STATUTORY INSTRUMENTS

1983 No. 174

FOOD

FOOD HYGIENE

The Meat 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 with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference in accordance with section 82(4) of the said Act to the Food Hygiene Advisory Council, hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Meat 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 Meat Inspection Regulations 1963 (**c**).

Amendment of the Meat Inspection Regulations 1963

2. The Meat Inspection Regulations 1963 shall be further amended in accordance with regulations 3 to 5 of these regulations.

Amendment of regulation 3A

3. For regulation 3A there shall be substituted the following regulation:—

"*Control of times of slaughter*

3A.—(1) Subject to the provisions of this regulation, a local authority within whose district a private slaughterhouse is situated may—

(a) determine the days on which, and the hours in those days between which, animals may be slaughtered in that slaughterhouse; and

(b) vary the days and hours so determined.

(**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. 1963/1229; relevant amending instruments are S.I. 1966/915, 1976/882.

(2) In determining, or varying, the times of slaughter at a slaughterhouse the local authority shall have regard to—

(a) the nature and extent of the business carried on at that slaughterhouse;

(b) the need to avoid demands on local authority manpower which are disproportionate to the size of the business conducted at that slaughterhouse;

(c) the need to secure adequate meat inspection for the purposes of these regulations;

(d) the need to provide for continuous meat inspection for the purposes of these regulations where this is necessary to maintain the flow of production and to avoid disruption of essential trade requirements;

(e) the fluctuating needs of the market; and

(f) the perishable nature of meat.

(3) Before determining or varying the times of slaughter at a slaughterhouse the local authority shall consult the occupier of that slaughterhouse and any other person who slaughters animals there with the occupier's consent.

(4) The local authority shall give written notice of any determination or variation of the times of slaughter at a slaughterhouse to the occupier of that slaughterhouse, and to any other person who has been consulted in accordance with paragraph (3) of this regulation.

(5) Any such determination or variation shall have effect at the expiration of one month beginning with the date of the said notice unless an objection is made under paragraph (6) of this regulation before the determination or variation to which it relates has come into effect.

(6) A person who has been given notice in accordance with the provisions of paragraph (4) of this regulation may make objection to the local authority in writing that in determining or varying the times of slaughter at a slaughterhouse the local authority have not had proper regard to the factors set out in paragraph (2) of this regulation or that due to a change of circumstance the local authority should vary in accordance with those factors the times of slaughter previously determined or varied by them, whereupon the local authority shall reconsider the determination or variation having regard to those factors.

(7) The local authority shall give written notice of any further determination or variation or, where there is none, of their decision to maintain their previous determination or variation to the occupier of the slaughterhouse concerned, and to any other person who slaughters animals there with the occupier's consent.

(8) Any such further determination or variation or any such decision shall not have effect before the expiration of 21 days beginning with the date of the said notice and, where an appeal is made to a Magistrates' Court under paragraph (9) of this regulation before the further determination or variation or decision to which it relates has come into effect, that further determination or variation or decision shall continue not to have effect until the expiration of fourteen days beginning with the date of the dismissal by the Magistrates' Court of that appeal.

(9) A person who has been given notice in accordance with paragraph (7) of this regulation may appeal to a Magistrates' Court on the ground that in determining or varying, or in refusing to vary, the times of slaughter at a slaughterhouse, the local authority have not had proper regard to the factors set out in paragraph (2) of this regulation.

(10) Subject to paragraph (11) of this regulation, no person shall slaughter or cause to be slaughtered without the previous consent of the local authority any animal in any slaughterhouse for which times of slaughter have for the time being been determined under this regulation at any time other than during the days and hours so determined.

(11) The provisions of paragraph (10) of this regulation shall not apply in relation to any animal whose immediate slaughter is necessary by reason of accidental injury, illness, exposure to infection or other emergency affecting that animal or by reason of the provisions of regulation 18 of the Slaughter of Animals (Prevention of Cruelty) Regulations 1958 **(a)**.".

Amendment of regulation 12

4. For regulation 12 there shall be substituted the following regulation:—

"*Charges by local authorities for meat inspection*

12.—(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 meat inspections carried out by them in pursuance of regulation 3.

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

(a) calculate on the basis of the permitted cost factors set out in Schedule 5 the amounts of their charges;

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

(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 5, are to be charged;

(a) S.I. 1958/2166.

(b) notify the occupier of any slaughterhouse affected by those charges of the amounts of their charges, the number of persons whom they propose to employ in carrying out the inspections to which those charges relate and the hours during which those persons are intended to be engaged on those inspections; 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 Meat Inspection (Amendment) Regulations 1983 have made charges in respect of meat inspections 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) In this regulation and in Schedule 5 "occupier" includes, in relation to a public slaughterhouse, any person who slaughters animals there with the consent of the local authority which provides that slaughterhouse.".

Insertion of Schedule 5

5. After Schedule 4 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.

(Regulation 5) SCHEDULE

NEW SCHEDULE 5 TO THE MEAT INSPECTION REGULATIONS 1963

SCHEDULE 5 (Regulation 12)

PERMITTED COST FACTORS FOR THE DETERMINATION OF MEAT INSPECTION CHARGES BY A LOCAL AUTHORITY

General

1. The use made by each slaughterhouse of the local authority's facilities required to provide the meat inspection service, account being taken of economies in inspection resources made possible by the scale or mode of operation of any slaughterhouse.

Salaries and Related Costs

2.—(1) The salaries or fees, together with overtime payments and employers' national insurance and superannuation contributions, of staff engaged on meat inspection duties (or the relevant proportion thereof in so far as those duties 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 meat inspection occupy less than the full working day of an inspector but the remaining period is too short for it to be practicable to employ that inspector 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 a slaughterhouse, the number of hours required for meat inspection 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 meat inspection (including subsistence and car user allowance where these are paid) except that such expenses shall not be charged where an officer is exclusively employed at one slaughterhouse, unless otherwise mutually agreed between the local authority and the occupier of that slaughterhouse.

Supervision

3. Cost of supervision by staff not actually engaged on meat inspection, assessed on the basis of the payments mentioned in paragraph 2 above in accordance with the time spent by them on meat inspection supervision, together with the appropriate proportion of the expenses of office accommodation and equipment for such supervisory staff also assessed in accordance with time spent by them on meat inspection supervision.

Furniture and Office Equipment

4. Depreciation of any office furniture or office equipment provided by the local authority for the use of inspectors at the slaughterhouse; such costs shall not be included where, by agreement with the local authority, these items are provided by the occupier of the slaughterhouse.

Stationery and Printing etc.

5. 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

6. The invoice price paid for protective clothing and equipment used for the carrying out of meat inspection to the extent that they are paid for by the local authority.

Laundry

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

Telephone

8. Costs incurred by the local authority in respect of telephone calls to and from any slaughterhouse in relation to meat inspections carried out there.

Training and Recruitment

9. 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

10. The cost of accounting and collecting charges and the cost of providing pay-roll and personnel services in connection with the employment of inspectors.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations, which apply to England and Wales only, amend those provisions of the Meat Inspection Regulations 1963 which relate to the control of times of slaughter by local authorities (regulation 3A inserted by the Meat Inspection (Amendment) Regulations 1966) and charges by local authorities for meat inspections (regulation 12 as substituted by the Meat Inspection (Amendment) Regulations 1976).

The amendments effected by regulation 3A as substituted by these regulations—

(a) specify factors to which a local authority must have regard before making any determination in respect of times of slaughter at a slaughterhouse (regulation 3A(2));

(b) enable the occupier of that slaughterhouse, and any other person who slaughters animals there with his consent, to object to that authority's determination, requiring them to reconsider their decision in the light of the factors specified in the regulations (regulation 3A(6));

(c) require the local authority to notify the occupier of the slaughterhouse concerned, and any other person who slaughters animals there with his consent, of the results of their reconsideration (regulation 3A(7)); and

(d) give to any such person aggrieved by that reconsideration a right of appeal to a Magistrates' Court (regulation 3A(9)).

The provisions of the former regulation 3A (paragraphs (6) and (7) thereof) which enabled the relevant Ministers, after receiving an objection from a person aggrieved by a local authority's determination, to direct that authority to vary their determination if they found it unreasonable are not reenacted.

The regulations substitute a new regulation 12 which requires any local authority wishing to exercise their continued right to make charges for meat inspections to base those charges on factors set out in the Schedule to the regulations and to consult persons affected by proposed charges (except in the case of a reduction in charges to which simplified provisions apply). A local authority must in particular—

(a) consult the occupiers of the slaughterhouses concerned and other persons affected by the charges about the amounts of their proposed charges and the level of inspection to which those charges relate (regulation 12(2)*(b)*);

(b) give to any such person on his request written details of the calculations supporting the proposed charges (regulation 12(2)*(c)*);

(c) consider any representations made to them by such persons (regulation 12(2)*(d)*);

(d) notify such persons of the amounts of their charges as finally determined at least fourteen days before they are to take effect (regulation 12(2)*(e)*).

In respect of a reduction in charges, a local authority is required only to notify the occupier of any slaughterhouse concerned and other 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 to such persons on their request written details of the calculations used to determine the amounts of the charges (regulation 12(3)*(b)* and *(c)*).

The provisions of the former regulation 12(2), which enabled the relevant Ministers to make directions in respect of unreasonable charges, are not reenacted.

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 12(5)).

SI 1983/174
ISBN 0-11-036174-1

