1995 No. 431

AGRICULTURE

Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1995

Made . . . . . 20th November 1995

Coming into operation—

(a) regulation 12, with regulation 11 so far as may be necessary to enable the Department or a district council to exercise the power conferred by regulation 12 — *19th December 1995*

(b) the remainder — *7th January 1996*

The Department of Agriculture, being a Department 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 the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1995 and, subject to paragraph (2), shall come into operation on 7th January 1996.

(2) Regulation 12 shall come into operation on 19th December 1995 together with regulation 11 so far as may be necessary to enable the Department or, as the case may be, a district council to exercise the power conferred on it by regulation 12.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking carried on by a district council or other public authority;

(**a**) S.I. 1972/1811

(**b**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

(**c**) 1954 c. 33 (N.I.)

"carcase" means—

(*a*) the whole body of a slaughtered animal or of a completely eviscerated bird after bleeding and dressing; or

(*b*) the whole body of a slaughtered, uneviscerated or partly eviscerated bird after bleeding;

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, any meat is prepared for sale to the ultimate consumer for immediate consumption;

"cold store" means—

(*a*) in relation to meat other than poultry meat, premises used for the cold storage of meat intended for sale for human consumption but does not include any premises used wholly or mainly for sales of meat to the ultimate consumer; or

(*b*) in relation to poultry meat, a cold store as defined in regulation 2(1) of the Poultry Meat Regulations;

"the Community standard slaughterhouse charge" means, in the case of each animal or bird inspected, the charge specified in column (3) in Part I of the Schedule opposite the animal or bird specified in column (1);

"cutting premises" means premises (whether or not forming part of a slaughterhouse) used for the purpose of cutting up any meat which is intended for sale for human consumption, but does not include any premises used wholly or mainly for sales of meat to the ultimate consumer;

"cost", in relation to the carrying out of a health inspection and control exercise, means the cost of such an exercise calculated in accordance with the provisions of regulation 9;

"cutting up" means—

(*a*) cutting meat into cuts smaller than half carcases cut into three wholesale cuts;

(*b*) cutting poultry meat carcases into cuts; or

(*c*) boning meat or poultry meat;

"the Department" means the Department of Agriculture for Northern Ireland;

"domestic animals" means domestic animals of the following species—

(*a*) bovine animals (including buffalo);

(*b*) swine;

(*c*) solipeds;

(*d*) sheep; and

(*e*) goats;

"domestic birds" means—

(*a*) turkeys;

(*b*) ducks;

(*c*) geese;

(*d*) guinea-fowl; and

(*e*) domestic fowl;

"farmed game" means wild land mammals which are reared and slaughtered in captivity, excluding—

(*a*) mammals of the family Leporidae; or

(*b*) wild land mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game;

"farmed game birds" has the meaning assigned to it by the Poultry Meat Regulations;

"game" means—

(*a*) farmed game;

(*b*) farmed game birds; and

(*c*) rabbits;

"health inspection and control exercise" means an inspection or supervisory function, other than in relation to game or meat derived therefrom, carried out by the Department at any slaughterhouse, cutting premises, cold store or re-wrapping centre under the Slaughterhouses Act (Northern Ireland) 1953(**a**), the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**b**) or the Poultry Meat Regulations or by a district council at any slaughterhouse, cutting premises or cold store under the Meat Inspection Regulations (Northern Ireland) 1984(**c**), the Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963(**d**), the Food Hygiene (General) Regulations (Northern Ireland) 1964(**e**), or the Food Hygiene (Docks, Carriers, etc) Regulations (Northern Ireland) 1970(**f**);

"meat" means the flesh or other edible parts of domestic animals or domestic birds, except flesh or other parts which have been subjected to any preservation process other than chilling or freezing;

"the minimum charge" means, in the case of each animal or bird inspected, the charge specified in column (2) of Part I of the Schedule opposite the animal or bird specified in column (1);

"PIA salary costs" means costs in respect of salaries of persons (plant inspection assistants) who are authorised under regulation 10 of the Poultry Meat Regulations to act as assistants in health inspection and

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(**a**) 1953 c. 21 (N.I.)
(**b**) 1962 c. 13 (N.I.)
(**c**) S.R. 1984 No. 402 as amended by S.R. 1988 No. 60, S.R. 1991 No. 5 and S.R. 1991 No. 158
(**d**) S.R. & O. (N.I.) 1963 No. 162 as amended by S.R. 1991 No. 158
(**e**) S.R. & O. (N.I.) 1964 No. 129 to which there are amendments not relevant to these Regulations
(**f**) S.R. & O. (N.I.) 1970 No. 144 to which there are amendments not relevant to these Regulations

control exercises under those Regulations at premises where they are employed and of contributions paid by employers in respect of such persons under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) or as superannuation contributions;

"poultry" and "poultry meat" have the meanings assigned to them by the Poultry Meat Regulations;

"the Poultry Meat Regulations" means the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(**b**);

"published", in relation to rates of conversion of the ECU, means published annually in the C Series of the Official Journal of the European Communities normally on the first working day of the month of September;

"rabbit" has the meaning assigned to it by the Poultry Meat Regulations;

"residues examination charge" means the charge under regulation 4(2);

"the Residues Regulations" means the Animals, Meat and Meat Products (Examination for Residues and Maximum Residues Limits) Regulations (Northern Ireland) 1992(**c**);

"re-wrapping centre" has the meaning assigned to it by the Poultry Meat Regulations;

"slaughterhouse" means a slaughterhouse licensed by the Department under the Slaughterhouses Act (Northern Ireland) 1953 or the Poultry Meat Regulations; and

"ultimate consumer" means a person who purchases meat otherwise than—

(*a*) for the purpose of resale;

(*b*) for the purpose of a catering establishment; or

(*c*) for the purpose of a processing business.

ECU conversion

3.—(1) In these Regulations "ECU" means European Currency Unit.

(2) Any amount expressed in these Regulations as a number of ECUs shall be converted to sterling at the official rate.

(3) The official rate is, in relation to each calendar year, the rate published in the preceding calendar year.

Duty to charge for health inspection and control exercises

4.—(1) The Department or, as the case may be, a district council shall make a general charge for the performance of its functions in relation to health inspection and control exercises carried out by it in respect of domestic animals and domestic birds at a slaughterhouse, cutting premises or a cold store and, in the case of the Department, at a re-wrapping centre.

(**a**) 1992 c. 7
(**b**) S.R. 1995 No. 396
(**c**) S.R. 1992 No. 39 as amended by S.R. 1995 No. 97

(2) In connection with such exercises the Department shall make a charge in respect of functions performed by it in relation to examinations for the presence of residues for the purposes of the Residues Regulations.

General charges at slaughterhouses

5.—(1) Subject to paragraphs (2) to (4), the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at a slaughterhouse shall be an amount equal to the Community standard slaughterhouse charge less the residues examination charge.

(2) Where the aggregate of the cost of carrying out such a health inspection and control exercise at a slaughterhouse and the residues examination charge is lower than the Community standard slaughterhouse charge then—

(*a*) if the aggregate is higher than the minimum charge, the general charge shall be an amount equal to the cost; and

(*b*) if the aggregate is not higher than the minimum charge, the general charge shall be an amount equal to the minimum charge less the residues examination charge.

(3) PIA salary costs are to be included when calculating the aggregate.

(4) Where the aggregate of the cost of carrying out at a slaughterhouse a health inspection or control exercise in respect of domestic animals or domestic birds and the residues examination charge is higher than the Community standard slaughterhouse charge, the general charge shall be such an amount as is fixed by the body carrying out the health inspection and control exercise being—

(*a*) an amount not greater than the cost of carrying out the exercise; or

(*b*) an amount equal to the Community standard slaughterhouse charge less the residues examination charge.

General charges at cutting premises

6.—(1) Subject to paragraph (2), the general charge for a health inspection and control exercise in respect of domestic animals or domestic birds which is carried out at cutting premises shall be such an amount as is fixed by the body carrying out the health inspection and control exercise being—

(*a*) ECU 3 per tonne on meat entering the premises ("the standard amount"); or

(*b*) an amount equal to the cost of carrying out the exercise.

(2) Where the cutting operations are carried out in the establishment where the meat is obtained, the body carrying out the health inspection and control exercise may determine a charge calculated by reducing the standard amount by up to 55%.

(3) In this regulation and regulation 7 the cost shall be determined by reference to the number of hours worked, any fraction of an hour being counted as an hour worked.