

## EXPLANATORY NOTE

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

1. These Regulations apply in relation to England only. They revoke the Meat (Hygiene and Inspection) (Charges) Regulations 1998 (S.I.1998/2095, as amended by S.I. 2000/224, S.I. 2000/656 and S.I. 2001/750), which extend to the whole of Great Britain, in so far as they apply in relation to England.

2. The Meat (Hygiene and Inspection) (Charges) Regulations 1998 implemented in relation to Great Britain the provisions of Council Directive 85/73/EEC on the financing of veterinary inspections and controls that require fees to be collected for inspections of and controls on fresh red meat, fresh poultry meat, rabbit meat, farmed game meat and wild game meat under certain Council Directives. An amended and consolidated text of Council Directive 85/73/EEC is annexed to Council Directive 96/43/EC at OJNo. L162, 1.7.96, p.1.

3. In the light of reforms to the Community regime governing food hygiene that take effect on 1st January 2006, Directive 2004/41/EC of the European Parliament and of the Council (OJ No. L157, 30.4.2004, p.33; the revised text of Directive 2004/41/EC is now set out in a Corrigendum, OJ No. L195, 2.6.2004, p.12) modifies Council Directive 85/73/EEC with effect from 1st January 2006 so that from that date it requires fees to be collected for official controls on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and wild game meat under Regulation (EC) No. 854/2004 of the European Parliament of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ No. L139, 30.4.2004, p.206; the revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.83).

4. In the light of the modification to Council Directive 85/73/EEC described in paragraph 3, these Regulations implement the provisions of that Directive that now require fees to be collected for inspections of and controls on meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and wild game meat under Regulation (EC) No. 854/2004.

5. These Regulations —

- (a) require the Agency to notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised of the official controls charge that has arisen in relation to those official controls (the terms “slaughterhouse”, “game-handling establishment”, “cutting plant”, “official controls” and “official controls charge” are all defined in regulation 2) (*regulation 3*);
- (b) provide that any official controls charge so notified is payable by the operator to the Agency on demand (*regulation 3*);
- (c) allow the Agency to refuse to exercise any further official controls at given premises where, despite a Court order requiring the operator of the premises to pay the official controls charge for which he is liable, he fails to comply with the order (*regulation 4*);
- (d) require persons —

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- (i) to supply the Agency on demand with such information as it may reasonably require for the purpose of calculating the official controls charge or notifying the operator of it, and
  - (ii) to supply the Agency on demand with such evidence as it may reasonably require to verify that information (*regulation 5*);
- (e) provide that a person who —
- (i) in response to a demand for information or evidence knowingly or recklessly furnishes false or misleading information, or
  - (ii) without reasonable excuse fails to comply within a reasonable time with a demand for information or evidence,
- is guilty of an offence (*regulation 5*).
- 6.** Schedule 2 to these Regulations sets out how the official controls charge is to be calculated.
- 7.** A full regulatory impact assessment has not been produced for this Instrument as it has no impact on the costs of business.

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**Changes and effects yet to be applied to :**

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