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STATUTORY INSTRUMENTS

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**1998 No. 2095**

**FOOD**

**The Meat (Hygiene and Inspection) (Charges) Regulations 1998**

<i>Made</i>	- - - -	<i>23rd August 1998</i>
<i>Laid before Parliament</i>		<i>27th August 1998</i>
<i>Coming into force</i>	- -	<i>28th September 1998</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 17(1), 45 and 48(1) of the Food Safety Act 1990<sup>(1)</sup> after consultation in accordance with section 48(4) of the Food Safety Act 1990 with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, and (insofar as these Regulations impose charges in relation to the monitoring of the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995<sup>(2)</sup>) the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(3)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(4)</sup> in relation to the common agricultural policy of the European Community, make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Meat (Hygiene and Inspection) (Charges) Regulations 1998 and shall come into force on 28th September 1998.

**Interpretation**

2.—(1) In these Regulations—

“accounting period” means a period determined by the Minister;

“agreed PIA costs” means, in respect of any premises licensed under the Poultry Meat Regulations, such sum as the Minister and the occupier of the premises may agree as being the total cost, during an accounting period, of the salaries of plant inspection assistants authorised to operate there under regulation 11 of the Poultry Meat Regulations (including the entire cost in that accounting period of overtime payments and employers' pension and National Insurance

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(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act.  
(2) S.I. 1995/731.  
(3) S.I. 1972/1811.  
(4) 1972 c. 68.

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contributions made in respect of the employment of such assistants), plus the additional sum of 25 per cent of that total cost;

“cut up” shall be construed in accordance with the definition of “cutting up” in regulation 2(1) of the Wild Game Regulations;

“cutting operation” means in relation to meat any—

- (a) cutting;
- (b) de-boning;
- (c) wrapping; or
- (d) re-wrapping,

of the meat (but does not include passing it through a spiral screw mincer);

“employers' National Insurance contributions” means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992(5);

“the Fresh Meat Regulations” means the Fresh Meat (Hygiene and Inspection) Regulations 1995(6);

“the Hygiene Regulations” means the Fresh Meat Regulations, the Poultry Meat Regulations and the Wild Game Regulations;

“inspection charge” means the charge calculated in accordance with the Schedule to these Regulations and notified in accordance with regulation 3(1), (2) or (3) of these Regulations;

“inspections” means the supervision and controls specified in the Hygiene Regulations and the monitoring of the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995(7) insofar as such monitoring relates to the welfare of animals slaughtered for human consumption in slaughterhouses;

“occupier” means a person carrying on the business of a slaughterhouse, cutting premises or a cold store, or his duly authorised representative;

“the Poultry Meat Regulations” means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(8);

“premises” means any slaughterhouse, cutting premises or cold store;

“wrapping”, in relation to meat, means placing it in material which comes in direct contact with the meat, and “re-wrapping” shall be construed accordingly; and

“the Wild Game Regulations” means the Wild Game Meat (Hygiene and Inspection) Regulations 1995(9).

(2) References in these Regulations to any place specified in column (1) of the table set out in this paragraph are to any place specified in the corresponding entry in column (2) of that table which is licensed as such under any of the Hygiene Regulations—

<i>Column (1)</i>	<i>Column (2)</i>
slaughterhouse	slaughterhouse low throughput slaughterhouse

(5) 1992 c. 4.

(6) S.I. 1995/539, amended by S.I. 1995/731, S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3124, S.I. 1995/3189, S.I. 1996/1148, S.I. 1996/2235, S.I. 1997/1729 and S.I. 1997/2074.

(7) S.I. 1995/731.

(8) S.I. 1995/540, amended by S.I. 1995/1763, S.I. 1995/2148, S.I. 1995/2200, S.I. 1995/3205 and S.I. 1997/1729.

(9) S.I. 1995/2148, amended by S.I. 1995/3205.

<i>Column (1)</i>	<i>Column (2)</i>
	farmed game handling facility
	wild game processing facility where wild game may be dressed
	farmed game processing facility
	low throughput farmed game processing facility
cutting premises	cutting premises
	low throughput cutting premises
	re-wrapping centre
	wild game processing facility where wild game may be cut up
cold store	cold store

### **Charges**

3.—(1) The Minister shall, subject to the following provisions of this regulation, notify the occupier of each slaughterhouse, cutting premises and cold store in which inspections have been undertaken in any accounting period of an inspection charge in respect of those inspections as soon as possible after the end of that period.

(2) Where the Minister cannot comply with paragraph (1) above because he has insufficient information available to him to calculate the inspection charge for any accounting period in respect of any place specified in that paragraph, he shall notify the occupier of that place of an interim charge, being such amount as he estimates (having regard to the information he has) the inspection charge to be.

(3) Where the Minister has notified an occupier of an interim charge in accordance with paragraph (2) above, and sufficient information becomes available to him to calculate the inspection charge, he shall calculate that charge and—

- (a) where it exceeds the interim charge, notify the occupier of the final charge, being the amount by which the inspection charge exceeds the interim charge; or
- (b) where it is less than the interim charge, credit to the occupier the amount by which the interim charge exceeds the inspection charge.

(4) Any charge notified to an occupier under paragraph (1), (2) or (3) above shall be payable by him to the Minister and shall be recoverable on demand by the Minister as a debt from the occupier concerned.

(5) Where at the end of a financial period it is found that in relation to any charge payable by an occupier under this regulation in respect of an accounting period in that financial period (being an accounting period of less than a year) the condition specified in paragraph 4(a)(i) of the Schedule to these Regulations was satisfied, the charges payable by the operator concerned under this regulation in respect of that financial period shall be recalculated as if the Minister had determined an accounting period corresponding with that financial period and any reduction in the inspection charge charged to the occupier resulting from that recalculation shall be credited to him.

(6) For the purposes of this regulation, “financial period” means the period commencing on the Monday immediately following the last Sunday in March in any year and ending on the last Sunday in March in the following year.

(7) Where any agreed PIA costs have been included in the calculation of any charge falling to be notified to an occupier under paragraph (1), (2) or (3) above those costs shall be deducted from the actual charge notified thereunder.

(8) The inspection charge payable by the occupier of—

- (a) a wild game processing facility where wild game may be dressed shall be in respect of any wild game dressed there; and
- (b) a wild game processing facility where wild game may be cut up shall be in respect of any cutting operation carried out on any wild game there.

(9) In paragraph (8) above, “wild game” and “wild game processing facility” have respectively the same meanings as in regulation 2(1) of the Wild Game Regulations.

(10) Where under paragraph (3)(b) or (5) above a sum is to be credited to an occupier, the Minister may if he so determines pay such sum to the occupier concerned instead of crediting it to him.

### **Information**

4.—(1) Any person shall on demand being made by the Minister, supply—

- (a) such information as the Minister may reasonably require for the purpose of calculating the inspection charge or notifying an occupier of it; and
- (b) such evidence as the Minister may reasonably require to enable him to verify information supplied under sub-paragraph (a) of this paragraph.

(2) Any person who—

- (a) in purported compliance with paragraph (1) above, knowingly or recklessly furnishes information which is false or misleading in a material particular; or
- (b) without reasonable excuse, fails to comply within a reasonable time with a demand made under the said paragraph (1),

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Revocation**

5. The Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995(10) are revoked.

10th August 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

10th August 1998

*Tessa Jowell*  
Minister of State for Public Health

Signed by authority of the Secretary of State for Scotland

23rd August 1998

*Sewel*  
Parliamentary under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

18th August 1998

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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## SCHEDULE

Regulation 3

## CALCULATION OF THE INSPECTION CHARGE

**The inspection charge**

1. Subject to paragraphs 2 to 5 below, the inspection charge payable by the occupier of any premises shall be the standard charge.

2. The inspection charge payable in relation to inspections—

- (a) at a cold store;
- (b) at cutting premises of meat which is not subjected to any cutting operation there; and
- (c) in relation to the slaughter of land mammals and birds of a type not mentioned in the table in paragraph 6 below,

shall be the time costs.

3. Where cutting premises and a slaughterhouse are located on the same site, the inspection charge for any cutting operation carried out at those premises in respect of meat derived from animals slaughtered at that slaughterhouse shall be the greater of the time costs and 45% of the standard charge for that cutting operation.

4. Except in relation to a charge to which paragraph 3 above applies—

(a) where—

- (i) the standard charge for any premises exceeds the time costs generated by those premises in the same period, and
- (ii) the Minister is satisfied that the difference is due or substantially due to the fact that the throughput level and working practices at those premises allow the efficient deployment of inspectors,

the inspection charge payable by the occupier of the premises concerned for that period shall be an amount calculated in the same way as the standard charge, but adjusted by multiplying the rates in paragraph 6 (in the case of a slaughterhouse) or the sum specified in paragraph 7 (in the case of cutting premises) by the factor X, where X is the greater of 0.45 and the fraction—

$$\frac{\text{Time Costs}}{\text{Standard Charge}}$$

; and

(b) where—

- (i) the condition in sub-paragraph (a)(i) of this paragraph is satisfied but that in sub-paragraph (a)(ii) of this paragraph is not, but
- (ii) the Minister is nevertheless satisfied that a proportion of the difference between the time costs and standard charge is attributable to the factors mentioned in sub-paragraph (a)(ii) of this paragraph,

the inspection charge shall be calculated as prescribed in sub-paragraph (a) of this paragraph, but with the factor X replaced by such factor (being a number greater than X but less than 1) as the Minister considers reasonably reflects that proportion.

5. Where the time costs in any period exceed the standard charge, the inspection charge for that period shall be the time costs.

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### The standard charge

6. The standard charge, expressed in ECU, payable by the occupier of a slaughterhouse for any period shall be calculated by multiplying the rate given in the following table applicable to animals of a particular type by the number of animals of that type slaughtered or as the case may be dressed there in the period—

<i>Species</i>	<i>Type</i>	<i>Rate per type of animal in ECU</i>
Cattle	animals aged 6 weeks or more at slaughter	4.5
	animals aged less than 6 weeks old at slaughter	2.5
Horses and other solipeds		4.4
Pigs including wild boar	carcase weight less than 25kg	0.5
	carcase weight greater than or equal to 25kg	1.3
Sheep, goats and other ruminants not listed elsewhere in this table	carcase weight less than 12kg	0.175
	carcase weight between 12 and 18kg inclusive	0.35
	carcase weight greater than 18kg	0.5
Poultry, rabbits, small game birds and ground game	all broilers; all cast hens; other poultry, rabbits, small game birds and ground game weighing less than 2kg	0.01
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game weighing at least 2kg (except those which are adult and weigh at least 5kg)	0.02
	poultry (not being broilers or cast hens), rabbits, small game birds and ground game (all being adult) and weighing at least 5kg	0.04

7. The standard charge (expressed in ECU) payable by the occupier of cutting premises in respect of any cutting operation carried out on meat there in a period shall be calculated by multiplying by 3 ECU per tonne the total mass of meat entering the cutting room or cutting area of those premises during that period which is to be there subjected to a cutting operation for the first time since being brought into those premises.

8. The standard charge expressed in ECU shall be converted into sterling by multiplying it by the ECU/sterling conversion rate applicable in the year the inspection was carried out.

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### **Time costs**

**9.** The time costs generated by any premises in any period shall (subject to paragraphs 10 to 12 below) be calculated by—

- (a) multiplying the time (expressed in hours and fractions of an hour) spent by each inspector carrying out inspections at those premises in the period by the hourly rate applicable to that inspector determined in accordance with paragraphs 13 to 15 below;
- (b) adding the results together; and
- (c) adding any agreed PIA costs for the period.

**10.** The time costs in respect of any inspection shall include any overtime payments or other similar allowances made to the inspector concerned under his contract of employment or contract for services for carrying out that inspection.

**11.** In determining the total time spent in carrying out inspections any time spent by an inspector—

- (a) travelling to or from premises at which he carries out inspections and for which he is paid under a contract of employment or contract for services;
- (b) at any premises to which he has gone for the purpose of carrying out an inspection and for which he is paid under a contract of employment or contract for services (regardless of whether or not he is able to carry out an inspection there); and
- (c) at any other place—
  - (i) when he is available for carrying out inspections but is not in fact carrying out same, and
  - (ii) for which he is paid under his contract of employment or contract for services, shall be counted as if it were time when the inspector was carrying out an inspection.

**12.** Where—

- (a) a slaughterhouse slaughters land mammals or birds of a kind which are not listed in the table in paragraph 6; or
- (b) any cutting premises deals with meat which is not subject to any cutting operation there,

the time costs in respect of inspection of those creatures or that meat shall be calculated separately from the time costs for all other inspections carried out there.

### **Hourly rates**

**13.** The Minister shall determine the hourly rate applicable to inspectors, and may determine different rates for different classes of inspector, having regard to the level of qualifications and experience, and to the salary costs, of inspectors in that class. The Minister may vary any rate determined pursuant to this paragraph where, having regard to the factors set out in paragraphs 14 and 15 below, it appears to him to be necessary to do so.

**14.** The hourly rate for any class of inspector shall be calculated so as to reflect—

- (a) the mean salary costs and fees (including pension and employers' National Insurance contributions, but excluding any additional costs taken into account pursuant to paragraph 10 above) of inspectors in that class; and
- (b) such proportion of the administrative cost of inspection services as the Minister considers it proper to apportion to that hourly rate.

**15.** For the purposes of paragraph 14(b) above, “administrative costs” means all costs reasonably incurred in providing inspection services, including in particular the costs of—



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- (a) post-qualification training given to inspectors of a particular class in relation to the performance of their functions as a member of that class;
- (b) the salaries (including the cost of overtime, pension contributions and employers' National Insurance contributions) of the staff other than inspectors engaged in the administration of inspection services, and such proportion of inspectors' remuneration as is not directly accounted for in the calculation of time costs;
- (c) providing office accommodation, equipment and services in relation to inspection services, including depreciation of any office furniture and equipment and also of providing information technology, stationery and forms;
- (d) protective clothing and equipment used in carrying out inspections, and of laundering such clothing;
- (e) accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of inspectors; and
- (f) other expenses and overheads incurred by or in relation to—
  - (i) inspectors carrying out inspection services, and
  - (ii) other staff engaged in the administration of those services.

16. Prior to determining or varying hourly rates in accordance with paragraphs 13 to 15 above, the Minister shall consult such occupiers as are likely to be affected by those rates.

## Definitions

17.—(1) In this Schedule—

- (a) “inspection services” means the provision by the Minister of inspections;
- (b) “inspector” means—
  - (i) in relation to inspections carried out pursuant to the Fresh Meat Regulations—
    - (aa) a veterinary surgeon designated as an official veterinary surgeon under regulation 8(1) of those Regulations, or
    - (bb) a person appointed as an inspector under regulation 8(2) of those Regulations,
  - (ii) in relation to inspections carried out pursuant to the Poultry Meat Regulation—
    - (aa) a veterinary surgeon designated as an official veterinary surgeon under regulation 8(1) of those Regulations, or
    - (bb) a person appointed as an inspector under regulation 8(2) of those Regulations,
  - (iii) in relation to inspections carried out pursuant to the Wild Game Regulations—
    - (aa) a veterinary surgeon designated as an official veterinary surgeon under regulation 6(1) of those Regulations, or
    - (bb) a person appointed as an inspector under regulation 6(2) of those Regulations;
- (c) “period” means an accounting period as defined by regulation 2(1) above;
- (d) “the standard charge” means in relation to any slaughterhouse or cutting premises for any period the charge calculated in accordance with paragraph 6 or as the case may be 7 above, converted into sterling in accordance with paragraph 8 above; and
- (e) “the ECU/sterling conversion rate” applicable in respect of any given year shall be—
  - (i) 1 ECU = £0.774947 for 1998, and

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- (ii) in each subsequent year, the rate published in the C Series of the Official Journal of the European Communities on the first working day of the September in the preceding year or, if no rate is published in it on that day, the first rate published in it thereafter;
- (f) “time costs” means in relation to any establishment for any period the costs calculated in accordance with paragraphs 9 to 11 above.
- (2) Expressions used in this Schedule which are used in Council Directive [85/73/EEC](#) on the financing of veterinary inspections and controls covered by Directives [89/662/EEC](#), [90/425/EEC](#), [90/675/EEC](#) and [91/496/EEC](#) (as amended and consolidated by Council Directive [96/43/EC](#)(**11**)) have the same meaning as in that first-mentioned Directive.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement in Great Britain the provisions relating to charges for meat hygiene inspections of Council Directive [85/73/EEC](#) on the financing of veterinary inspections and controls covered by Directives [89/662/EEC](#), [90/425/EEC](#), [90/675/EEC](#) and [91/496/EEC](#) of which an amended and consolidated text is annexed to Council Directive [96/43/EC](#) (OJNo. L162, 1.7.96, p.1). In pursuance of Article 4 of Council Directive [85/73/EEC](#), they also provide for a charge to be levied in relation to hygiene inspection at slaughter of other land mammals and birds for which no standard charge is specified. The charges encompass any monitoring of the welfare of animals slaughtered for human consumption in slaughterhouses carried out under the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. [1995/731](#)).

The Regulations require the Minister to notify the occupiers of slaughterhouses, cutting premises and cold stores (as defined in regulation 2) of the inspection charge (calculated in accordance with the Schedule) in relation to inspections carried out there as soon as possible after the end of each accounting period, and provide that any charge so notified is payable by the occupier concerned to the Minister and is recoverable on demand as a debt (regulation 3).

The Schedule to the Regulations sets out how the inspection charge is to be calculated. It requires the Minister to determine hourly rates for use in the calculation of the charge, after consultation with such occupiers as are likely to be affected by the rates.

The Regulations require the Minister to be supplied on demand with such information as he may reasonably require to calculate the inspection charge, and with such further information as he requires to verify that information. Knowingly or recklessly supplying information which is false or misleading in a material particular is an offence, as is failure to supply the information required within a reasonable time and without reasonable excuse (regulation 4).

The Regulations revoke the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995 (S.I. [1995/361](#)) (regulation 5).

A regulatory appraisal has been prepared and placed in the library of each House of Parliament. Copies of that appraisal can be obtained from the Meat Hygiene Division of the Ministry of Agriculture, Fisheries and Food, Ergon House, 17 Smith Square, London SW1P 3JR.

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(11) OJ No. L162, 1.7.96, p.1.

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