STATUTORY INSTRUMENTS

1983 No. 173

FOOD

FOOD HYGIENE

The Fresh Meat Export (Hygiene and Inspection) (Amendment) Regulations 1983

Made - - - - -	16*th February* 1983
Laid before Parliament	17*th February* 1983
Coming into Operation	10*th March* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 13 and 123 of the Food and Drugs Act 1955**(a)** and now vested in them**(b)** and of all other powers enabling them in that behalf, after consultation in accordance with section 123(6) of the said Act of 1955 with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82(4) of the said Act of 1955, hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Fresh Meat Export (Hygiene and Inspection) (Amendment) Regulations 1983 and shall come into operation on 10th March 1983.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in the Fresh Meat Export (Hygiene and Inspection) Regulations 1981**(c)**.

Amendment of the Fresh Meat Export (Hygiene and Inspection) Regulations 1981

2. The Fresh Meat Export (Hygiene and Inspection) Regulations 1981 shall be amended in accordance with regulations 3 to 6 of these regulations.

Amendment of regulation 2

3. In regulation 2(1) after the definition of "export cutting premises" there shall be inserted the following definition:—

> ' "export premises" means an export cold store, export cutting premises or an export slaughterhouse;'.

(a) 1955 c. 16 (4 & 5 Eliz. 2); section 123 was amended by section 4 of the Food and Drugs (Amendment) Act 1982 (c. 26).

(b) S.I. 1968/1699, 1978/272.

(c) S.I. 1981/454.

Amendment of regulation 8

4. At the end of regulation 8(7) there shall be inserted the following sentence:—

"In the case of fresh meat intended for export which is to be despatched from an export cold store, such notice may be given on behalf of the occupier by any person having an interest in the meat.".

Amendment of regulation 13

5. For regulation 13 there shall be substituted the following regulation:—

"13.—(1) Subject to paragraphs (4) and (5) of this regulation, a local authority may make charges, of such amounts as they may from time to time determine in accordance with the requirements of paragraph (2) or (3) of this regulation, in respect of the inspections and supervisory functions carried out by them in pursuance of these regulations, other than any such functions carried out for the purpose of securing the observance of the requirements of Schedule 5.

(2) A local authority which intend to make, or to increase the amounts of any existing, charges shall—

(*a*) calculate on the basis of the permitted cost factors set out in Schedule 16 the amounts of their charges;

(*b*) consult the occupier of any export premises affected by those charges about the amounts which the local authority propose to charge, the number of persons whom they propose to employ in the carrying out of the inspections and supervisory functions to which those charges relate and the hours during which those persons are intended to be engaged on those inspections and supervisory functions;

(*c*) supply to any person consulted by them in accordance with sub-paragraph (*b*) of this paragraph on his request made in writing within fourteen days of the day on which he was consulted, details of the calculations used to decide the amounts of the proposed charges;

(*d*) consider any representations made to them by, or on behalf of, any person whom they have consulted and, having regard thereto, determine the amounts of their charges; and

(*e*) notify such amounts to all persons consulted in accordance with sub-paragraph (*b*) of this paragraph at least fourteen days before the day on which the charges are to take effect.

(3) A local authority which intend to reduce the amounts of any existing charges shall—

(*a*) determine the amounts which, on the basis of the permitted cost factors set out in Schedule 16, are to be charged;

(*b*) notify the occupier of any export premises affected by those charges of the amounts of their charges, the number of persons whom they propose to employ in carrying out the inspections and supervisory functions to which those charges relate and the hours during which those persons are intended to be engaged on those inspections and supervisory functions; and

(*c*) supply to any person so notified, on his request in writing made within seven days of the day on which he was notified, details of the calculations used to determine the amounts of the charges.

(4) A local authority shall not apply any charge unless the requirements of paragraph (2) or (3) of this regulation have been complied with in respect of that charge.

(5) Notwithstanding paragraph (4) of this regulation, a local authority which, before the date of coming into operation of the Fresh Meat Export (Hygiene and Inspection) (Amendment) Regulations 1983, had made charges in respect of inspections and supervisory functions carried out by them may maintain in force those charges until 30th April 1983; such charges shall cease to have effect after that date unless the local authority have complied with the requirements of paragraph (2) or (3) of this regulation.

(6) Any charge made by a local authority by virtue of paragraph (1) of this regulation shall be payable—

(*a*) in respect of any animal slaughtered in a public slaughterhouse, by the person on whose behalf the animal is slaughtered;

(*b*) in the case of fresh meat intended for export which is to be despatched from an export cold store, by the person giving notice to the local authority pursuant to regulation 8(7); and

(*c*) in any other case, by the occupier.

(7) Any charge due to a local authority by virtue of this regulation shall be recoverable by them summarily as a civil debt.

(8) In this regulation and in Schedule 16 "occupier", in relation to a public slaughterhouse, includes any person who slaughters animals there with the consent of the local authority which provides that slaughterhouse.".

Insertion of Schedule 16

6. After Schedule 15 there shall be inserted the contents of the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th February 1983.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Norman Fowler,
Secretary of State for Social Services.

14th February 1983.

Nicholas Edwards,
Secretary of State for Wales.

16th February 1983.

SCHEDULE (Regulation 6)

NEW SCHEDULE 16 TO THE FRESH MEAT EXPORT (HYGIENE AND INSPECTION) REGULATIONS 1981

SCHEDULE 16 (Regulation 13)

PERMITTED COST FACTORS FOR THE DETERMINATION OF CHARGES FOR INSPECTIONS AND SUPERVISORY FUNCTIONS BY A LOCAL AUTHORITY

General

1. The use made by each export premises of the local authority's facilities required to carry out inspections and supervisory functions at those premises, account being taken in respect of an export slaughterhouse of economies in inspection resources made possible by its scale or mode of operation.

Salaries and related costs

2.—(1) The salaries or fees, together with overtime payments and employers' national insurance and superannuation contributions, of official veterinary surgeons and inspectors engaged in carrying out inspections and supervisory functions (or the relevant proportion thereof in so far as those inspections or functions do not occupy their full working day). In determining the amount chargeable in respect of these costs the following shall apply:—

(*a*) If the hours required for the carrying out of inspections and supervisory functions at an export slaughterhouse occupy less than the full working day of an official veterinary surgeon or inspector but the remaining period is too short for it to be practicable to employ that person fully on other duties, the full day (other than time actually spent on other duties) may be charged. In particular, if inspection is required at two or more distinct periods of the working day, the full time from the start of the first period of inspection to the end of the final period may be charged, other than any time actually spent on other duties.

(*b*) Where, because of a change in the scale or mode of operation of an export slaughterhouse, the number of hours required for inspections and supervisory functions at that slaughterhouse falls below the number envisaged when the charges applicable to that slaughterhouse were determined and the occupier thereof has given written notice to the local authority of that change of circumstance, the charges applicable to that slaughterhouse shall be correspondingly reduced on or before the expiry of a period of two months from the date of that notice.

(2) Travelling and related incidental expenses incurred by staff engaged in the carrying out of inspections and supervisory functions (including subsistence and car user allowances where these are paid) except that such expenses shall not be charged where an inspector is employed exclusively at one export slaughterhouse, unless otherwise mutually agreed between the local authority and the occupier of that slaughterhouse.

Stationery and printing etc.

3. The invoice price paid for record sheets and labels used in connection with meat inspection, and ink for marking meat.

Protective clothing and working equipment

4. The invoice price paid for protective clothing and equipment used for the carrying out of inspections and supervisory functions to the extent that they are paid for by the local authority.

Laundry

5. The cost of laundering protective clothing at the local authority's expense.

Telephone

6. Costs incurred by the local authority in respect of telephone calls to and from any export premises in relation to inspections and supervisory functions carried out there.

Training and recruitment

7. Costs incurred by the local authority in connection with the recruitment of trainee inspectors and their training where the local authority intend to employ them as inspectors in their area following completion of training and have given a written statement to that effect to the occupier. The chargeable costs are those relating to advertisements for trainee meat inspectors, their interview expenses, course and examination fees, salaries, and travelling, subsistence and other expenses incidental to the training.

Other costs

8. The cost of accounting and collecting charges and of providing pay-roll and personnel services in connection with the employment of official veterinary surgeons and inspectors, including the cost to the local authority of arranging the provision, and ensuring the proper carrying out, of the inspections and supervisory functions required by these regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to England and Wales only, amend the Fresh Meat Export (Hygiene and Inspection) Regulations 1981 by—

(*a*) inserting into regulation 8(7) thereof (which relates to the giving of notice to the local authority in respect of the events specified therein) a provision enabling, in the case of fresh meat intended for export which is to be despatched from an export cold store, the required notice to be given by any person having an interest in that meat; and

(*b*) substituting a new regulation 13 which amends the provisions of the said 1981 Regulations which relate to the making of charges by local authorities for the inspections and supervisory functions carried out by them.

Regulation 13, as substituted by these regulations, requires any local authority wishing to exercise their continued right to make charges for the carrying out of their functions under the regulations to base those charges on factors set out in the Schedule to the regulations and to consult persons affected by the proposed charges (except in the case of a reduction in charges, to which simplified provisions apply). A local authority must in particular—

(*a*) consult persons affected about the amounts of their proposed charges and the level of inspection to which those charges relate (regulation 13(2)(*b*));

(*b*) give to any such person on his request written details of the calculations supporting the proposed charges (regulation 13(2)(*c*));

(*c*) consider any representations made to them by such persons (regulation 13(2)(*d*)); and

(*d*) notify such persons of the amounts of their charges as finally determined at least fourteen days before they are to take effect (regulation 13(2)(*e*)).

In respect of a reduction in charges, a local authority is required only to notify persons affected by the charges of the amounts of the new charges and the level of inspection to which those charges relate and to give such persons on their request written details of the calculations used to determine the amounts of the charges (regulation 13(3)(*b*) and (*c*)).

Any charges imposed before the date of coming into operation of these regulations must be reconsidered in accordance with the requirements of these regulations before 30th April 1983 (regulation 13(5)).

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