

1990 No. 2494

FOOD

**The Fresh Meat and Poultry Meat (Hygiene, Inspection
and Examinations for Residues) (Charges)
Regulations 1990**

<i>Made</i> - - - -	<i>10th December 1990</i>
<i>Laid before Parliament</i>	<i>11th December 1990</i>
<i>Coming into force</i>	<i>1st January 1991</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4(1), 45 and 48(1) of the Food Safety Act 1990(a) and of all other powers enabling them in that behalf; the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf; after consultation in accordance with section 48 of the said Act of 1990 with such organisations as appear to them to be representative of interests substantially affected by the Regulations (in so far as the Regulations are made in exercise of the powers conferred by the said sections of the said Act of 1990) hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1990 and shall come into force on 1st January 1991.

Interpretation

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

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

“appropriate Minister” means, as respects England, the Minister and, as respects Scotland and Wales, the Secretary of State;

“authorised officer” means a person authorised by a food authority to carry 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) 1990 c.16.

(b) S.I. 1972/1811.

(c) 1972 c.68.

“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 carcasses cut into three wholesale cuts or boning meat;
- (b) in relation to poultry meat, cutting poultry meat carcasses 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 Council Directive 85/73/EEC(b);

“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 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);

“food authority” means—

- (a) as respects the City of London, the Common Council;
- (b) as respects any district or London borough, the council of the district or borough; and
- (c) as respects Scotland, an islands or district Council;

“health inspection and control exercise” means an inspection or supervisory function carried out by a food authority at any slaughterhouse, cutting premises or cold store—

- (a) in England and Wales, under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987(d), the Meat Inspection Regulations 1987(e), the Slaughterhouses (Hygiene) Regulations 1977(f), the Poultry Meat (Hygiene) Regulations 1976(g), the Food (Hygiene) (General) Regulations 1970(h), the Food Hygiene (Docks, Carriers, etc.) Regulations 1960(i) or the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966(j);

(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) S.I. 1987/2237, amended by S.I. 1990/2493 and 1990/2486.

(e) S.I. 1987/2236, amended by S.I. 1990/2495 and 1990/2486.

(f) S.I. 1977/1805; relevant amending instruments are S.I. 1987/2235 and 1990/2486.

(g) S.I. 1976/1209; relevant amending instruments are S.I. 1979/693, 1981/1168 and 1990/2486.

(h) S.I. 1970/1172; relevant amending instrument is S.I. 1990/2486.

(i) S.I. 1960/1602; relevant amending instrument is S.I. 1990/2486.

(j) S.I. 1966/791; relevant amending instruments are S.I. 1966/1487 and 1990/2486.

(b) in Scotland, under the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1987(a), the Food (Meat Inspection) (Scotland) Regulations 1988(b), the Slaughterhouse Hygiene (Scotland) Regulations 1978(c), the Poultry Meat (Hygiene) (Scotland) Regulations 1976(d) and the Food Hygiene (Scotland) Regulations 1959(e);

“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;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“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) a slaughterhouse licensed by a local authority under the Slaughterhouses Act 1974(h), the Poultry Meat Hygiene Regulations 1976 or the Poultry Meat (Hygiene) (Scotland) Regulations 1976;

(b) a slaughterhouse registered with a local authority under the Slaughter of Animals (Scotland) Act 1980(i); or

(c) a public slaughterhouse provided by a local authority under section 15 of the Slaughterhouses Act 1974 or section 1 of the Slaughter of Animals (Scotland) Act 1980;

“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.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

Charges for health inspection and control exercises

3.—(1) Every food authority 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 under paragraph (1) above the Minister shall make a charge in respect of functions

(a) S.I. 1987/800, amended by S.I. 1990/2625.

(b) S.I. 1988/1484, amended by S.I. 1990/2625.

(c) S.I. 1978/1273; relevant instruments are S.I. 1984/842, 1985/1856, 1986/1808, 1987/1957 and 1990/2625.

(d) S.I. 1976/1221; relevant amending instruments are S.I. 1979/768, 1981/1169 and 1990/2625.

(e) S.I. 1959/413; relevant amending instruments are S.I. 1959/1153, 1961/622, 1966/967, 1978/173 and 1990/2625.

(f) S.I. 1988/848.

(g) S.I. 1988/849.

(h) 1974 c.3.

(i) 1980 c.13.

exercised by him in relation to examinations for the presence of residues for the purposes of the residues Regulations (whether they are exercised by him as competent authority under those Regulations or on behalf of another such competent authority).

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

4.—(1) Subject to paragraphs (2) and (3) below, 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 food authority 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) below, 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 food authority 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 food authority, of not more than 50 per cent of the amount that would otherwise be chargeable in accordance with regulation 5(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 or bird specified in column (1).

(2) Until such time as the measures to be taken by Member States for the examination of residues in poultry meat have been laid down in accordance with article 16 of Council Directive 86/469/EEC(a) a charge shall not be made in accordance with paragraph (1) above 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 a food authority for the purposes of these Regulations shall be reasonable; and, in calculating such real cost the factors which a food authority 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 a local authority 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 0.725 ECU per tonne of unboned meat or unboned poultry meat.

Liability for and recovery of charges

9.—(1) Any charge made by a food authority under these Regulations shall be payable to it.

(2) Any charge made by the Minister under these Regulations shall be payable to the food authority which carried out the health inspection and control exercise in connection with which that charge was made.

(3) Any charge payable to a food authority under these Regulations shall be payable—

- (a) where the charge is in relation to a slaughterhouse, cutting premises or a cold store provided by a food authority 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.

(4) Any charge payable to a food authority under these Regulations shall be recoverable by it as a civil debt.

(5) Where any charges have been paid to a food authority under paragraph (2) above the authority shall pay such charges to the Minister at such times and in such manner as the Minister shall direct.

Additional provisions relating to charges for health inspections and control exercises

10.—(1) A food authority shall, in making any charges for health inspection and control exercises, or, subject to paragraph (2) below, in varying any such charges,—

- (a) consult in writing the occupier of the premises affected by such charges about the amounts which the authority proposes to charge;
- (b) supply to any person consulted by it under sub-paragraph (a) above 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) above 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) above of the amounts of such charges at least fourteen days before the day on which the charges are to be paid.

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

(2) The provisions of paragraph (1) above shall not apply where a food authority 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 above.

Information to be provided to and by local authorities

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

(2) Each food authority shall provide the appropriate Minister with such information relating to the calculation of charges for the purposes of these Regulations as he may from time to time require and with copies of such representations made to it under regulation 10(1)(c) as he may so require.

Appeals

12.—(1) Where a food authority has determined a charge for a health inspection and control exercise then, if the occupier of the premises affected by the charge considers it to be excessive, he may, within 28 days of being notified of the amount of the charge under regulation 10(1)(d), appeal to the appropriate Minister against the amount of the charge on the ground that the food authority has determined an amount in respect of the real cost of the exercise which is unreasonably high.

(2) Where an appeal is brought under paragraph (1) above the appropriate Minister shall consult with the food authority and if, after such consultation, he is satisfied that the ground of appeal mentioned in paragraph (1) exists, he shall require the authority to recalculate the amount of the charge in accordance with such directions as he may give to the authority with regard to such recalculation; and if, after such consultation, the appropriate Minister is not so satisfied he shall inform the authority and the occupier of the premises affected by the charge of this fact.

(3) Pending the recalculation of the amount of a charge by a food authority in accordance with paragraph (2) above the charge originally determined by the authority shall continue in force and, when the authority has recalculated the amount of the charge in the required manner, the recalculated charge shall have effect from the date on which the original charge took effect and the authority shall repay to the occupier of the premises affected by the charge the amount of any excess paid by him to the authority since that date.

Amendments

13.—(1) The Poultry Meat (Hygiene) Regulations 1976 and the Poultry Meat (Hygiene) (Scotland) Regulations 1976 shall be amended by deleting therefrom regulations 22(1)(c), 22(3) and 23(b).

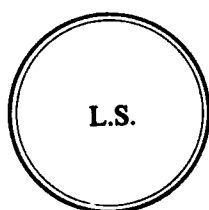
(2) The Fresh Meat Export (Hygiene and Inspection) Regulations 1987 shall be amended by deleting therefrom regulation 13 and Schedule 16.

(3) The Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1987 shall be amended by deleting therefrom regulation 13.

(4) The Meat Inspection Regulations 1987 shall be amended by deleting therefrom regulations 13 and 14 and Schedule 4.

(5) The Food (Meat Inspection) (Scotland) Regulations 1988 shall be amended by deleting therefrom Part VI and Schedule 7.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th December 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

10th December 1990

Stephen Dorrell
Parliamentary Under Secretary of State for Health

10th December 1990

Strathclyde
Parliamentary Under Secretary of State, Scottish Office

7th December 1990

David Hunt
Secretary of State for Wales

SCHEDULE 1

Regulations 2 and 7

PART I

APPROPRIATE MINIMUM AND COMMUNITY STANDARD CHARGES

SLAUGHTERHOUSES

(1)	(2)	(3)
<i>Animal or bird inspected</i>	<i>Appropriate minimum charge per carcass (ECU)</i>	<i>Appropriate Community standard charge per carcass (ECU)</i>
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 and 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)
<i>Unboned meat or unboned poultry meat</i>	<i>Appropriate minimum charge per tonne of unboned meat or unboned poultry meat (ECU)</i>	<i>Appropriate Community standard charge per tonne of unboned meat or unboned poultry meat (ECU)</i>
Unboned meat and unboned poultry meat intended for cutting up	1.35	3

PART III

APPROPRIATE CHARGE FOR EXAMINATIONS FOR THE PRESENCE OF RESIDUES

(1)	(2)
<i>Animal</i>	<i>Appropriate charge per carcass (ECU)</i>
Bovine animals	0.457
Swine	0.122
Solipeds	0.381
Sheep and goats	0.023

**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 food authority'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 in so far 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 a slaughterhouse 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 a slaughterhouse, the number of hours required for health inspection and control exercises at that slaughterhouse falls below the number envisaged when the charges applicable to that slaughterhouse were determined and the occupier thereof has given written notice to the food authority of that change of circumstance, the charges applicable to that slaughterhouse 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 one slaughterhouse, unless otherwise mutually agreed between the food authority and the occupier of that slaughterhouse.

Furniture and office equipment

3. Depreciation of any office furniture or office equipment provided by the food authority 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 food authority, 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 they are paid for by the food authority.

Laundry

6. The cost of laundering protective clothing at the food authority's expense.

Telephone

7. Costs incurred by the local authority 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 food authority 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).

The Regulations require food authorities to make a charge for every health inspection and control exercise carried out by them. 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 Minister of Agriculture, Fisheries and Food 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 there is lower than the Community standard charge than—
 - (a) where the 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 cost 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, a local authority can reduce the Community standard charge by up to 50 per cent (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 a food authority 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 a local authority is required to use the factors specified in Schedule 2 (regulation 8).

Before making a charge for a health inspection and control exercise under the Regulations a food authority is required to notify the occupier of the premises affected by such charge of the amount which it proposes to charge and to consider any representations made to it concerning the charge by any person whom it has notified (regulation 10). If the occupier considers that the authority has determined an amount in respect of the real cost of the exercise which is excessively high he may appeal to the appropriate Minister against it and if the appropriate Minister is satisfied that this is the case he shall require the authority to recalculate the amount of the charge in accordance with such directions as he may give it (regulation 12).

The Regulations also require the Minister to make a charge at every slaughterhouse at which a health inspection and control exercise is carried out in respect of his functions related to examinations for the presence of residues and the food authority to recover that charge on his behalf (regulation 3(2), 7 and 9).