STATUTORY RULES OF NORTHERN IRELAND

1999 No. 431

FOOD

The Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999

Made - - - -	*18th October 1999*
Coming into operation	*15th November 1999*

Whereas it appears to the Department of Agriculture, acting as the Department concerned that it is necessary or expedient—

(a) for the purposes of ensuring that food complies with food safety requirements or in the interests of public health; or

(b) for the purposes of protecting or promoting the interests of consumers,

to make the following Regulations:

Now therefore the said Department concerned, in exercise of the powers conferred on it by Articles 15(1)(d) and (f) and (2)(a), 18(1)(a), 25, 44 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of every other power enabling it in that behalf, and after consultation in accordance with Article 47(3) of that Order, with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999 and shall come into operation on 15th November 1999.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"approved", in relation to a slaughterhouse or cutting plant, means approved under regulation 15 of the Specified Risk Material Regulations (Northern Ireland) 1997(**2**);

"cutting premises" means cutting premises (as defined by regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(**3**)) which are licenced under regulation 4 thereof;

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)
(**2**) S.R. 1997 No. 552
(**3**) S.R. 1997 No. 493

"employers' National Insurance contributions" means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act (Northern Ireland) 1992(**4**);

"owner" means, in relation to any slaughterhouse or authorised cutting premises, any person (save one who is also its occupier) who owns any interest in it;

"slaughterhouse" includes an approved slaughterhouse;

"the SRM charge" means a charge calculated in accordance with the Schedule in respect of the costs incurred by the Department in carrying out the SRM inspections;

"the SRM inspections" means any of the inspections and controls specified in regulation 9(9) or 15(4) of the Specified Risk Material Regulations (Northern Ireland) 1997; and

"SRM inspector" means an officer of the Department engaged in carrying out the SRM inspections.

Charges

3.—(1) The Department shall send to the occupier of any slaughterhouse or any approved cutting premises notification of the SRM charge in respect of SRM inspections undertaken there in any accounting period as soon as practicable after the end of that period.

(2) As soon as the SRM charge has been notified to an occupier of any premises in accordance with paragraph (1), the owner of the premises to which the charge relates or, if there is both an owner and an occupier, the owner and occupier jointly and severally shall be liable for the amount of the charge as a debt owed to the Department.

(3) For the purposes of this Regulation, "accounting period" means a period determined by the Department for the purpose of calculating the SRM charge.

Information

4.—(1) Any person shall, on demand being made to him by the Department, supply to the Department—

(a) such information as the Department may reasonably require for the purpose of calculating the SRM charge or of notifying an occupier or owner of it; and

(b) such evidence as the Department may reasonably require to enable it to verify any information supplied to it under sub-paragraph (a).

(2) Any person who—

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

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

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

Amendment of the Specified Risk Material Regulations (Northern Ireland) 1997

5.—(1) The Specified Risk Material Regulations (Northern Ireland) 1997 shall be amended in accordance with paragraphs (2) and (3).

(2) After regulation 9(9) (Initial treatment of bovine, sheep and goat carcases in a slaughterhouse) there shall be inserted the following paragraph—

(**4**) 1992 c. 7

"(10) A person shall not sell the carcase of any ruminant animal for human consumption unless it has been subjected to the controls specified in—

(a) paragraph (9); or

(b) (in the case of the carcase of any sheep or goat consigned to an approved slaughterhouse or cutting premises pursuant to paragraph (2)(b)) regulation 15(4),

and found to comply with the requirements of these Regulations".

(3) After regulation 31 (enforcement) there shall be added the following regulation—

"**Withdrawal of inspections and supervision and suspension of authorisations**

31A.—(1) Where the Department has had judgement entered against the occupier or owner of any slaughterhouse, or any approved cutting premises, for any sum for which that person is liable or jointly and severally liable as a debt owed to the Department under regulation 3(2) of the Specified Risk Material (Inspection Charges) Regulations (Northern Ireland) 1999 and the occupier or owner concerned fails within a reasonable time to satisfy the judgement the Department may, without prejudice to any other legal remedy open to him—

(a) (where the debt owed has arisen in respect of any inspections and controls carried out at a slaughterhouse in accordance with regulation 9(9)) refuse to carry out any further inspections and controls at that slaughterhouse in accordance with that paragraph; and

(b) (where the debt owed has arisen in respect of any inspections carried out at an approved slaughterhouse or cutting premises in accordance with regulation 15(4)) suspend the approval of the slaughterhouse or cutting premises concerned,

in each case until such time as the judgement has been satisfied.".

Sealed with the Official Seal of the Department of Agriculture on 18th October 1999.

Liam McKibben
Assistant Secretary