
STATUTORY INSTRUMENTS

1999 No. 539

FOOD

**The Specified Risk Material
(Inspection Charges) Regulations 1999**

<i>Made</i>	- - - -	<i>3rd March 1999</i>
<i>Laid before Parliament</i>		<i>8th March 1999</i>
<i>Coming into force</i>	- -	<i>29th March 1999</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) and the Secretary of State for Scotland (acting in relation to Scotland) in exercise of the powers conferred on them by sections 16(1)(d) and (f) and 2(a), 19(1)(a), 26, 45 and 48(1) of the Food Safety Act 1990⁽¹⁾ after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, now make the same:

Title and commencement

1. These Regulations may be cited as the Specified Risk Material (Inspection Charges) Regulations 1999 and shall come into force on 29th March 1999.

Interpretation

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

“authorised” means authorised under regulation 15(7) of the Specified Risk Material Regulations 1997⁽²⁾;

“cutting premises” means cutting premises (as defined by regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽³⁾) licensed under regulation 4 thereof;

“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 1992⁽⁴⁾;

(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act.

(2) S.I. 1997/2965, amended by S.I. 1997/3062 and S.I. 1998/2405 (which last was itself amended by S.I. 1998/2431).

(3) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729 and S.I. 1997/2074.

(4) 1992 c. 4.

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

“slaughterhouse” includes an authorised slaughterhouse;

“the SRM charge” means the charge calculated in accordance with the Schedule to these Regulations in respect of the costs incurred by the Minister in carrying out the SRM inspections;

“the SRM inspections” means any of the inspections and controls specified in regulation 10(9) or 15(4) of the Specified Risk Material Regulations 1997;

“SRM inspector” means a person engaged in carrying out the SRM inspections on behalf of the Minister.

Charges

3.—(1) The Minister shall send to the occupier of any slaughterhouse or any authorised cutting premises notification of the SRM charge in respect of the 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 in accordance with paragraph (1) above, both the occupier and the owner of the establishment in respect of which it arose shall be jointly and severally liable for the amount of the charge as a debt owed to the Minister.

(3) For the purposes of this regulation, “accounting period” means a period determined by the Minister.

Information

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

(a) such information as the Minister 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 Minister may reasonably require to enable him to verify any information supplied to him under sub-paragraph (a) of this paragraph.

(2) Any person who—

(a) in purported compliance with paragraph (1) above 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) above,

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

Amendments to the Specified Risk Material Regulations 1997

5.—(1) The Specified Risk Material Regulations 1997 shall be amended in accordance with the following paragraphs of this regulation.

(2) The following paragraph shall be inserted after paragraph (10) of regulation 10 (initial treatment of bovine, sheep and goat carcasses in a slaughterhouse)—

“(11) No person shall sell the carcase of any ruminant animal for human consumption unless it has been subjected to the controls specified in—

(a) paragraph (9) above; or

- (b) (in the case of the carcase of any sheep or goat consigned to an authorised slaughterhouse or to authorised cutting premises pursuant to paragraph (2)(b) above) regulation 15(4) below,

and found to comply with the requirements of these Regulations.”.

- (3) The following regulation shall be inserted after regulation 31 (enforcement)–

“Withdrawal of inspections and supervision and suspension of authorisations

31A.—(1) Where the Minister has had judgment entered against the occupier or owner of any slaughterhouse or any authorised cutting premises for any sum for which that person is jointly and severally liable as a debt owed to the Minister under paragraph (2) of regulation 3 of the Specified Risk Material (Inspection Charges) Regulations 1999 and the occupier or owner concerned fails within a reasonable time to satisfy the judgment the Minister 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 paragraph (9) of regulation 10 above) 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 authorised slaughterhouse or at authorised cutting premises in accordance with paragraph (4) of regulation 15 above) suspend the authorisation of the slaughterhouse or cutting premises concerned,

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

- (2) In paragraph (1) above (insofar as it applies to Scotland)–

- (a) the reference to the Minister having had judgment entered against the occupier or owner of a slaughterhouse or authorised cutting premises is a reference to the Minister having obtained decree against such an occupier or owner; and
- (b) the references to a given judgment are references to the particular decree which is referred to earlier in that paragraph by virtue of the operation of sub-paragraph (a) of this paragraph.”.

24th February 1999

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

2nd March 1999

Tessa Jowell
Minister of State for Public Health

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Signed by authority of the Secretary of State for Scotland

3rd March 1999

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

3rd March 1999

Jon Owen Jones
Parliamentary Under Secretary of State, Welsh
Office

THE SCHEDULE

Regulation 2

CALCULATION OF THE SRM CHARGE

1. The SRM charge payable by the occupier of any slaughterhouse or any authorised 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 the SRM inspections at that establishment in the period concerned by the hourly rate applicable to that inspector determined in accordance with paragraphs 2 to 5 below.

2. The Minister 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 the 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 below, it appears to him 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 Minister considers it proper to apportion to that hourly rate.

4. For the purposes of paragraph 3(b) above, “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 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 the SRM inspections, and of laundering such clothing;
- (e) accounting for and collecting the SRM charge and of providing payroll and personnel services in connection with the employment or engagement of SRM inspectors;
- (f) expenses incurred in the course of their employment or engagement 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 above, the Minister shall consult such occupiers 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 or contract for services 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 or contract for services;

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- (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 or contract for services (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 for 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 or contract for services,

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 as defined by regulation 3(3) above.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the Minister to levy a charge on the 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 1997, S.I.1997/2965) in respect of the cost incurred by the Minister in undertaking the inspections and controls permitted by regulations 10(9) and 15(4) of those Regulations (“the SRM inspections”).

These Regulations provide that the Minister 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 practicable 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*).

These Regulations provide that the Minister may require any person to provide him with such information as he 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*).

These Regulations amend the Specified Risk Material Regulations 1997 to provide that the Minister may withdraw the inspections and controls provided for in regulation 10(9) of those Regulations and may suspend the authorisation of a plant authorised pursuant to regulation 15(7) thereof where the person liable to pay the SRM charge under these Regulations fails to do so, despite judgment for the sum owed having been entered against him (appropriate modifications are made insofar as these Regulations apply to Scotland). 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 inspected and marked in accordance with regulation 10(9) of those Regulations and of the carcasses of certain sheep and goats which have not been inspected in accordance with regulation 15(4) thereof (*regulation 5*).

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

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A regulatory impact assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Ergon House, Room 534, 17 Smith Square, London SW1P 3JR.