STATUTORY RULES OF NORTHERN IRELAND

2008 No. 89

FOOD

The Meat (Official Controls Charges) Regulations (Northern Ireland) 2008

Made - - - -	*6th March 2008*
Coming into operation	*30th March 2008*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**2**).

The Department of Health, Social Services and Public Safety has been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(**3**).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department 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(**4**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation, commencement and duration

1. These Regulations may be cited as the Meat (Official Controls Charges) Regulations (Northern Ireland) 2008, come into operation on 30th March 2008 and cease to have effect on 31st December 2009.

Interpretation

2.—(1) In these Regulations —

(**1**) Formerly the Department of Health and Social Services: see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) c.68, Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)
(**3**) S.I. 2003/2901
(**4**) OJ No. L31, 1.2.2002, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, P.4) and Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, P.3)

"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 may 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 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 (Northern Ireland) 1997(**5**) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**6**);

"cutting up" has the meaning that it bears in Regulation 853/2004;

"Directive 2004/41", "Regulation 178/2002", "Regulation 852/2004", "Regulation 853/2004", "Regulation 854/2004", "Regulation 882/2004", "Regulation 1688/2005", "Regulation 2073/2005", "Regulation 2074/2005", "Regulation 2075/2005" and "Regulation 2076/2005" have the meanings respectively given to them in Schedule 1;

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

"employers' National Insurance contributions" means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**7**);

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

"farmed game" has the meaning given to it in point 1.6 of Annex I to Regulation 853/2004;

"food business operator" has the meaning given to it in Article 3.3 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 Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**8**);

(**5**) S.R. 1997 No. 493, revoked with effect from 1st January 2006 by S.R. 2005 No. 356
(**6**) S.R. 1995 No. 396, revoked with effect from 11th January 2006 by S.R. 2006 No. 3
(**7**) 1992 c. 7 as amended by S.I. 1998 No. 1506
(**8**) S.R. 1997 No. 496, revoked with effect from 1st January 2006 by S.R. 2005 No. 356

"game meat" has the meaning that it bears in Regulation 853/2004;

"lagomorphs" has the meaning given to it 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 performed by the Agency under Regulation 854/2004—

(a) 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 or as the case may be meat of wild game; and

(b) at slaughterhouses, for the verification of compliance with the provisions of the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996(**9**) insofar as they apply in relation to animals slaughtered for human consumption there;

"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 slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995;

"verification" means checking, by examination and provision of objective evidence; and

"wild game" 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.

(3) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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.

(**9**) S.R. 1996 No. 558, amended by S.R. 2000 No. 76, S.R. 2001 No. 66, S.R. 2002 No. 304 and S.R. 2004 No.209
(**10**) 1954 c.33 (N.I.)

(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.

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 (without prejudice to 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) 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) without reasonable excuse, fails to comply within a reasonable time with a demand made under paragraph (1); or

(b) in purported compliance with paragraph (1), knowingly or recklessly supplies information or evidence which is false or misleading in a material particular;

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

Revocation

6. The Meat (Official Controls Charges) (No.2) Regulations (Northern Ireland) 2007(**11**) are revoked.

(**11**) S.R. 2007 No. 496

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6th March 2008



Don Hill
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Social Services and Public Safety