

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement the provisions of Council Directive [85/73/EC](#) on the financing of veterinary inspections and controls that, following reforms to the Community regime on food hygiene that take effect on 1st January 2006, require fees to be collected for inspections of and controls on fishery products under Annex III to Regulation [\(EC\) No. 854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (O.J. No. L139, 30.4.2004, p. 206; the revised text of Regulation [\(EC\) No. 854/2004](#) is now set out in a Corrigendum, O.J. No. L226, 25.6.2004, p. 83). An amended and consolidated text of Council Directive [85/73/EC](#) is annexed to Council Directive [96/43/EC](#) at O.J. No. L162, 1.7.96, p. 1.

2. Prior to 1st January 2006, Council Directive [85/73/EC](#) requires fees to be collected for inspections of and controls on fishery products under Council Directive [91/493/EEC](#) (O.J. No. L268, 24.9.91, p. 15). In the light of the reforms mentioned in paragraph 1 above Directive [2004/41/EC](#) of the European Parliament and of the Council (O.J. No. L157, 30.4.2004, p.33; the revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum, O.J. No. L195, 2.6.2004, p. 12) modifies Council Directive [85/73/EEC](#) with effect from 1st January 2006 so that from that date it requires fees to be collected for inspections of and controls on fishery products under Annex III to Regulation [\(EC\) No. 854/2004](#).

3. The reforms mentioned in paragraph 1 will also lead to the revocation on 1st January 2006 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations (Northern Ireland) 1998 ([S.R. 1998 No. 207](#)). Those Regulations implement in relation to Northern Ireland the provisions of Council Directive [85/73/EEC](#) that currently require fees to be collected for inspections of and controls on fishery products under Council Directive [91/493/EEC](#).

4. These Regulations—

- (a) state what costs constitute the actual costs of exercising official controls for the purposes of the Regulations (regulation 3);
- (b) provide the rates to calculate the sterling equivalent of any sums which are specified in Euros in the Regulations (regulation 4);
- (c) prescribe how the length of an “account period” for the purposes of the Regulations is to be determined (regulation 5);
- (d) provide that where a duty to pay charges under the Regulations is imposed on more than one person it may be enforced jointly or separately against such persons (regulation 6);
- (e) require authorities to which charges are payable under the Regulations to calculate the charges, recalculate if an error is made and give notice of amounts due to those liable to pay (regulation 7);

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (f) provide for appeals against decisions of authorities imposing charges under the Regulations and lay down the requirements for the conduct and determination of such appeals (regulation 8);
- (g) provide for the payment of charges by one district council to another where charges are payable to more than one authority (regulation 9);
- (h) require payment of a specified amount (subject to a reduction in specified circumstances) to the relevant district council by vendors of consignments of relevant landed fishery products sold for the first time in Northern Ireland and inclusion of that amount in the sale price (the terms “relevant district council”, “vendor”, “relevant landed fishery products” and “fishery products” are defined in regulation 2) (regulations 10 and 11);
- (i) specify the manner in which charges relating to relevant landed fishery products are to be collected, require the vendor to supply the relevant district council with returns in relation to transactions to which such charges relate and to keep records, specify the information to be contained in such returns and permit the relevant district council to require the vendor to provide additional information (regulation 12);
- (j) require payment of a specified amount (subject to a reduction in specified circumstances) to the relevant district council by owners or masters of factory vessels carrying fishery products and specify products in relation to which the charge does not apply (the term “factory vessel” is defined in regulation 2) (regulations 13 and 14);
- (k) specify the manner in which charges relating to fishery products landed from factory vessels are to be collected, require the owner or master of the vessel to supply the relevant district council with returns in relation to transactions to which such charges relate and to keep records, specify the information to be contained in such returns and permit the relevant district council to require the owner or master to provide additional information (regulation 15);
- (l) provide that owners or masters of factory vessels must pay the actual costs incurred by the competent authority in exercising certain official controls (the term “competent authority” is defined in regulation 2) (regulation 16);
- (m) require payment of a specified amount (subject to a reduction in specified circumstances) to the relevant district council by proprietors or operators of preparation or processing establishments in relation to consignments of fishery products entering the establishment concerned (the terms “processing” and “establishment” are defined in regulation 2) (regulations 17 and 18);
- (n) specify the manner in which charges relating to the exercise of official controls in relation to preparation or processing establishments that are payable under regulation 17 are to be collected, require the proprietor or operator concerned to supply the relevant district council with returns in relation to transactions to which such charges relate and to keep records, specify the information to be contained in such returns and permit the relevant district council to require the proprietor or operator to provide additional information (regulation 19);
- (o) provide that proprietors of establishments at which fishery products are only chilled, frozen, packaged or stored must pay the actual costs incurred by the relevant district council in carrying out certain inspections (the term “chilled” is defined in regulation 2) (regulation 20);
- (p) require payment of a specified amount (subject to a reduction in specified circumstances) to the relevant district council by vendors of consignments of relevant fishery products sold for the first time in Northern Ireland and inclusion of that amount in the sale price (the term “relevant fishery products” is defined in regulation 2) (regulations 21 and 22); and

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (q) specify the manner in which charges relating to relevant fishery products are to be collected, require the vendor to supply the relevant district council with returns in relation to transactions to which such charges relate and specify the information to be contained in such returns (regulation 23).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fishery Products (Official Controls Charges) Regulations (Northern Ireland) 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. coming into force by [S.R. 2005/524 reg. 1](#)
- Regulations revoked by [S.R. 2006/485 reg. 14](#)
- reg. 1 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 2 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 3 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 4 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 5 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 6 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 7 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 8 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 9 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 10 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 11 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 12 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 13 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 14 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 15 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 16 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 17 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 18 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 19 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 20 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 21 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 22 coming into force by [S.R. 2005/524 reg. 1](#)
- reg. 23 coming into force by [S.R. 2005/524 reg. 1](#)