
STATUTORY INSTRUMENTS

1993 No. 1359

The Farmed Game Meat (Hygiene and Inspection) (Charges) Regulations 1993

Title and commencement

1. These Regulations may be cited as the Farmed Game Meat (Hygiene and Inspection) (Charges) Regulations 1993 and shall come into force on 25th June 1993.

Interpretation

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

“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 local authority to carry out a health inspection and control exercise;

“carcase” means the whole body of a slaughtered farmed game animal after bleeding and dressing;

“the Decision” means Council Decision [88/408/EEC](#)(1) on the levels of the fees to be charged for health inspections and controls of fresh meat pursuant to Council Directive [85/73/EEC](#)(2);

“ECU” means European Currency Unit as defined in Council Regulation ([EEC](#)) No. [3180/78](#)(3) 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);

“farmed game” means wild land mammals which are reared and slaughtered in captivity, excluding—

- (a) mammals of the family Leporidae, or
- (b) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;

“farmed game handling facility” means any building, premises or place, other than a slaughterhouse, used for the purpose of slaughtering farmed game, the flesh of which is intended for sale for human consumption;

“farmed game meat” means meat obtained from farmed game;

“farmed game processing facility” means premises, other than a slaughterhouse, used for the purpose of dressing farmed game the flesh of which is intended for sale for human consumption;

(1) OJ No. L194, 22.7.88, p.24.

(2) OJ No. L32, 5.2.85, p.14.

(3) OJ No. L379, 30.12.78, p.1.

“health inspection and control exercise” means an inspection or supervisory function carried out in respect of farmed game meat by a local authority at any premises pursuant to the Fresh Meat (Hygiene and Inspection) Regulations 1992(4);

“livestock unit” means 3 deer or swine;

“local authority” means—

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

“meat” means all parts of farmed game meat which are suitable for human consumption;

“premises” means any slaughterhouse, cutting premises, cold store, farmed game handling facility or farmed game processing facility;

“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 5;

“slaughterhouse” means any building, premises or place (other than a farmed game handling facility) for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there.

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

Charges for health inspection and control exercises

3. A local authority may make a charge for every health inspection and control exercise carried out by it at a premises.

Calculation of charges for health inspection and control exercises

4. The charge for a health inspection and control exercise carried out at a premises shall not exceed the amount equal to the real cost of carrying out that exercise; and that real cost shall not exceed—

- (a) £40 for the first four livestock units presented on the same occasion for inspection, and
- (b) £6.30 for each additional livestock unit also presented on that same occasion for inspection.

Calculation of real cost

5.—(1) The amount of the real cost of carrying out an inspection and control exercise calculated by a local authority for the purposes of these Regulations shall be reasonable; and, in calculating such real cost the factors which a local authority is to use in doing so are the factors specified in the Schedule hereto.

(2) In calculating the real cost of carrying out a health inspection and control exercise in respect of farmed game 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 the Schedule hereto) falls to be assessed at 0.725 ECU per tonne of unboned farmed game meat.

Liability for and recovery of charges

- 6.—(1) Any charge made by a local authority under these Regulations shall be payable to it.
- (2) Any charge payable to a local authority under these Regulations shall be payable by the occupier of the premises in relation to which the charge arises.
- (3) Any charge payable to a local authority under these Regulations shall be recoverable by it as a civil debt.

Additional provisions relating to charges for health inspection and control exercises

7. A local authority shall, in making charges for health inspection and control exercises—
- (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 14 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 14 days before the day on which the charges are to be paid.

Information to be provided by local authorities

- 8.—(1) An occupier of a premises shall, on demand by a local 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 local 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 7(c) as he may so require.

Appeals

- 9.—(1) Where a local 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 7(d) appeal to the appropriate Minister against the amount of the charge on the ground that the local 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 local 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 local 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.

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

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th May 1993.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

18th May 1993

Cumberlege
Parliamentary Under Secretary of State for
Health

18th May 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

24th May 1993

David Hunt
Secretary of State for Wales