
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 262

**The Meat (Official Controls Charges)
(Scotland) Regulations 2009**

Interpretation

2.—(1) In these Regulations—

“accounting period” means a period of less than a year determined by the Agency;

“the Agency” means the Food Standards Agency;

“audit” has the meaning given to it in Article 2.6 of Regulation 882/2004;

“controls” means those official controls performed by the Agency—

- (a) under Regulation 854/2004, at slaughterhouses, game-handling establishments and cutting plants, for the verification of compliance with the provisions of Regulation 853/2004 in so far as they apply in relation to meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and meat of wild game;
- (b) at slaughterhouses, for the verification of compliance with the provisions of the Welfare of Animals (Slaughter or Killing) Regulations 1995(1) insofar as they apply in relation to animals slaughtered there for human consumption;
- (c) in relation to domestic ungulates slaughtered outside the slaughterhouse, pursuant to Chapter VI of Section I of Annex III to Regulation 853/2004;
- (d) in relation to poultry slaughtered on farm, pursuant to Chapter VI of Section II of Annex III to Regulation 853/2004; and
- (e) in relation to—
 - (i) farmed ratites,
 - (ii) farmed game mammals of the family *Cervidae* or the family *Suidae*, or
 - (iii) bison,

slaughtered at the place of origin pursuant to Section III of Annex III to Regulation 853/2004;

“cutting plant” means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995(2) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(3);

(1) S.I. 1995/731, amended by S.I. 1999/400, S.I. 1999/1820, S.I. 2000/656, S.I. 2000/3352, S.I. 2001/447, S.I. 2001/3830, S.I. 2003/3272, S.I. 2006/1200 and S.I. 2007/402.

(2) S.I. 1995/539, revoked with effect from 1st January 2006 by S.I. 2005/2059.

(3) S.I. 1995/540, revoked with effect from 1st January 2006 by S.I. 2005/2059.

“cutting up” has the meaning that it bears in Regulation 853/2004 and “cut up” shall be construed accordingly;

“Directive 2004/41”, “Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004”, “Regulation 1688/2005”, “Regulation 2073/2005”, “Regulation 2074/2005”, “Regulation 2075/2005” and “Regulation 2076/2005” have the meanings respectively given to them in Schedule 1;

“domestic ungulates” has the meaning given to it in point 1.2 of Annex I to Regulation 853/2004;

“establishment” has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

“farmed game” has the meaning given to it in point 1.6 of Annex I to Regulation 853/2004;

“food business operator” has the meaning given to it in Article 3.3 of Regulation 178/2002;

“fresh meat” has the meaning given to it in point 1.10 of Annex I to Regulation 853/2004;

“game” has the meaning that it bears in Regulation 853/2004;

“game-handling establishment” means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, operating as a licensed wild game processing facility under the Wild Game (Hygiene and Inspection) Regulations 1995(4);

“game meat” has the meaning that it bears in Regulation 853/2004;

“inspector” means an official veterinarian, an official auxiliary or any other person appointed by the Agency for the purpose of performing controls;

“lagomorphs” has the meaning given to it in point 1.4 of Annex I to Regulation 853/2004;

“meat” has the meaning given to it in point 1.1 of Annex I to Regulation 853/2004;

“official auxiliary” has the meaning given to it in Article 2.1(h) of Regulation 854/2004;

“official controls” shall be construed in accordance with definition of “official control” in Article 2.1 of Regulation 882/2004;

“official controls charge” means the charge calculated in accordance with Schedule 2 and notified in accordance with regulation 3(1), (2) or (3);

“official veterinarian” has the meaning given to it in Article 2.1(f) of Regulation 854/2004;

“operator” means a food business operator who is carrying on a food business at any premises or that person’s duly authorised representative;

“place of origin” has the meaning that it bears in point 3 of Section III of Annex III to Regulation 853/2004;

“placing on the market” has the meaning given to it in Article 3.8 of Regulation 178/2002;

“poultry” has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

“premises” means any slaughterhouse, game—handling establishment, cutting plant, place that is outside the slaughterhouse for the purposes of Chapter VI of Section I of Annex III to Regulation 853/2004, farm or place of origin;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that that establishment requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;

“time costs”, means in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 7 to 9 of Schedule 2;

“verification” means checking, by examination and provision of objective evidence; and

“wild game” has the meaning given to it in point 1.5 of Annex I to Regulation 853/2004.

(2) In these Regulations, any reference to a Community instrument defined in Schedule 1 is a reference to that instrument as amended from time to time.