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STATUTORY INSTRUMENTS

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**1998 No. 2880**

**FOOD**

**The Charges for Inspections and  
Controls (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>19th November 1998</i>
<i>Laid before Parliament</i>		<i>27th November 1998</i>
		<i>22nd December</i>
<i>Coming into force</i>	- -	<i>1998</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by that section in so far as these Regulations could not have been made under the powers mentioned below;

And 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 in relation to Scotland, in exercise of the powers conferred on them by sections 17(1), 45 and 48(1)(b) and (c) of the Food Safety Act 1990(3), 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;

And in exercise of all other powers enabling them in that behalf;

Hereby make the following Regulations:

**Title, commencement and interpretation**

1.—(1) These Regulations may be cited as Charges for Inspections and Controls (Amendment) Regulations 1998 and shall come into force on 22nd December 1998.

(2) In these Regulations “the principal Regulations” means the Charges for Inspections and Controls Regulations 1997(4).

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(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) 1990 c. 16; “the Ministers” is defined in section 4(1) and “the enforcement authority” is defined in section 6(1).

(4) S.I. 1997/2893.

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 to 5 below.
3. In regulation 2 (interpretation) in paragraph (1) after the definition of “rainbow trout” there shall be inserted the following definition—
 

““raw milk collection establishment” has the same meaning as it has in Annex B to Council Directive [85/73/EEC](#) (as set out in the Annex to Council Directive [96/43/EC](#)(**5**)) on the financing of veterinary inspections and controls covered by Directives [89/662/EEC](#), [90/425/EEC](#), [90/675/EEC](#) and [91/496/EEC](#)”;
4. In regulation 4 (recovery of and liability for charges)—
  - (a) in paragraph (1), for the words “paragraphs (9) to (14)” there shall be substituted the words “paragraph (9)”;
  - (b) in paragraph (2) for sub-paragraph (g) there shall be substituted the following sub-paragraph—
 

“(g) (where the charge concerned relates to raw milk) by the operator of the raw milk collection establishment which collects it or (in the case of raw milk to which the charge relates but in relation to which there is no such establishment) by its producer”;
  - (c) after paragraph (4) there shall be inserted the following paragraph—
 

“(4A) Where any operator of a raw milk collection establishment has paid any charge under sub-paragraph (g) of paragraph (2) in respect of any raw milk he shall by virtue of this provision have the right to recover on demand a sum equal to that charge as a debt owed to him by the person from whom that raw milk was collected.”; and
  - (d) paragraphs (10) to (14) shall be omitted.
5. In the Schedule (charges for carrying out inspections and controls provided for by Council Directive [96/23/EC](#)) in column 1 for the entry “milk” there shall be substituted the entry “raw milk”.

**Amendment of the Dairy Produce Quotas Regulations 1997**

6. In the Dairy Produce Quotas Regulations 1997(**6**) after regulation 28 (information) there shall be inserted the following regulation—

**“Access to relevant information**

**28A.**—(1) The Intervention Board may, upon receiving an appropriate request by the Minister, allow the Minister access to relevant information.

(2) For the purposes of paragraph (1) above—

- (a) an “appropriate request” is one expressed to be for the purpose of enabling the Minister to—
  - (i) determine from whom any charge payable under regulation 4(2)(g) of the Charges for Inspections and Controls Regulations 1997 is recoverable; or
  - (ii) calculate any charge payable under those Regulations which relates to raw milk; and
- (b) “access to relevant information” means—
  - (i) inspection of—

(5) OJNo. L162, 1.7.96, p.1.

(6) S.I. [1997/733](#), to which there is an amendment not relevant to these Regulations.

- (aa) the entries in the registers which are referred to in regulation 24 of these Regulations; and
  - (bb) such information as is received by the Intervention Board pursuant to regulation 28(2) of these Regulations; and
- (ii) the provision of a copy of any of those entries or such information, as appropriate.”.

16th November 1998

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

Signed by authority of the Secretary of State for Health

17th November 1998

*Tessa Jowell*  
Minister of State for Public Health,  
Department of Health

Signed by the authority of the Secretary of State for Wales

19th November 1998

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

19th November 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which come into force on 22nd December 1998, amend the Charges for Inspections and Controls Regulations 1997, which give effect to Article 2 of Council Directive [85/73/EEC](#) referred to in regulation 3 of these Regulations.

The 1997 Regulations provided that the charge for inspection of milk for residues covered by regulation 3(1) would, in accordance with arrangements for collection thereof by the Milk Development Council, be payable by producers of milk. These Regulations replace those arrangements for collection of the charge by providing that, where it relates to raw milk, it is to be paid to the Minister by the operator of the raw milk collection establishment as provided for in Council Directive [85/73/EEC](#) (or, if there is no such establishment, its producer). They also provide for an automatic right of recovery which can be used by the collection establishment against the producer.

These Regulations also amend the Dairy Produce Quotas Regulations 1997 to provide that the Minister may, for the purposes of charge collection, be given access to relevant information held by the Intervention Board for Agricultural Produce.