This Statutory Instrument has been printed to correct an error in SI 2004/1697 and is being issued free of charge to all known recipients of that instrument.

STATUTORY INSTRUMENTS

2004 No. 1871

FOOD

The Charges for Inspections and Controls (Amendment) (No. 2) Regulations 2004

Made - - - -	*19th July 2004*
Laid before Parliament	*20th July 2004*
Coming into force - -	*25th July 2004*

The powers conferred by sections 45 and 48(1)(b) and (c) of the Food Safety Act 1990**(a)** are now vested in the Secretary of State**(b)**.

The Secretary of State for Environment, Food and Rural Affairs has carried out the consultation required by section 48(4) of that Act and had regard, in accordance with section 48(4A) of that Act, to any relevant advice given by the Food Standards Agency.

She has carried out the consultation 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**(c)**.

Accordingly, in exercise of those powers, she makes the following Regulations:

(a) 1990 c.16. Section 45 was amended by paragraphs 8 and 20 of Schedule 5 to the Food Standards Act 1999 (c.28) and section 48 was amended by paragraphs 8 and 21 of that Schedule.

(b) The powers, in so far as exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State.
In so far as they are exercisable in relation to Scotland, they were transferred to Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act.
In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) but the Ministers of the Crown responsible retained a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c.38); that concurrent power became vested in the Secretary of State in consequence of the Food Standards Act 1999 (c.28), section 40 and Schedules 5 and 6, but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by regulation 13 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), to join in making regulations in relation to charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food Dissolution Order 2002.

(c) OJ No.L23, 28.1.2000, p72.

Title and commencement

1. These Regulations may be cited as the Charges for Inspections and Controls (Amendment) (No. 2) Regulations 2004 and come into force on 25th July 2004.

Revocation and amendment of previous instruments

2.—(1) The Charges for Inspections and Controls (Amendment) Regulations 2004**(a)** are revoked.

(2) On 26th July 2004, the Charges for Inspections and Controls Regulations 1997**(b)** are amended by the substitution of the following table for the table in the Schedule:

(1)	(2)
Animal, fish or product of animal origin	*Charge*
Bovine	£0.4143 per carcase
Swine	£0.0978 per carcase
Soliped	£0.3058 per carcase
Sheep	£0.0267 per carcase
Goat	£0.0184 per carcase
Poultry	£0.8297 per tonne
Game	£1.0461 per tonne
Wild game	£1.0461 per tonne
Salmon	£1.69 per tonne of marketed product
Brown trout, rainbow trout	£1.43 per tonne of fish feed
Milk	£0.0177 per 1,000 litres
Eggs	£0.0083 per case of 360 eggs

Ben Bradshaw
Parliamentary Under Secretary of State,
19th July 2004 Department for Environment, Food and Rural Affairs

(a) S.I. 2004/1697.
(b) S.I. 1997/2893, amended by S.I. 1998/2880, 2004/1697.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charges for Inspections and Controls Regulations 1997 which, as amended, continue to give effect to Article 2 of Council Directive 85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (OJ No.L32, 5.2.85, p14); that Directive was last amended by Council Directive 97/79/EC (OJ No.L24, 30.1.98, p31). Article 2, as read with Article 5, requires member States to ensure that fees are collected to cover costs occasioned by inspections and controls provided for by Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ No.L125, 23.5.96, p10).

Regulation 2 corrects an error, introduced by the Charges for Inspections and Controls (Amendment) Regulations 2004, relating to the egg inspection charge per case of 360 eggs. It does so by revoking those Regulations from before their coming into force date, and amending the 1997 Regulations with effect from that date, with the table of charges corrected so as to change the egg inspection charge from £0.083 (identified in the Explanatory Note to that instrument as replacing £0.088) to £0.0083, the correct previous figure being £0.0088.

The inspections and controls to which the fees apply relate to checks for residues of veterinary medicines and other substances in food. The changes (in comparison with the 1997 regulations before the previous amendment), ranging approximately from a reduction of 21% to an increase of 45%, are itemised in the table below - other sums are the same as before:

Type of creature or product	*Current sum*	*Replacement sum*
Bovine	£0.3666	£0.4143
Sheep	£0.0184	£0.0267
Poultry	£1.0461	£0.8297
Salmon	£1.30	£1.69
Brown trout, rainbow trout	£1.10	£1.43
Milk	£0.0154	£0.0177
Eggs	£0.0088	£0.0083

The full regulatory impact assessment of the effect of the revoked instrument on the costs of business, available from the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS with copies placed in the Library of each House of Parliament, is also applicable to this instrument.

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