



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1302 (Cy. 79)

2001 No. 1302 (W. 79)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Cig (Hylendid ac Archwilio) (Ffioedd) (Diwygio) (Cymru) 2001

The Meat (Hygiene and Inspection) (Charges) (Amendment) (Wales) Regulations 2001

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn (sy'n gymwys i Gymru yn unig) yn gwneud diwygiadau pellach i Reoliadau Cig (Hylendid ac Archwilio) (Ffioedd) 1998 (O.S. 1998/2095) fel y maent yn gymwys i Gymru. Rhoes y Rheoliadau hynny y darpariaethau sy'n ymwneud â ffioedd am archwilio cig yng Nghyfarwyddeb y Cyngor 85/73/EEC ar waith ym Mhrydain Fawr, sef Cyfarwyddeb y mae ei thestun diwygiedig a chyfnerthedig wedi'i atodi i Gyfarwyddeb y Cyngor 96/43/EC (OJ Rhif L162, 1.7.96, t.4).

2. Mae'r Rheoliadau hyn yn newid y sail ar gyfer cyfrifo'r ffioedd y mae'r Gyfarwyddeb honno yn ei gwneud yn ofynnol eu codi am archwiliadau hylendid cig yng Nghymru. Mae'r sail ddiwygiedig ar gyfer cyfrifo'r ffioedd hynny yn aros yn gydnaws â Chyfarwyddeb y Cyngor 85/73/EEC.

1. These Regulations (which apply to Wales only) make further amendments to the Meat (Hygiene and Inspection) (Charges) Regulations 1998 (S.I. 1998/2095) in their application to Wales. Those Regulations implemented in Great Britain the provisions relating to charges for meat inspections of Council Directive 85/73/EEC, an amended and consolidated text of which is annexed to Council Directive 96/43/EC (OJ No. L162, 1.7.96, p.4).

2. These Regulations change the basis on which the charges required by that Directive to be levied for meat hygiene inspections are calculated in Wales. The revised basis for calculating those charges remains compatible with Council Directive 85/73/EEC.

2001 Rhif 1302 (Cy. 79)**2001 No. 1302 (W. 79)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Cig (Hylendid ac Archwilio) (Ffioedd) (Diwygio) (Cymru) 2001****The Meat (Hygiene and Inspection) (Charges) (Amendment) (Wales) Regulations 2001***Wedi'u gwneud* 27 Mawrth 2001*Made* 27th March 2001*Yn dod i rym* 1 Ebrill 2001*Coming into force* 1 April 2001

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi (a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (b) mewn perthynas â Pholisi Amaethyddol Cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, i'r graddau y mae'r Rheoliadau hyn yn ymwneud â chodi ffioedd am fonitro gofynion Rheoliadau Lles Anifeiliaid (Cigydda neu Ladd) 1995 (c);

The National Assembly for Wales, being designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that section, so far as these Regulations relate to the imposition of charges in respect of monitoring the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995 (c);

a thrwy arfer y pwerau a roddir gan adrannau 17(1), 45 a 48(1) o Ddeddf Diogelwch Bwyd 1990(ch) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(d), ac ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, yn gwneud y Rheoliadau canlynol:

and in exercise of the powers conferred by sections 17(1), 45 and 48(1) of the Food Safety Act 1990(d) and now vested in the National Assembly for Wales(e), and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, makes the following Regulations:

Enwi, cymhwyso a chychwyn**Citation, application and commencement**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cig (Hylendid ac Archwilio) (Ffioedd) (Diwygio) (Cymru) 2001.

1.-(1) These Regulations may be cited as the Meat (Hygiene and Inspection) (Charges) (Amendment) (Wales) Regulations 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 1 Ebrill 2001.

(2) These Regulations apply to Wales only and come into force on 1st April 2001.

Diwygiadau i Reoliadau Cig (Hylendid ac Archwilio) (Ffioedd) 1998**Amendments to the Meat (Hygiene and Inspection) (Charges) Regulations 1998**

2.-(1) Diwygir Rheoliadau Cig (Hylendid ac Archwilio) (Ffioedd) 1998(dd) yn unol â'r paragraffau

2.-(1) The Meat (Hygiene and Inspection) (Charges) Regulations 1998(f) shall be amended in accordance

(a) OS 1999/2788.

(a) SI 1999/2788.

(b) 1972 p.68.

(b) 1972 c.68.

(c) OS 1998/2095, a ddiwygiwyd gan OS 2000/224; mae diwygiadau perthnasol wedi'u gwneud hefyd gan OS 2000/656.

(c) SI 1998/2095, amended by SI 2000/224; relevant amendments are also made by SI 2000/656.

(ch) 1990 p.16. Cafodd swyddogaethau "the Ministers" i'r graddau y maent yn arferadwy mewn perthynas â Chymru eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672.

(d) 1990 c.16. Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672.

(d) Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(e) The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(dd) O.S. 1998/2095, a ddiwygiwyd gan O.S. 2000/224; gwnaed diwygiadau perthnasol hefyd gan O.S. 2000/656.

(f) S.I. 1998/2095, amended by S.I. 2000/224; relevant amendments are also made by S.I. 2000/656.

canlynol yn y rheoliad hwn.

- (2) Ym mharagraff (1) o reoliad 2 (dehongli), yn y diffiniad o "accounting period", mewnosodir y geiriau "of less than a year" cyn y gair "determined".
- (3) Yn rheoliad 3 (ffioedd), hepgorir paragraffau (5) a (6).
- (4) Yn rheoliad 3(10) hepgorir y geiriau "or (5)".
- (5) Yn yr Atodlen (cyfrifo'r ffi archwilio), caiff paragraff 1 ei hepgor, gan fewnosod y paragraff canlynol -

"1. Subject to paragraphs 1A, 2, 3 and 4 below, the inspection charge payable by the occupier of any premises for any accounting period shall be the lower of -

- (a) the sum of -
 - (i) the standard charge incurred in relation to those premises for that period, and
 - (ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 8A below; and
- (b) the time costs generated by those premises for that period."

(6) Yn yr Atodlen, mewnosodir y paragraff canlynol rhwng paragraffau 1 a 2 -

"1A.-(1) This paragraph applies where the inspection charge calculated under paragraph 1 above for any accounting period (amount A), when added to the inspection charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the inspection charge which would be payable under paragraph 1 above if those accounting periods were one accounting period (amount D).

- (2) Where this paragraph applies, the inspection charge payable in respect of the relevant accounting period shall be the amount by which amount D exceeds amount B.
- (3) in this paragraph, "financial period" means a 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) Yn yr Atodlen, caiff paragraff 2 ei hepgor, gan fewnosod y paragraff canlynol -

"2. The inspection charge payable in relation to inspections at a repackaging centre shall be the time costs."

(8) Yn yr Atodlen, caiff paragraffau 3 i 5 eu hepgor, gan fewnosod y paragraffau canlynol -

with the following paragraphs of this regulation.

- (2) In paragraph (1) of regulation 2 (interpretation), in the definition of "accounting period", the words "of less than a year" shall be inserted before the word "determined".
- (3) In regulation 3 (charges), paragraphs (5) and (6) shall be omitted.
- (4) In regulation 3(10) the words "or (5)" shall be omitted.
- (5) In the Schedule (calculation of the inspection charge), paragraph 1 shall be omitted and the following paragraph inserted -

"1. Subject to paragraphs 1A, 2, 3 and 4 below, the inspection charge payable by the occupier of any premises for any accounting period shall be the lower of -

- (a) the sum of -
 - (i) the standard charge incurred in relation to those premises for that period, and
 - (ii) any additional charge incurred in relation to those premises for that period by virtue of paragraph 8A below; and
- (b) the time costs generated by those premises for that period."

(6) In the Schedule, the following paragraph is inserted between paragraphs 1 and 2 -

"1A.-(1) This paragraph applies where the inspection charge calculated under paragraph 1 above for any accounting period (amount A), when added to the inspection charge payable in respect of all earlier accounting periods falling within the same financial period (amount B), produces a total (amount C) which is greater than the amount of the inspection charge which would be payable under paragraph 1 above if those accounting periods were one accounting period (amount D).

- (2) Where this paragraph applies, the inspection charge payable by an occupier for an accounting period shall be the amount by which amount D exceeds amount B.
- (3) in this paragraph, "financial period" means a 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) In the Schedule, paragraph 2 shall be omitted and the following paragraph inserted -

"2. The inspection charge payable in relation to inspections at a repackaging centre shall be the time costs."

(8) In the Schedule, paragraphs 3 to 5 shall be omitted and the following paragraphs inserted -

"3. The inspection charge payable by the occupier of a slaughterhouse or cutting premises for any accounting period shall not be lower than 45% of the standard charge incurred in relation to those premises for that period.

4. The inspection charge payable in relation to inspections at a cold store shall be determined in accordance with paragraph 12 below."

(9) Yn y tabl, ym mharagraff 6 o'r Atodlen, mewnosodir y cofnodion canlynol ar ddiwedd y golofn gyntaf -

"Ostriches and other ratites

Land mammals and birds of a type not mentioned above",

a mewnosodir y ffigur "1.3" yn nhrydedd golofn y tabl hwnnw gyferbyn â phob un o'r cofnodion newydd hynny.

(10) Yn yr Atodlen, ym mharagraff 7 -

- (a) hepgorir y geiriau "any cutting operations carried out on"; a
- (b) caiff y geiriau "entering the cutting room" hyd at y diwedd eu hepgor, gan fewnosod y geiriau "brought into those premises during that period" yn eu lle.

(11) Yn yr Atodlen, ar ôl paragraff 8, mewnosodir y paragraffau canlynol -

"8A.-(1) Where in respect of an accounting period the Agency finds that it has incurred increased costs because of inefficiency in the operation of premises, the Agency may in accordance with this paragraph add an additional charge to the standard charge payable in relation to the premises for that period.

(2) The additional charge shall be a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the occupier of its intention to do so.

(4) The notification referred to in sub-paragraph (3) above shall be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph "inefficiency" means an inefficiency on the part of the occupier and shall include in particular -

- (a) delay in the start of slaughtering attributable to the occupier;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an inspector;

"3. The inspection charge payable by the occupier of a slaughterhouse or cutting premises for any accounting period shall not be lower than 45% of the standard charge incurred in relation to those premises for that period.

4. The inspection charge payable in relation to inspections at a cold store shall be determined in accordance with paragraph 12 below."

(9) In the table in paragraph 6 of the Schedule, the following entries are inserted at the end of the first column -

"Ostriches and other ratites

Land mammals and birds of a type not mentioned above",

and the figure "1.3" is inserted into the third column of that table opposite to each of those new entries.

(10) In the Schedule, in paragraph 7 -

- (a) the words "any cutting operations carried out on" shall be omitted; and
- (b) the words "entering the cutting room" to the end shall be omitted and the words "brought into those premises during that period" inserted in their place.

(11) In the Schedule, after paragraph 8, there shall be inserted the following paragraphs -

"8A.-(1) Where in respect of an accounting period the Agency finds that it has incurred increased costs because of inefficiency in the operation of premises, the Agency may in accordance with this paragraph add an additional charge to the standard charge payable in relation to the premises for that period.

(2) The additional charge shall be a sum equal to the time costs generated by the inefficiency for the accounting period concerned.

(3) The Agency may not make an additional charge in accordance with this paragraph unless it has notified the occupier of its intention to do so.

(4) The notification referred to in sub-paragraph (3) above shall be given as soon as is practicable after the Agency has concluded that it wishes to make an additional charge in accordance with this paragraph.

(5) For the purposes of this paragraph "inefficiency" means an inefficiency on the part of the occupier and shall include in particular -

- (a) delay in the start of slaughtering attributable to the occupier;
- (b) mechanical breakdown caused by lack of maintenance;
- (c) enforcement action taken by the Agency or an inspector;

- (d) under-employment of inspectors caused by the occupier's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (e) insufficient provision of slaughter staff caused by the occupier's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (f) delays attributable to risks to the health and safety of inspectors attributable to the occupier; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below which is attributable to the occupier.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g) above, the Agency and the occupier shall agree working hours and working practices and shall keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the occupier that it is appropriate to do so, they may vary any working hours or working practices agreed pursuant to sub-paragraph (6) above.

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) above they shall be treated as having been agreed pursuant to sub-paragraph (6) above.

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6) above.

8B.-(1) An occupier who does not agree that an additional charge is payable in accordance with paragraph 8A above may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a) below.

(2) A request under sub-paragraph (1) above shall be made within 1 week of the Agency giving the occupier notice under paragraph 8A(3) above.

(3) Where an occupier makes a request under sub-paragraph (1) of this paragraph -

- (a) the Agency shall nominate a person to determine the question from the list established under sub-paragraph (4) of this paragraph;
- (b) the person so nominated shall give the occupier and the Agency an opportunity to make representations on the question to be determined;

- (d) under-employment of inspectors caused by the occupier's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (e) insufficient provision of slaughter staff caused by the occupier's failure to adhere to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below;
- (f) delays attributable to risks to the health and safety of inspectors attributable to the occupier; and
- (g) any change to the working hours or working practices agreed for the purposes of this paragraph pursuant to sub-paragraph (6) below which is attributable to the occupier.

(6) For the purposes of sub-paragraph (5)(d), (e) and (g) above, the Agency and the occupier shall agree working hours and working practices and shall keep the working hours and working practices so agreed under review.

(7) Where, following any such review, it appears to the Agency and the occupier that it is appropriate to do so, they may vary any working hours or working practices agreed pursuant to sub-paragraph (6) above.

(8) Where any working hours or working practices have been varied pursuant to sub-paragraph (7) above they shall be treated as having been agreed pursuant to sub-paragraph (6) above.

(9) No additional charge may be made in accordance with this paragraph in respect of any increased costs incurred because of any variation in working hours or working practices which does not alter the working hours or working practices which have been agreed in accordance with sub-paragraph (6) above.

8B.-(1) An occupier who does not agree that an additional charge is payable in accordance with paragraph 8A above may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a) below.

(2) A request under sub-paragraph (1) above shall be made within 1 week of the Agency giving the occupier notice under paragraph 8A(3) above.

(3) Where an occupier makes a request under sub-paragraph (1) of this paragraph -

- (a) the Agency shall nominate a person to determine the question from the list established under sub-paragraph (4) of this paragraph;
- (b) the person so nominated shall give the occupier and the Agency an opportunity to make representations on the question to be determined;

(c) the person so nominated shall, within 1 month of being appointed, decide whether an additional charge is payable and shall notify the occupier and the Agency of his decision.

(4) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this paragraph and shall consult those organisations appearing to represent occupiers before including any person on the list."

(12) Yn yr Atodlen, caiff paragraff 12 ei hepgor, gan fewnosod y paragraff canlynol -

"Cold Stores

12.-(1) The inspection charge for a cold store with a storage capacity -

- (a) of less than 100 cubic metres;
- (b) of 100 cubic metres or more but not more than 25,000 cubic metres; or
- (c) of more than 25,000 cubic metres,

shall be calculated by multiplying the sum determined by the Agency in accordance with the following sub-paragraphs of this paragraph for cold stores of that capacity by the number of inspections carried out at the cold store concerned in an accounting period.

(2) The Agency shall from time to time determine the sum used for the purpose of calculating the inspection charge for cold stores of each storage capacity specified in sub-paragraph (1) above having regard to the cost of providing inspections at cold stores of that storage capacity.

(3) The sum determined by the Agency under sub-paragraph (2) above for the purpose of calculating the inspection charge for cold stores of a given storage capacity shall reflect the salary costs and fees of the inspectors carrying out inspections at cold stores of that storage capacity and such proportion of the administrative costs as the Agency considers it proper to apportion to carrying out inspections at such cold stores.

(4) Before determining any sum in accordance with sub-paragraph (2) above, the Agency shall consult such occupiers as are likely to be affected by that sum."

(13) Yn yr Atodlen, caiff paragraff 13 ei hepgor gan fewnosod y paragraff canlynol yn ei le -

"13. The Agency shall determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of providing inspections by different inspectors or classes of inspector. The Agency may vary any rate determined pursuant to this paragraph where, having regard to the factors set out in

(c) the person so nominated shall, within 1 month of being appointed, decide whether an additional charge is payable and shall notify the occupier and the Agency of his decision.

(4) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this paragraph and shall consult those organisations appearing to represent occupiers before including any person on the list."

(12) In the Schedule, paragraph 12 shall be omitted and the following paragraph inserted -

"Cold Stores

12.-(1) The inspection charge for a cold store with a storage capacity -

- (a) of less than 100 cubic metres;
- (b) of 100 cubic metres or more but not more than 25,000 cubic metres; or
- (c) of more than 25,000 cubic metres,

shall be calculated by multiplying the sum determined by the Agency in accordance with the following sub-paragraphs of this paragraph for cold stores of that storage capacity by the number of inspections carried out at the cold store concerned in an accounting period.

(2) The Agency shall from time to time determine the sum used for the purpose of calculating the inspection charge for cold stores of each storage capacity specified in sub-paragraph (1) above having regard to the cost of providing inspections at cold stores of that storage capacity.

(3) The sum determined by the Agency under sub-paragraph (2) above for the purpose of calculating the inspection charge for cold stores of a given storage capacity shall reflect the salary costs and fees of the inspectors carrying out inspections at cold stores of that storage capacity and such proportion of the administrative costs as the Agency considers it proper to apportion to carrying out inspection at such cold stores.

(4) Before determining any sum in accordance with sub-paragraph (2) above, the Agency shall consult such occupiers as are likely to be affected by that sum."

(13) In the Schedule, paragraph 13 shall be omitted and the following paragraph inserted -

"13. The Agency shall determine the hourly rate applicable to inspectors, and may determine different rates for different inspectors or different classes of inspector, having regard to the level of qualifications and experience of different inspectors or classes of inspector and to the cost of providing inspections by different inspectors or classes of inspector. The Agency 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 the Agency to be necessary to do so."

- (14) Yn yr Atodlen, ym mharagraff 14 -
- (a) ar ôl "rate for any", mewnosodir "inspector or";
 - (b) ym mharagraff (a), caiff y geiriau "of inspectors of that class" eu hepgor, gan fewnosod yn eu lle "and other costs of providing inspections by that inspector or that class of inspector."

(15) Yn yr Atodlen, ym mharagraff 15, caiff y geiriau "paragraph 14(b)" eu hepgor gan fewnosod y geiriau "paragraphs 12(3) and 14(b)".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

27 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

paragraphs 14 and 15 below, it appears to the Agency to be necessary to do so."

- (14) In the Schedule, in paragraph 14 -
- (a) after "rate for any", there shall be inserted "inspector or";
 - (b) in paragraph (a), the words "of inspectors of that class" shall be omitted and there shall be inserted in their place "and other costs of providing inspections by that inspector or that class of inspector."

(15) In the Schedule, in paragraph 15, the words "paragraph 14(b)" shall be omitted and the words "paragraphs 12(3) and 14(b)" inserted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

27th March 2001

The Presiding Officer of the National Assembly

D. Elis Thomas

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

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