1991 No. 6

AGRICULTURE

Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991

Made	*9th January 1991*
Coming into operation . . .	*21st January 1991*

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 Economic 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. These Regulations may be cited as the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991 and shall come into operation on 21st January 1991.

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—

"animals" means domestic animals of the following species: bovine animals (including buffalo), swine, sheep, goats and solipeds;

"authorised officer" means a person appointed, authorised or recognised by the Department or, as the case may be, a district council for the purpose of carrying out a health inspection and control exercise;

"birds" means domestic fowls, turkeys, guinea-fowls, ducks and geese;

"carcase" means—

(*a*) the whole body of a slaughtered animal or bird (other than an uneviscerated bird) after bleeding and dressing; or

(*b*) the whole body of a slaughtered uneviscerated bird after bleeding;

(**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.R. 1984 No. 253

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

"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 or poultry meat is prepared for delivery to the ultimate consumer for immediate consumption;

"cold store" means premises used for the cold storage of meat or poultry meat intended for sale for human consumption but does not include any premises used wholly or mainly for sales of meat or poultry meat to the ultimate consumer;

"the Community standard charge" is—

(*a*) in the case of each animal or bird inspected the appropriate charge specified in column (3) in Part I of Schedule 1 opposite the animal or bird specified in column (1) in that part of that Schedule; and

(*b*) in the case of unboned meat or unboned poultry meat intended for cutting up, the appropriate charge specified in column (3) in Part II of Schedule 1;

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

"cutting up" means—

(*a*) in relation to meat, cutting meat into cuts smaller than half carcases cut into three wholesale cuts or boning meat;

(*b*) in relation to poultry meat, cutting poultry meat carcases into cuts or boning poultry meat;

"the Decision" means Council Decision 88/408/EEC(**a**) on the levels of the fees to be charged for health inspections and controls of fresh meat pursuant to Directive 85/73/EEC(**b**);

"the Department" means the Department of Agriculture for Northern Ireland;

"ECU" means European Currency Unit as defined in Council Regulation (EEC) No. 3180/78(**c**) and any amount expressed as a number of ECUs shall be converted to sterling at such a rate as shall be published annually on the first working day of September in the C Series of the Official Journal of the European Communities (as specified by Article 9 of the Decision);

"health inspection and control exercise" means an inspection or supervisory function carried out by the Department at any slaughterhouse, cutting premises or cold store under the Slaughterhouses Act (Northern Ireland) 1953(**d**), the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**e**) or

(**a**) OJ No. L194, 22.7.88, p. 24
(**b**) OJ No. L32, 5.2.85, p. 14
(**c**) OJ No. L379, 30.12.78, p. 1
(**d**) 1953 c. 21 (N.I.)
(**e**) 1962 c. 13 (N.I.)

the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977(**a**) or by a district council at any slaughterhouse, cutting premises or cold store under the Meat Inspection Regulations (Northern Ireland) 1984(**b**), the Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963(**c**), the Food Hygiene (General) Regulations (Northern Ireland) 1964(**d**), or the Food Hygiene (Docks, Carriers etc.) Regulations (Northern Ireland) 1970(**e**) or the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977;

"meat" means the flesh or other edible parts of animals but does not include meat which has been subject to any preservation process other than chilling or freezing;

"the minimum charge" is—

(*a*) in the case of each animal or bird inspected, the appropriate charge specified in column (2) in Part I of Schedule 1 opposite the animal or bird specified in column (1) in that part of that Schedule; and

(*b*) in the case of unboned meat or unboned poultry meat intended for cutting up, the appropriate charge specified in column (2) in Part II of Schedule 1;

"poultry meat" means the flesh or other edible parts of birds but does not include poultry meat which has been subject to any preservation process other than chilling or freezing;

"real 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 8;

"the residues Regulations" means the Animals and Fresh Meat (Examination for Residues) Regulations 1988(**f**) and the Animals and Fresh Meat (Hormonal Substances) Regulations 1988(**g**);

"slaughterhouse" means a slaughterhouse licensed by the Department under the Slaughter-houses Act (Northern Ireland) 1953 or the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977;

"ultimate consumer" means a person who purchases meat or poultry 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.

(**a**) S.R. 1977 No. 165 as amended by S.R. 1979 No. 261 and S.R. 1981 No. 260
(**b**) S.R. 1984 No. 402 as amended by S.R. 1988 No. 60 and S.R. 1991 No. 5
(**c**) S.R. & O. (N.I.) 1963 No. 162
(**d**) S.R. & O. (N.I.) 1964 No. 129 to which there are amendments not relevant to these Regulations
(**e**) S.R. & O. (N.I.) 1970 No. 144 to which there are amendments not relevant to these Regulations
(**f**) S.I. 1988/848
(**g**) S.I. 1988/849

Charges for health inspection and control exercises

3.—(1) The Department or, as the case may be, a district council shall make a charge for every health inspection and control exercise carried out by it at a slaughterhouse, cutting premises or a cold store.

(2) In connection with every health inspection and control exercise for which a charge is made by the Department under paragraph (1) the Department shall make a charge in respect of functions exercised by it in relation to examinations for the presence of residues for the purposes of the residue Regulations.

Calculation of charges for health inspection and control exercises carried out at a slaughterhouse

4.—(1) Subject to paragraphs (2) and (3) the charge for a health inspection and control exercise carried out at a slaughterhouse shall be an amount equal to the Community standard charge less the charge for examinations for the presence of residues calculated in accordance with regulation 7.

(2) Where the total of the real cost of carrying out a health inspection and control exercise at a slaughterhouse and the charge for examinations for the presence of residues is lower than the Community standard charge then—

(*a*) where that total is higher than the minimum charge, the charge shall be an amount equal to that real cost; or

(*b*) where that total is no higher than the minimum charge, the charge shall be an amount equal to that minimum charge less the charge for examinations for the presence of residues.

(3) Where the total of the real cost of carrying out a health inspection and control exercise at a slaughterhouse and the charge for examinations for the presence of residues is higher than the Community standard charge, the 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 exceeding that real cost; or

(*b*) an amount equal to the Community standard charge less the charge for examinations for the presence of residues.

Calculation of charges for health inspection and control exercises carried out at cutting premises

5.—(1) Subject to paragraphs (2), (3) and (4), the charge for a health inspection and control exercise carried out at any cutting premises shall be the Community standard charge.

(2) Where the real cost of carrying out a health inspection and control exercise at any cutting premises is lower than the Community standard charge then—

(*a*) where the real cost is higher than the minimum charge, the charge shall be an amount equal to that real cost; or

(*b*) where that real cost is no higher than the minimum charge, the charge shall be an amount equal to that minimum charge.

(3) Where the real cost of carrying out a health inspection and control exercise at any cutting premises is higher than the Community standard

charge, the 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 exceeding that real cost; or

(*b*) the Community standard charge.

(4) Where cutting up is carried out at any cutting premises which are part of a slaughterhouse at which an animal or bird was slaughtered, the charge for a health inspection and control exercise in relation to that cutting up may be reduced by an amount, to be determined by the body carrying out the health inspection and control exercise, of not more than 50 per cent. of the amount that would otherwise be chargeable in accordance with paragraph (1).

Calculation of charges for health inspection and control exercises carried out at a cold store

6. The charge for a health inspection and control exercise carried out at a cold store shall be an amount equal to the real cost of carrying out that exercise.

Charges for examinations for the presence of residues

7.—(1) The charge referred to in regulation 3(2) shall be the appropriate charge specified in column (2) in Part III of Schedule 1 opposite the animal specified in column (1).

(2) Until such time as the measures to be taken by Member States for the examinations of residues in poultry meat have been laid down in accordance with Article 16 of the Council Directive 86/469/EEC(**a**), a charge shall not be made in accordance with paragraph (1) in relation to poultry meat save that, prior to that time, it shall be assumed for the purpose of making the calculations specified in regulation 4(2) and (3), that such a charge is made at the rate of 1.35 ECU per tonne of unboned poultry meat.

Calculation of real cost

8.—(1) The amount of the real cost of carrying out an inspection and control exercise calculated by the Department, or as the case may be, a district council for the purposes of these Regulations shall be reasonable; and, in calculating such real cost the factors which the Department, or as the case may be, a district council is to use in doing so are—

(*a*) as from the time (if ever) when the factors used in respect of the calculation referred to in the first paragraph of Article 2.2 of the Decision are published in the Official Journal of the European Communities, those factors; and

(*b*) until such time, the factors specified in Schedule 2.

(2) In calculating the real cost of carrying out a health inspection and control exercise at a slaughterhouse for the purposes of these Regulations the Department or, as the case may be, a district council shall assume that the real cost of its administrative costs (being the costs specified in paragraphs 4 to 8 of Schedule 2) falls to be assessed at a rate of 0.725 ECU per tonne of unboned meat or unboned poultry meat.

(**a**) OJ No. L275, 26.9.86, p. 36

Liability for and recovery of charges

9.—(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 3(2) shall, where the health inspection and control exercise in connection with which that charge was made was carried out 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*) 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 occupier of the slaughterhouse, cutting premises or cold store in relation to which the charge arises.

(5) Any charge payable to the Department under these Regulations in relation to a slaughterhouse, cutting premises or cold store shall be payable by the occupier.

(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.

Additional provisions relating to charges for health inspections and control exercises

10.—(1) The Department or, as the case may be, a district council shall, before making any charges for health inspection and control exercises, or, subject to paragraph (2), in varying any such charges,—

(*a*) consult in writing the occupier of the premises affected by such charges about the amounts which it proposes to charge;

(*b*) supply to any person consulted by it under sub-paragraph (*a*) on his written request made within fourteen days of the day on which he was so consulted, details of the calculations used to decide the amounts of the proposed charges;

(*c*) consider any representations which have been made (within 14 days of the day on which the details referred to in sub-paragraph (*b*) were supplied by it) to it by, or on behalf of, any person whom it has supplied with those details and, after having regard to any such representations, determine the amounts of its charges; and

(*d*) notify in writing all persons consulted under sub-paragraph (*a*) of the amounts of such charges at least fourteen days before the day on which the charges are to be paid.

(2) The provisions of paragraph (1) shall not apply where the Department or, as the case may be, a district council proposes to vary the amounts of any charges for health inspection and control exercises as a result of any change in the rate at which ECUs are to be converted into sterling in the manner described in the definition of "ECU" in regulation 2.

Provision of information

11.—(1) An occupier of any slaughterhouse, cutting premises or cold store shall, on demand by the Department or, as the case may be, a district council, supply to the Department or, as the case may be, the district council such information as it may from time to time reasonably require for the purpose of calculating charges under these Regulations for which he will be liable.

(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 representations made to it under regulation 10(1)(*c*) as the Department may so require.

Offences

12.—(1) Any person who without reasonable cause fails to comply with regulation 11(1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000 or to imprisonment for a term not exceeding three months or to both.

(2) Any person who in purported compliance with regulation 11(1) furnishes information which he knows to be false or misleading in a material particular, or recklessly furnishes information which is false or misleading in a material particular shall be guilty of an offence and shall be liable—

(*a*) on conviction on 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 £2,000 or to imprisonment for a term not exceeding three months or to both.

Amendments

13.—(1) Section 14 of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**a**) shall be amended as follows—

(*a*) for subsection (2) there shall be substituted the following subsection—

"(2) Fees fixed in accordance with subsection (3) shall be payable to the Department by the person operating registered premises for the inspection on those premises of—

(*a*) processed meat; and

(*b*) other meat which has been subject to any preservation process other than chilling or freezing.";

(**a**) 1962 c. 13 (N.I.); section 14 was substituted by S.I. 1984/702 (N.I. 2) Art. 11

(*b*) for subsection (4) there shall be substituted the following subsection—

"(4) Every person who holds a curing licence shall pay to the Department such fees as the Department may from time to time determine for the inspection of—

(*a*) processed carcases of pigs;

(*b*) processed pig products; and

(*c*) carcases of pigs and pig products (other than processed carcases and products) which have been subject to any preservation process other than chilling or freezing.".

(2) The European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977 shall be amended by deleting therefrom paragraph (*c*) of regulation 22 and paragraph (*b*) of regulation 23.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 9th January 1991.

(L.S.) *D. A. J. Hirrell*
Assistant Secretary

PART I

APPROPRIATE MINIMUM AND COMMUNITY STANDARD CHARGES

Slaughterhouses

(1)	(2)	(3)
Animal or Bird inspected	*Appropriate minimum charge per carcase (ECU)*	*Appropriate Community standard charge per carcase (ECU)*
Bovine animals not less than 6 weeks old	2·03	4·5
Bovine animals under 6 weeks old	1·13	2·5
Swine	0·59	1·3
Solipeds	1·98	4·4
Sheep and goats weighing less than 12 kg	0·08	0·175
Sheep and goats weighing at least 12 kg but not more than 18 kg	0·16	0·35
Sheep and goats weighing more than 18 kg	0·23	0·5
Ducks, geese, turkeys, guinea fowls (in each case weighing less than 2 kg) and all domestic fowls	0·005	0·01
Turkeys, ducks and geese kept for laying and breeding weighing more than 5 kg	0·02	0·04
All other birds weighing at least 2 kg	0·01	0·02

PART II

APPROPRIATE MINIMUM AND COMMUNITY STANDARD CHARGES

Cutting Premises

(1)	(2)	(3)
Unboned meat or Unboned poultry meat	*Appropriate minimum charge per tonne of unboned meat or unboned poultry meat (ECU)*	*Appropriate Community standard charge per tonne of unboned meat or unboned poultry meat (ECU)*
Unboned meat and unboned poultry meat intended for cutting up	1·35	3

PART III

APPROPRIATE CHARGE FOR EXAMINATIONS FOR THE PRESENCE OF RESIDUES

Animal		*Appropriate charge per carcase (ECU)*
Bovine animals not less than 6 weeks old		0·4185
Bovine animals under 6 weeks old		0·1347
Swine		0·0919
Solipeds		0·3375
Sheep and goats	less than 12 kg	0·0161
	at least 12 kg but not more than 18 kg	0·0252
	more than 18 kg	0·0269

SCHEDULE 2 Regulation 8(1)(*b*)

Permitted cost factors for the calculation of the real cost of carrying out a health inspection and control exercise

General

1. The use made by any slaughterhouse, cutting premises or cold store of the Department's or a district council's facilities required to carry out health inspection and control exercises at those premises, account being taken of economies in inspection resources made possible by their scale or mode of operation.

Salaries and related costs

2.—(1) The salaries or fees, together with overtime payments and employers' national insurance and superannuation contributions of an authorised officer engaged in carrying out health inspection and control exercises (or the relevant proportion thereof insofar as those exercises do not occupy their full working day). In determining the amount chargeable in respect of these costs the following shall apply:—

(*a*) if the hours required for the carrying out of health inspection and control exercises at premises occupy less than the full working day of an authorised officer but the remaining period is too short for it to be practicable to employ the person fully on other duties, the full day (other than time actually spent on other duties) may be charged. In particular, if inspection is required at two or more distinct periods of the working day, the full time from the start of the first period of inspection to the end of the final period may be charged, other than any time actually spent on other duties.

(*b*) where, because of a change in the scale or mode of operation of premises, the number of hours required for health inspection and control exercises at those premises falls below the number envisaged when the charges applicable to those premises were determined and the occupier thereof has given written notice to the Department or, as the case may be, the district council of that change of circumstance, the charges applicable to those premises shall be correspondingly reduced on or before the expiry of a period of two months from the date of that notice.

(2) Travelling and related incidental expenses incurred by authorised officers in the carrying out of health inspection and control exercises (including subsistence and car user allowances where these are paid) except that such expenses shall not be charged where an authorised officer is employed exclusively at a single premises, unless otherwise mutually agreed between the Department or, as the case may be, the district council and the occupier of those premises.

Furniture and office equipment

3. Depreciation of any office furniture or office equipment provided by the Department, or as the case may be, a district council for the use of authorised officers at the slaughterhouse, cutting premises or cold store. Such costs shall not be included where, by agreement with the Department, or as the case may be, a district council, these items are provided by the occupier of those premises.

Administrative costs

Stationery and printing etc.

4. The invoice price paid for record sheets and labels used in connection with meat inspection, and ink for marking meat.

Protective clothing and working equipment

5. The invoice price paid for protective clothing and equipment used for the carrying out of health inspection and control exercises to the extent that these are paid for by the Department or, as the case may be, the district council.

Laundry

6. The cost of laundering protective clothing at the Department's or district council's expense.

Telephone

7. Costs incurred by the Department or, as the case may be, district council in respect of telephone calls to and from any premises in relation to health inspection and control exercises carried out there.

Other administrative costs

8. The cost of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of an authorised officer including the cost to the Department or district council of arranging the provision, and ensuring the proper carrying out of health inspection and control exercises.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement in part the provisions of Council Decision 88/408/EEC (OJ No. L194, 22.7.88, p. 24) on the level of the fees to be charged for health inspections and controls of fresh meat pursuant to Council Directive 85/73/EEC (OJ No. L32, 5.2.85, p. 14) and the provisions relating to fees in Council Directive 88/409/EEC (OJ No. L194, 22.7.88, p. 28) which lays down the health rules applying to meat intended for the domestic market and the levels of fees to be charged, pursuant to Directive 85/73/EEC in respect of the inspection of such meat.

The Regulations require the Department of Agriculture (''the Department'') or, as the case may be, a district council to make a charge for every health inspection and control exercise carried out by it. Where such an exercise is carried out at a slaughterhouse, the amount of the charge is to be equal to the Community standard charge prescribed in the Regulations less the charge which the Regulations also require the Department to make in relation to examinations for the presence of residues, except that:—

(1) where the total of the real cost of carrying out the exercise at a slaughterhouse and the charge for examinations for the presence of residues is lower than the Community standard charge then—

(*a*) where that total is higher than the minimum charge specified in the Regulations, the charge is to be an amount equal to that real cost; and

(*b*) where that total is no higher than such minimum charge, the charge is to be an amount equal to that minimum charge less the charge for examinations for the presence of residues; and

(2) where the total of such real cost and the charge for examinations for the presence of residues is higher than the Community standard charge the charge is to be—

(*a*) an amount not exceeding that real cost; or

(*b*) an amount equal to the Community standard charge less the charge for examinations for the presence of residues (regulation 4 and Schedule 1).

Where such an exercise is carried out at any cutting premises the charge is to be calculated in the same manner as if it was carried out at a slaughterhouse (but without reference to charges for examinations for the presence of residues) and, in certain circumstances, the Department, or as the case may be, a district council can reduce the Community standard charge by up to 50% (regulation 5 and Schedule 1).

Where such an exercise is carried out at a cold store the charge is to be an amount equal to the real cost of the exercise (regulation 6).

In calculating the real cost of carrying out a health inspection and control exercise at a slaughterhouse the Department, or as the case may be, a district council is required to assume that the real cost of its administration expenses falls to be assessed at a rate of 0.725 European Currency Units per tonne of unboned meat or unboned poultry meat and in calculating such cost at any cutting premises or cold store the Department, or as the case may be, a district council is required to use the factors specified in Schedule 2 (regulation 8).

Before making charges for health inspection and control exercises under the Regulations the Department, or as the case may be, a district council is required to consult the occupier of the premises affected by such charges about the amounts which it proposes to charge (regulation 10).

The Regulations require the Department to make a charge in respect of its functions related to examinations for the presence of residues (regulations 3(2) and 7).

The Regulations also determine who is liable to pay the charges and provide for their recovery (regulation 9), provide for the supply of information to district councils and the Department (regulation 11), create offences (regulation 12) and make consequential amendments (regulation 13).