Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Meat (Official Controls Charges) (Wales) Regulations 2009. 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*

WELSH STATUTORY INSTRUMENTS

2009 No. 1557 (W.152)

FOOD, WALES

The Meat (Official Controls Charges) (Wales) Regulations 2009

Made - - - -	*24 June 2009*
Laid before the National Assembly for Wales - -	*25 June 2009*
Coming into force - -	*28 September 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 [F1].

The Welsh Ministers are designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food [F2].

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears **[**[F3]to the Welsh Ministers**]** that it is expedient for any reference to a Community instrument defined in Schedule 1 to be construed as a reference to that instrument as amended from time to time.

As required by 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 [F4] there has been open and transparent public consultation during the preparation of the following Regulations.

F1 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c. 51).

F2 S.I. 2005/1971. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

F3 Words in preamble substituted (25.5.2010) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1360), **regs. 1(3)**, 3(2)(a)

F4 OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

Title, application and commencement

1. The title of these Regulations is the Meat (Official Controls Charges) (Wales) Regulations 2009, they apply in relation to Wales and come into force on 28 September 2009.

Interpretation

2.—(1) In these Regulations —

"accounting period" ("*cyfnod cyfrifyddu*") means a period of less than a year determined by the Agency;

"the Agency" ("*yr Asiantaeth*") means the Food Standards Agency;

"audit" ("*archwilio*") has the meaning given to it in **[**F5Article 3(30) of Regulation 2017/625**]**;

"controls" ("*rheolaethau*") means those official controls performed by the Agency—

(a) **[**F6pursuant to Regulation 2017/625, Regulation 2019/624 and Regulation 2019/627,**]** at slaughterhouses, game-handling establishments and cutting plants, for the verification of compliance with the provisions of Regulation 853/2004 in so far as they apply in relation to meat of domestic ungulates, meat from poultry and lagomorphs, meat of farmed game and meat of wild game;

(b) **[**F6pursuant to Regulation 2017/625, Regulation 2019/624 and Regulation 2019/627,**]** at slaughterhouses, for the verification of compliance with the provisions of **[**F7Council Regulation (EC) No 1099/2009 and the Welfare of Animals at the Time of Killing (Wales) Regulations 2014**]** insofar as they apply in relation to animals slaughtered there for human consumption;

(c) in relation to domestic ungulates slaughtered outside the slaughterhouse, pursuant to Chapter VI of Section I of Annex III to Regulation 853/2004;

(d) in relation to poultry slaughtered on farm, pursuant to Chapter VI of Section II of Annex III to Regulation 853/2004; and

(e) in relation to—

(i) farmed ratites,

(ii) farmed game mammals of the family Cervidae or the family Suidae,or

(iii) bison,

slaughtered at the place of origin, pursuant to Section III of Annex III to Regulation 853/2004;

"cutting plant" ("*safle torri*") 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 **[**F8Article 148 of Regulation 2017/625**]**;

(b) F9...

"cutting up" ("*torri*") has the meaning that it bears in Regulation 853/2004;

[F10"Directive 2004/41" ("*Cyfarwyddeb 2004/41*"), "Regulation 178/2002" ("*Rheoliad 178/2002*"), "Regulation 852/2004" ("*Rheoliad 852/2004*"), "Regulation 853/2004" ("*Rheoliad 853/2004*"), "Regulation 1688/2005" ("*Rheoliad 1688/2005*"), "Regulation 2073/2005" ("*Rheoliad 2073/2005*"), "Regulation 2074/2005" ("*Rheoliad 2074/2005*"), "Regulation 2015/1375" ("*Rheoliad 2015/1375*"), "Regulation 2017/185" ("*Rheoliad 2017/185*"), "Regulation 2017/625" ("*Rheoliad 2017/625*"), "Regulation 2019/624" ("*Rheoliad 2019/624*") and "Regulation 2019/627" ("*Rheoliad 2019/627*") have the meanings respectively given to them in Schedule 1;**]**

"domestic ungulates" ("*carnolion domestig*") has the meaning given to it in point 1.2 of Annex I to Regulation 853/2004;

"establishment" ("*sefydliad*") has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

"farmed game" ("*anifeiliaid hela a ffermir*") has the meaning given to it in point 1.6 of Annex I to Regulation 853/2004;

"food business operator" ("*gweithredydd busnes bwyd*") has the meaning given to it in Article 3.3 of Regulation 178/2002;

"fresh meat" ("*cig ffres*") has the meaning given to it in point 1.10 of Annex I to Regulation 853/2004;

"game" ("*anifeiliaid hela*") has the meaning that it bears in Regulation 853/2004;

"game-handling establishment" ("*sefydliad trin anifeiliaid hela*") 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 **[**F11Article 148 of Regulation 2017/625**]**;

(b) F12...

"game meat" ("*cig anifeiliaid hela*") has the meaning that it bears in Regulation 853/2004;

"inspector" ("*arolygydd*") means an official veterinarian, an official auxiliary or any other person appointed by the Agency for the purpose of performing controls;

"lagomorphs" ("*lagomorffiaid*") has the meaning given to it in point 1.4 of Annex I to Regulation 853/2004;

"meat" ("*cig*") has the meaning given to it in point 1.1 of Annex I to Regulation 853/2004;

[F13"official auxiliary" ("*cynorthwydd swyddogol*") has the meaning given to it in Article 3(49) of Regulation 2017/625;**]**

"official controls" ("*rheolaethau swyddogol*") is construed in accordance with the definition of "official control" in **[**F14Article 2(1) of Regulation 2017/625**]**;

"official controls charge" ("*ffi rheolaethau swyddogol*") means the charge calculated in accordance with Schedule 2 and notified in accordance with regulation 3(1), (2) or (3);

"official veterinarian" ("*milfeddyg swyddogol*") has the meaning given to it in **[**F15Article 3(32) of Regulation 2017/625**]**;

"operator" ("*gweithredydd*") means a food business operator who is carrying on a food business at any premises or his or her duly authorised representative;

"place of origin" ("*tarddle*") has the meaning that it bears in point 3 of Section III of Annex III to Regulation 853/2004;

"placing on the market" ("*rhoi ar y farchnad*") has the meaning given to it in Article 3.8 of Regulation 178/2002;

"poultry" ("*dofednod*") has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

"premises" ("*mangre*") means any slaughterhouse, game-handling establishment, cutting plant, place that is outside the slaughterhouse for the purposes of chapter VI of Section I of Annex III to Regulation 853/2004, farm or place of origin;

"slaughterhouse" ("*lladd-dy*") 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 **[**F16Article 148 of Regulation 2017/625**]**;

(b) F17...

"time costs" ("*costau mewn amser*") means, in relation to any establishment for any accounting period, the costs calculated in accordance with paragraphs 7 to 9 of Schedule 2;

"verification" ("*gwirhau*") means checking, by examination and provision of objective evidence; and

"wild game" ("*anifeiliaid hela gwyllt*") has the meaning given to it in point 1.5 of Annex I to Regulation 853/2004.

(2) In these Regulations, any reference to a Community instrument defined in Schedule 1 is a reference to that instrument as amended from time to time.

F5 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(a)**

F6 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(b)**

F7 Words in reg. 2(1) substituted (20.5.2014) by The Welfare of Animals at the Time of Killing (Wales) Regulations 2014 (S.I. 2014/951), reg. 1(c), **Sch. 6 para. 1(2)(b)**

F8 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(c)(i)**

F9 Words in reg. 2(1) omitted (14.12.2019) by virtue of The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(c)(ii)**

F10 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(d)**

F11 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(e)(i)**

F12 Words in reg. 2(1) omitted (14.12.2019) by virtue of The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(e)(ii)**

F13 Words in reg. 2(1) inserted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(f)**

F14 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(g)**

F15 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(h)**

F16 Words in reg. 2(1) substituted (14.12.2019) by The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(i)(i)**

F17 Words in reg. 2(1) omitted (14.12.2019) by virtue of The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019 (S.I. 2019/1480), regs. 1(2), **3(i)(ii)**

Charges

3.—(1) The Agency must, subject to the following provisions of this regulation, notify each operator of any premises at 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 premises, it must 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 must calculate that charge and —

(a) where it exceeds the interim charge, notify the operator of the amount by which the official controls charge exceeds the interim charge; or

(b) subject to paragraph (5), 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) is payable by the operator to the Agency on demand.

(5) 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 the operator.

Withdrawal of 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.

Information

5.—(1) An operator must, 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 demand made by the Agency under paragraph (1) must be in writing and may be served on the operator concerned—

(a) by delivering it to that operator;

(b) in the case of an operator that is a body corporate other than a limited liability partnership—

(i) by delivering it to the operator's **[**F18Secretary**]** at the operator's registered or principal office, or

(ii) by sending it in a prepaid letter addressed to the operator's **[**F18Secretary**]** at that office;

(c) in the case of a limited liability partnership—

(i) by delivering it to a designated member of the partnership, at the operator's registered or principal office, or

(ii) by sending it in a prepaid letter addressed to a designated member of the partnership at that office;

(d) in the case of an operator that is a partnership other than a limited liability partnership, by delivering it to the partnership's principal place of business; or

(e) in the case of any other operator, by leaving it or sending it in a prepaid letter addressed to the operator at the operator's usual or last known residence.

(3) Where a demand is to be served on an operator under paragraph (2) but it is not reasonably practicable to ascertain the name and address of the person on whom it should be served, or the premises of the operator are unoccupied, the document may be served by addressing it to the operator in the capacity of occupier of those premises (naming them), and—

(a) by delivering it to some other person at the premises; and

(b) if there is no other person at the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

(4) Any person who —