

2011 No. 2945

FOOD

**The Charges for Residues Surveillance (Amendment)
Regulations 2011**

| | |
|-------------------------------|---------------------------|
| <i>Made</i> - - - - | <i>6th December 2011</i> |
| <i>Laid before Parliament</i> | <i>13th December 2011</i> |
| <i>Coming into force</i> - - | <i>9th January 2012</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45 and 48(1)(b) of the Food Safety Act 1990(a) and now vested in the Secretary of State(b).

In accordance with section 48(4A) of that Act the Secretary of State has had regard to advice given by the Food Standards Agency on the proposal to make the Regulations.

In accordance with Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c), the Secretary of State has consulted those whom the Secretary of State considered likely to be affected by the Regulations.

Title and commencement

1. These Regulations may be cited as the Charges for Residues Surveillance (Amendment) Regulations 2011 and come into force on 9th January 2012.

(a) 1990 c. 16. Sections 45 and 48 were amended by Schedule 5 to the Food Standards Act 1999 (c. 28): paragraphs 7, 8 and 20 of that Schedule amended section 45 and paragraphs 7, 8 and 21 amended section 48.

(b) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State. In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act. In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers, having been transferred by section 162 of, and paragraph 32(a) of Schedule 11 to, the government of Wales Act 2006 (c. 32). However the Ministers of the Crown responsible retained a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c. 38) re-enacted by paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32) (as read in conjunction with paragraph 26(1) of Schedule 11 to that Act): that concurrent power became vested in the Secretary of State in consequence of section 40(1) of and Schedule 5 to the Food Standards Act 1999 (c. 28), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by Regulation 13 of S.I. 2000/656, to join in making regulations concerning charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of S.I. 2002/794.

(c) OJ No. L31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No 202/2008 (OJ No. L60, 5.3.2008, p. 17).

Amendments to the Charges for Residues Surveillance Regulations 2006

- 2.—(1) The Charges for Residues Surveillance Regulations 2006(a) are amended as follows.
(2) In regulation 4(2) replace “within a reasonable time” with “within 30 days”.
(3) For Schedule 1 substitute—

“SCHEDULE 1

Residues surveillance charges

| <i>Type of creature or animal product</i> | <i>Charge (£)</i> |
|---|--------------------------------------|
| Bovine | 0.5106} |
| Goat | 0.0507} |
| Sheep | 0.0507} per carcase |
| Soliped | 0.3536} |
| Swine | 0.0543} |
| Game and wild game | 1.0461} per tonne |
| Poultry | 0.5568} |
| Eggs | 0.0179 per case of 360 |
| Milk | 0.0276 per 1000 litres |
| Fish other than trout | 2.1265 per tonne of marketed product |
| Trout | 1.6840 per tonne of fish food” |

Revocation

3. Regulation 2(3) of, and the Schedule to, the Charges for Residues Surveillance (Amendment) Regulations 2009(b) are revoked.

Jim Paice

Minister of State

6th December 2011

Department for Environment Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Charges for Residues Surveillance Regulations 2006 (S.I. 2006/2285).

The Charges for Residues Surveillance Regulations 2006 give effect (except in relation to honey) to Article 27, as read with Annex IV, section A, of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No. L165, 30.4.2004, p.1, as corrected by the corrigendum in OJ No L 191, 28.5.2004, p.1).

These Regulations amend regulation 4(2) to require information and evidence to be supplied to the Secretary of State for the purposes of calculating charges “within 30 days” as opposed to “within a reasonable time”.

(a) S.I. 2006/2285, amended by S.I. 2008/2999.

(b) S.I. 2009/2779.

Changes to the fees are itemised in the table below.

| <i>Type of creature or animal product and basis of charge</i> | <i>Previous charge</i> | <i>Replacement charge</i> | <i>Change (%)</i> |
|---|------------------------|---------------------------|-------------------|
| Bovine} | 0.5106 | 0.5106 | 0 |
| Goat} | 0.0588 | 0.0507 | -14 |
| Sheep} per carcase | 0.0588 | 0.0507 | -14 |
| Soliped} | 0.3536 | 0.3536 | 0 |
| Swine} | 0.0558 | 0.0543 | -3 |
| Game and wild game} per tonne | 1.0461 | 1.0461 | 0 |
| Poultry} | 0.6701 | 0.5568 | -17 |
| Eggs per case of 360 | 0.0221 | 0.0179 | -19 |
| Milk per 1000 litres | 0.0287 | 0.0276 | -4 |
| Fish other than trout per tonne of marketed product | 2.1484 | 2.1265 | -1 |
| Trout per tonne of fish food | 1.8179 | 1.6840 | -7 |

This instrument contains a consequential revocation.

An impact assessment of the effect of this instrument on the costs of business has been placed in the Library of each House of Parliament. Copies are available from the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS.

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STATUTORY INSTRUMENTS

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