to carry out any further inspections and controls at that slaughterhouse in accordance with that paragraph; and

(b) (where the debt owed has arisen in respect of any inspections carried out at an approved slaughterhouse or cutting premises in accordance with regulation 15(4)) suspend the approval of the slaughterhouse or cutting premises concerned,

in each case until such time as the judgement has been satisfied.”.

Sealed with the Official Seal of the Department of Agriculture on 18th October 1999.

L.S.

Liam McKibben
Assistant Secretary

SCHEDULE

Regulation 2

Calculation of the SRM Charge

1. The SRM charge payable in relation to any slaughterhouse or any approved cutting premises in respect of any period shall be the amount arrived at by multiplying the time (expressed in hours and fractions of an hour) spent by each SRM inspector carrying out SRM inspections on those premises in the period concerned by the hourly rate applicable to that inspector determined in accordance with paragraphs 2 to 5.

2. The Department shall determine the hourly rate applicable to SRM inspectors, and may determine different rates for different classes of SRM inspector, having regard to the level of qualifications and experience, and to salary costs (including any local variations in salary levels), of inspectors in that class, and may vary any rate so determined where, having regard to the factors set out in paragraphs 3 and 4, it appears to it to be necessary and equitable to do so.

3. The hourly rate for any class of SRM inspector shall be calculated so as to reflect—

- (a) the mean salary costs and fees (including pension and employers' National Insurance contributions) of SRM inspectors in that class; and
- (b) such proportion of the administrative costs of the SRM inspections as the Department considers it proper to apportion to that hourly rate.

4. For the purposes of paragraph 3(b), “administrative costs” means all costs reasonably incurred in providing the SRM inspections, including in particular the costs of—

- (a) recruiting SRM inspectors and training them to enforce the Specified Risk Material Regulations (Northern Ireland) 1997;
- (b) the salaries (including the cost of overtime, pension contributions and employers' National Insurance contributions) of the staff other than SRM inspectors engaged in the administration of the SRM inspections;
- (c) providing office accommodation, equipment and services in relation to the SRM inspections, including depreciation of any office furniture and equipment and also of providing information technology, stationery and forms;
- (d) protective clothing and equipment used in carrying out SRM inspections, and of laundering such clothing;
- (e) accounting and collecting the SRM charge and of providing pay-roll and personnel services in connection with the employment of SRM inspectors;
- (f) expenses incurred in the course of their employment by staff providing, administering or managing the SRM inspections; and
- (g) insurance and banking interest and charges.

5. Prior to determining or varying hourly rates in accordance with paragraph 2, the Department shall consult such occupiers or owners of premises as are likely to be affected by those rates.

6. The hourly rate for any class of SRM inspector shall include any overtime payments or other similar allowances made to the inspector concerned under his contract of employment for carrying out the SRM inspections.

7. In determining the total time spent in carrying out the SRM inspections any time spent by an SRM inspector—

- (a) in travelling to or from premises at which he carries out the SRM inspections and for which he is paid under a contract of employment;

- (b) at any premises to which he has gone for the purpose of carrying out the SRM inspections and for which he is paid under a contract of employment (regardless of whether or not he is able to carry out an inspection there); and
 - (c) at any other place—
 - (i) when he is available or carrying out the SRM inspections but is not in fact carrying out same, and
 - (ii) for which he is paid under his contract of employment,shall be counted as if it were time when the inspector concerned was carrying out the SRM inspections
8. In this Schedule, “period” means an accounting period.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations enable the Department to levy a charge on the occupiers or the owners and occupiers of slaughterhouses and cutting premises at which specified risk material (“SRM”) is removed from the carcasses of cattle, sheep and goats (as required by the Specified Risk Material Regulations (Northern Ireland) 1997, [S.R. 1997 No. 552](#)). This charge covers the costs incurred by the Department in undertaking the inspections and controls permitted by regulations 9(9) and 15(4) of those Regulations (“the SRM inspections”).

The Regulations provide that the Department must notify the occupier of each place in which SRM inspections have taken place in any accounting period of the charge for that inspection as soon as possible after the end of the accounting period. Where such a notification has been made that occupier and the owner of the establishment in respect of which the charge arose will be jointly and severally liable for the charge (regulation 3).

The Regulations provide that the Department may require any person to provide it with such information as it may reasonably require to calculate the SRM charge, or to verify information provided for that purpose. A person who knowingly or recklessly provides information which is false or misleading is guilty of an offence (regulation 4).

The Regulations amend the Specified Risk Material Regulations (Northern Ireland) 1997 to provide that the Department may withdraw the inspections and controls provided for in regulation 9(9) of those Regulations and may suspend the approval of a plant under regulation 15 thereof where the person liable to pay the SRM charge under these Regulations fails to do so, despite judgement for the sum owed having been entered against him.

The amendments to the Specified Risk Material Regulations also prohibit the sale for human consumption of the carcase of a ruminant animal which has not been marked in accordance with regulation 9(9) of those Regulations (regulation 5).

The Schedule to these Regulations specifies how the SRM charge is to be calculated, and provides that the Department shall determine the hourly rates used in the calculation of that charge following consultation with the relevant occupier.

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