
STATUTORY INSTRUMENTS

1992 No. 3299

AGRICULTURE

**The Products of Animal Origin (Third
country Imports) (Charges) Regulations 1992**

<i>Made</i>	- - - -	<i>23rd December 1992</i>
<i>Laid before Parliament</i>		<i>30th December 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</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 Economic Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Products of Animal Origin (Third Country Imports) (Charges) Regulations 1992 and shall come into force on 1st January 1993.

(2) In these Regulations “the appropriate Minister” means, as regards England, the Minister of Agriculture, Fisheries and Food and as regards Scotland and Wales, the Secretary of State.

Payment of charges

2.—(1) Any person importing from a country other than a member State any products of animal origin to which Council Directive [90/675/EEC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽³⁾ relates, shall pay to the Minister of Agriculture, Fisheries and Food or the local authority carrying out the checks under that directive as appropriate such charges for the checks as that body shall calculate in accordance with Regulation 4 below.

(2) For the purposes of these Regulations payment may be by means of bank guarantee or bank deposit.

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) OJNo. L373, 31.12.90, p. 1 as amended by Council Directive [91/496/EEC](#), OJ No. L268, 24.9.91, p. 56.

Release of products

3. Products for which charges are due under these Regulations shall not be released by the person carrying out the checks until such charges are paid.

Calculation of charges

4. The level of charges shall be such as to allow the authority carrying out the checks to recover its costs, shall be reasonable and shall be based on the factors in the Schedule to these Regulations.

Information relating to charging

5.—(1) The Minister of Agriculture, Fisheries and Food or the local authority carrying out the checks shall, if requested in writing, supply to any person importing or intending to import products which will incur charges under these Regulations, or any organisation representing such persons, details of the calculations used in deciding the amount of the charges, and shall take into account any representations made to them by such person or organisation in determining the level of charges.

(2) If requested in writing to do so by the appropriate Minister, a local authority shall provide him with such information as he may require relating to the calculation of charges, and with copies of any written representations made by importers or their organisations.

Appeals

6.—(1) An importer who pays charges to a local authority under these Regulations or an organisation representing importers and who considers the charges to be unreasonably high may, within 28 days of the charge being levied, appeal to the appropriate Minister against the amount of the charge.

(2) Where an appeal is brought under the preceding paragraph the appropriate Minister shall consult the local authority and if, after such consultation, he is satisfied that the amount charged is unreasonably high, he shall require the local authority to recalculate the amount of the charge in accordance with such directions as he shall give.

(3) Pending the recalculation of the charge by the local authority, the original charge shall continue, but after recalculation the new charge shall have effect from the date on which the original charge was made and the local authority shall re-imburse the importer accordingly.

Returns

7. A local authority making charges under these Regulations shall provide the appropriate Minister with accounts at the end of each financial year showing the costs of the services and the payments received.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

23rd December 1992.

John Selwyn Gummer
Minister of Agriculture Fisheries and Food

23rd December 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 4

PERMITTED COST FACTORS FOR THE CALCULATION OF CHARGES

1. The salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of all staff directly involved in carrying out checks under these Regulations, and all staff engaged in the management or administration of the checks.
2. The costs of recruiting the persons listed in the preceding paragraph and training them to enforce Council Directive [90/675/EEC](#).
3. Any travelling costs and related incidental expenses incurred in carrying out a check except those incurred by a person attending his normal place of work.
4. The cost of office accommodation, equipment and services for staff involved in carrying out checks under these Regulations, including depreciation of any office furniture and equipment and also including the cost of information technology, stationery and forms.
5. The cost of protective clothing and equipment used in carrying out the checks.
6. The costs of laundering protective clothing.
7. Sampling and analysis costs.
8. The costs of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of staff carrying out the checks.
9. The anticipated frequency of the checks, and the charges may differ according to the products or their source.
10. Where any of the above relates only partly to the checks carried out, only the appropriate percentage of the costs shall be charged under these Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations provide for the payment of charges by the authority carrying out checks to enforce Council Directive [90/675/EEC](#) laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (Regulation 2).

They specify the factors on which the charges shall be based (Regulation 4 and Schedule 1) and make provision relating to the provision of information relating to charging and an appeals procedure (Regulations 5 and 6).

They provide that a local authority shall provide the appropriate Minister (The Minister of Agriculture, Fisheries and Food in England and the Secretary of State in Scotland and Wales) with annual returns showing the costs of the services (Regulation 7).