EXPLANATORY MEMORANDUM TO

THE CHARGES FOR INSPECTION AND CONTROLS (AMENDMENT) REGULATIONS 2006

2006 No. 756

1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs, and will be laid before Parliament by command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Charges for Inspection and Controls Regulations 1997 No 2893 ("the Charges Regulations") enable the Secretary of State to recover from food producers the costs of operating a statutory surveillance programme for residues of authorised veterinary medicines and certain other substances. A number of industry definitions in the Charges Regulations, such as "occupier" and "slaughterhouse", were taken from various provisions of hygiene legislation that were revoked when new EU food hygiene law was implemented through the Food Hygiene (England) Regulations 2005 No. 2059, the Food Hygiene (Wales) Regulations 2005 No. 3292 (W.252) and the Food Hygiene (Scotland) Regulations 2005 SSI 505. This SI replaces and updates these definitions in the Charges Regulations.

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 The following Regulations containing industry definitions cited in the Charges Regulations were revoked by the legislation cited in paragraph 2 on 1 January 2006:

- The Eggs (Marketing Standards) Regulations 1995 No. 1544 (in part only)
- The Fresh Meat (Hygiene and Inspection) Regulations 1995 No. 539
- The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 No. 540
- The Dairy Products (Hygiene) Regulations 1995 No. 1086
- The Wild Game Meat (Hygiene and Inspection) Regulations 1995 No. 2148.

4. Legislative Background

4.1 All EU Member States are required to operate a surveillance programme for residues of veterinary medicines and certain other substances in accordance with the requirements of Council Directive 96/23/EC and associated legislation. This is implemented in Great Britain by the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 No. 1729.

4.2 The scheme is run in Great Britain by the Veterinary Medicines Directorate (VMD), which makes charges to producers for its surveillance. These charges are in accordance with the requirements of Council Directive 85/73/EEC as amended by Council Directive 96/43/EC, which is implemented in Great Britain by the Charges Regulations.

4.3 Regulation 4 of the Charges Regulations specifies the persons liable to pay the residues surveillance charges. This regulation contains various industry definitions, some of which are taken from other legislation. The legislation referred to was, however, revoked when new EU Food Hygiene law was implemented separately in England, Wales and Scotland on 1 January 2006.

4.4 This SI replaces and updates the provisions that refer to definitions in revoked legislation (without materially widening the scope of those liable to pay the charges.) The amendments replace the particularly complex regulation 4 with clearer language that avoids referring to other instruments to the benefit of stakeholders. These amendments therefore have no impact on industry, save that the clarity of the Charges Regulations is improved.

5. Extent

5.1.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As this Instrument is subject to negative resolution procedure, and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 It is a Government requirement that full recovery is made of the costs incurred by the residues surveillance programme to cover the work outlined in Paragraph 4.1.

7.2 Each of the statutory instruments referred to in paragraph 2 were fully consulted upon. Whilst it was felt there was unlikely to be any challenge if there were no consultation on this SI amending the Charges Regulations, a four-week consultation has taken place. Over two hundred organisations in Great Britain were consulted. Only two replies were received, both of which simply acknowledged the consultation exercise.

7.3 No political or media interest is expected.

8 Impact

8.1 A regulatory impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Eric Crutcher at the Veterinary Medicines Directorate – (Residues Surveillance Unit) can answer any queries regarding this instrument.
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