

STATUTORY INSTRUMENTS

2005 No. 2983

The Meat (Official Controls Charges) (England) Regulations 2005

PROSPECTIVE

Title, application and commencement

1. These Regulations may be cited as the Meat (Official Controls Charges) (England) Regulations 2005, apply in relation to England only and come into force on 1st January 2006.

Commencement Information

II Reg. 1 in force at 1.1.2006, see [reg. 1](#)

Interpretation

2. In these Regulations —

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

“the Agency” means the Food Standards Agency;

“agreed slaughterhouse staff costs” means, in respect of any slaughterhouse at which poultry or lagomorphs are slaughtered —

(a) the proportion (expressed as a sum of money) of the salaries (including overtime payments and employers' pension and National Insurance contributions) paid to the staff at that slaughterhouse in respect of an accounting period that the Agency and the operator of the slaughterhouse shall agree as being attributable to any such staff assisting with official controls by carrying out certain tasks there during that period under Article 5.6 of Regulation 854/2004; plus

(b) 25% of that sum;

“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(1) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(2);

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

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

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

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Meat (Official Controls Charges) (England) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“Directive 2004/41”, “Regulation 178/2002”, “Regulation 1642/2003”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 854/2004”, “Regulation 882/2004” and “Regulation 1688/2005” have the meanings respectively given to them in Schedule 1;

“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⁽³⁾;

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

“food business operator” has the meaning given to it in Article 3.6 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;

“lagomorph” shall be construed in accordance with the definition of the term “lagomorphs” 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 controls” means the controls that the Agency performs under Regulation 854/2004 for the verification of compliance with —

- (a) Articles 3, 4.1(a), 5, 7 and (save insofar as it relates to minced meat and eggs) 8 of Regulation 853/2004; and
- (b) the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995⁽⁵⁾ insofar as such verification relates to the welfare of animals slaughtered for human consumption in slaughterhouses;

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

“operator” means a food business operator who is carrying on the business of a slaughterhouse, game-handling establishment or cutting plant or his duly authorised representative;

“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 or cutting plant;

“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 it requires under Article 4.3 of Regulation 853/2004) was, on 31st December 2005, operating as a licensed

⁽³⁾ 1992 c. 4.

⁽⁴⁾ S.I. 1995/2148, revoked with effect from 1st January 2006 by S.I. 2005/2059.

⁽⁵⁾ 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 and S.I. 2003/3272.

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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; and

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

Commencement Information

I2 Reg. 2 in force at 1.1.2006, see [reg. 1](#)

Charges

3.—(1) The Agency shall, subject to the following provisions of this regulation, notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised in any accounting period of an official controls charge in respect of those official controls as soon as practicable after the end of that period.

(2) Where the Agency cannot comply with paragraph (1) because it has insufficient information available to it to enable it to calculate the official controls charge for any accounting period in respect of any such premises as are specified in that paragraph, it shall notify the operator of those premises of an interim charge, being such amount as the Agency estimates (having regard to the information it has) the official controls charge to be.

(3) Where the Agency has notified an operator of an interim charge in accordance with paragraph (2), and sufficient information becomes available to the Agency to calculate the official controls charge, it shall calculate that charge and —

- (a) where it exceeds the interim charge, notify the operator of the final charge, being the amount by which the official controls charge exceeds the interim charge; or
- (b) subject to paragraph (6), where it is less than the interim charge, credit to the operator the amount by which the interim charge exceeds the official controls charge.

(4) Any charge notified to an operator under paragraph (1), (2) or (3) shall be payable by him to the Agency on demand.

(5) Where any agreed slaughterhouse staff costs have been used to calculate a charge falling to be notified under paragraph (1), (2) or (3), those costs shall be set off against the amount of that charge in calculating the actual charge notified thereunder, provided that no refund shall be made to the relevant operator.

(6) Where under paragraph (3)(b) a sum is to be credited to an operator, the Agency may if it so determines pay such sum to the operator concerned instead of crediting it to him.

Commencement Information

I3 Reg. 3 in force at 1.1.2006, see [reg. 1](#)

Withdrawal of official controls

4. Where the Agency has had judgment entered against an operator of any premises for any sum which is payable to it under regulation 3(4) and the operator fails within a reasonable time thereafter to satisfy the judgment, the Agency may (regardless of any other legal remedy open to it) refuse to exercise any further official controls at those premises until the judgment has been satisfied.

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Commencement Information

I4 Reg. 4 in force at 1.1.2006, see [reg. 1](#)

Information

- 5.—(1) Any person shall on demand being made by the Agency, supply —
- (a) such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying an operator of it; and
 - (b) such evidence as the Agency may reasonably require to enable it to verify information supplied under sub-paragraph (a).
- (2) Any person who —
- (a) in purported compliance with paragraph (1), 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 that paragraph,

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

Commencement Information

I5 Reg. 5 in force at 1.1.2006, see [reg. 1](#)

Revocation

6. The Meat (Hygiene and Inspection) (Charges) Regulations 1998(6) are revoked in so far as they apply in relation to England.

Commencement Information

I6 Reg. 6 in force at 1.1.2006, see [reg. 1](#)

Signed by authority of the Secretary of State for Health

24th October 2005

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2006/2705 reg. 6](#)