1991 No. 6

AGRICULTURE

Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991

Made	*9th January 1991*
Coming into operation . . .	*21st January 1991*

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 Economic 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. These Regulations may be cited as the Fresh Meat and Poultry Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations (Northern Ireland) 1991 and shall come into operation on 21st January 1991.

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—

"animals" means domestic animals of the following species: bovine animals (including buffalo), swine, sheep, goats and solipeds;

"authorised officer" means a person appointed, authorised or recognised by the Department or, as the case may be, a district council for the purpose of carrying out a health inspection and control exercise;

"birds" means domestic fowls, turkeys, guinea-fowls, ducks and geese;

"carcase" means—

(*a*) the whole body of a slaughtered animal or bird (other than an uneviscerated bird) after bleeding and dressing; or

(*b*) the whole body of a slaughtered uneviscerated bird after bleeding;

(**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.R. 1984 No. 253

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

"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 or poultry meat is prepared for delivery to the ultimate consumer for immediate consumption;

"cold store" means premises used for the cold storage of meat or poultry meat intended for sale for human consumption but does not include any premises used wholly or mainly for sales of meat or poultry meat to the ultimate consumer;

"the Community standard charge" is—

(*a*) in the case of each animal or bird inspected the appropriate charge specified in column (3) in Part I of Schedule 1 opposite the animal or bird specified in column (1) in that part of that Schedule; and

(*b*) in the case of unboned meat or unboned poultry meat intended for cutting up, the appropriate charge specified in column (3) in Part II of Schedule 1;

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

"cutting up" means—

(*a*) in relation to meat, cutting meat into cuts smaller than half carcases cut into three wholesale cuts or boning meat;

(*b*) in relation to poultry meat, cutting poultry meat carcases into cuts or boning poultry meat;

"the Decision" means Council Decision 88/408/EEC(**a**) on the levels of the fees to be charged for health inspections and controls of fresh meat pursuant to Directive 85/73/EEC(**b**);

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

"ECU" means European Currency Unit as defined in Council Regulation (EEC) No. 3180/78(**c**) and any amount expressed as a number of ECUs shall be converted to sterling at such a rate as shall be published annually on the first working day of September in the C Series of the Official Journal of the European Communities (as specified by Article 9 of the Decision);

"health inspection and control exercise" means an inspection or supervisory function carried out by the Department at any slaughterhouse, cutting premises or cold store under the Slaughterhouses Act (Northern Ireland) 1953(**d**), the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**e**) or

(**a**) OJ No. L194, 22.7.88, p. 24
(**b**) OJ No. L32, 5.2.85, p. 14
(**c**) OJ No. L379, 30.12.78, p. 1
(**d**) 1953 c. 21 (N.I.)
(**e**) 1962 c. 13 (N.I.)

the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977(**a**) or by a district council at any slaughterhouse, cutting premises or cold store under the Meat Inspection Regulations (Northern Ireland) 1984(**b**), the Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963(**c**), the Food Hygiene (General) Regulations (Northern Ireland) 1964(**d**), or the Food Hygiene (Docks, Carriers etc.) Regulations (Northern Ireland) 1970(**e**) or the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977;

"meat" means the flesh or other edible parts of animals but does not include meat which has been subject to any preservation process other than chilling or freezing;

"the minimum charge" is—

(*a*) in the case of each animal or bird inspected, the appropriate charge specified in column (2) in Part I of Schedule 1 opposite the animal or bird specified in column (1) in that part of that Schedule; and

(*b*) in the case of unboned meat or unboned poultry meat intended for cutting up, the appropriate charge specified in column (2) in Part II of Schedule 1;

"poultry meat" means the flesh or other edible parts of birds but does not include poultry meat which has been subject to any preservation process other than chilling or freezing;

"real 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 8;

"the residues Regulations" means the Animals and Fresh Meat (Examination for Residues) Regulations 1988(**f**) and the Animals and Fresh Meat (Hormonal Substances) Regulations 1988(**g**);

"slaughterhouse" means a slaughterhouse licensed by the Department under the Slaughter-houses Act (Northern Ireland) 1953 or the European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977;

"ultimate consumer" means a person who purchases meat or poultry 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.

(**a**) S.R. 1977 No. 165 as amended by S.R. 1979 No. 261 and S.R. 1981 No. 260
(**b**) S.R. 1984 No. 402 as amended by S.R. 1988 No. 60 and S.R. 1991 No. 5
(**c**) S.R. & O. (N.I.) 1963 No. 162
(**d**) S.R. & O. (N.I.) 1964 No. 129 to which there are amendments not relevant to these Regulations
(**e**) S.R. & O. (N.I.) 1970 No. 144 to which there are amendments not relevant to these Regulations
(**f**) S.I. 1988/848
(**g**) S.I. 1988/849

Charges for health inspection and control exercises

3.—(1) The Department or, as the case may be, a district council shall make a charge for every health inspection and control exercise carried out by it at a slaughterhouse, cutting premises or a cold store.

(2) In connection with every health inspection and control exercise for which a charge is made by the Department under paragraph (1) the Department shall make a charge in respect of functions exercised by it in relation to examinations for the presence of residues for the purposes of the residue Regulations.

Calculation of charges for health inspection and control exercises carried out at a slaughterhouse

4.—(1) Subject to paragraphs (2) and (3) the charge for a health inspection and control exercise carried out at a slaughterhouse shall be an amount equal to the Community standard charge less the charge for examinations for the presence of residues calculated in accordance with regulation 7.

(2) Where the total of the real cost of carrying out a health inspection and control exercise at a slaughterhouse and the charge for examinations for the presence of residues is lower than the Community standard charge then—

(*a*) where that total is higher than the minimum charge, the charge shall be an amount equal to that real cost; or

(*b*) where that total is no higher than the minimum charge, the charge shall be an amount equal to that minimum charge less the charge for examinations for the presence of residues.

(3) Where the total of the real cost of carrying out a health inspection and control exercise at a slaughterhouse and the charge for examinations for the presence of residues is higher than the Community standard charge, the 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 exceeding that real cost; or

(*b*) an amount equal to the Community standard charge less the charge for examinations for the presence of residues.

Calculation of charges for health inspection and control exercises carried out at cutting premises

5.—(1) Subject to paragraphs (2), (3) and (4), the charge for a health inspection and control exercise carried out at any cutting premises shall be the Community standard charge.

(2) Where the real cost of carrying out a health inspection and control exercise at any cutting premises is lower than the Community standard charge then—

(*a*) where the real cost is higher than the minimum charge, the charge shall be an amount equal to that real cost; or

(*b*) where that real cost is no higher than the minimum charge, the charge shall be an amount equal to that minimum charge.

(3) Where the real cost of carrying out a health inspection and control exercise at any cutting premises is higher than the Community standard

charge, the 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 exceeding that real cost; or

(*b*) the Community standard charge.

(4) Where cutting up is carried out at any cutting premises which are part of a slaughterhouse at which an animal or bird was slaughtered, the charge for a health inspection and control exercise in relation to that cutting up may be reduced by an amount, to be determined by the body carrying out the health inspection and control exercise, of not more than 50 per cent. of the amount that would otherwise be chargeable in accordance with paragraph (1).

Calculation of charges for health inspection and control exercises carried out at a cold store

6. The charge for a health inspection and control exercise carried out at a cold store shall be an amount equal to the real cost of carrying out that exercise.

Charges for examinations for the presence of residues

7.—(1) The charge referred to in regulation 3(2) shall be the appropriate charge specified in column (2) in Part III of Schedule 1 opposite the animal specified in column (1).

(2) Until such time as the measures to be taken by Member States for the examinations of residues in poultry meat have been laid down in accordance with Article 16 of the Council Directive 86/469/EEC(**a**), a charge shall not be made in accordance with paragraph (1) in relation to poultry meat save that, prior to that time, it shall be assumed for the purpose of making the calculations specified in regulation 4(2) and (3), that such a charge is made at the rate of 1.35 ECU per tonne of unboned poultry meat.

Calculation of real cost

8.—(1) The amount of the real cost of carrying out an inspection and control exercise calculated by the Department, or as the case may be, a district council for the purposes of these Regulations shall be reasonable; and, in calculating such real cost the factors which the Department, or as the case may be, a district council is to use in doing so are—

(*a*) as from the time (if ever) when the factors used in respect of the calculation referred to in the first paragraph of Article 2.2 of the Decision are published in the Official Journal of the European Communities, those factors; and

(*b*) until such time, the factors specified in Schedule 2.

(2) In calculating the real cost of carrying out a health inspection and control exercise at a slaughterhouse for the purposes of these Regulations the Department or, as the case may be, a district council shall assume that the real cost of its administrative costs (being the costs specified in paragraphs 4 to 8 of Schedule 2) falls to be assessed at a rate of 0.725 ECU per tonne of unboned meat or unboned poultry meat.

(**a**) OJ No. L275, 26.9.86, p. 36