EXPLANATORY MEMORANDUM TO
THE MEAT (OFFICIAL CONTROLS) (CHARGES) (ENGLAND) REGULATIONS 2005

2005 No. 2983

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument provides for the Meat Hygiene Service (MHS) to recover the costs of carrying out official controls in respect of meat at licensed meat premises in England.

3. Matters of special interest to the Select Committee on Statutory Instruments.

3.1 None

4. Legislative Background

4.1 The Instrument is being made to allow for the continued collection of current meat hygiene and inspection charges in England until 1 January 2007. It is required to take effect from 1 January 2006 when new EU food hygiene Regulations enter into force in all Member States and the legislative base for the current meat hygiene inspection will be revoked. Under the new EU Regulations, Member States are required to maintain the current charging regime as stated in Directive 85/73/EEC until 1 January 2007, but as if the references in that Directive to the superseded hygiene inspection Directives, were reference to the relevant official controls requirements contained in the EU hygiene Regulations.

4.2 The SI is made under the powers conferred by section 2 (2) of the European Communities Act 1972.

5. Extent

5.1 This instrument applies to England. Parallel legislation is being developed in Scotland, Wales and Northern Ireland

6. European Convention on Human Rights

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

7. Policy background

7.1 The objective of the EU charges Directive is to set minimum rates, based on throughput, that must be charged for specified meat hygiene controls, but to allow higher rates to be charged provided that the total charge does not exceed the actual cost of inspection. There is flexibility as to implementation and the present system charging abattoirs and meat plants the lesser of the EC minimum throughput rates or the time cost of exercising the controls (subject to the charge not being less than 45% of the throughput charge as required by the EU charging Directive) is to be continued. This is to ensure that charges are affordable by small to medium sized businesses.

7.2 New EU hygiene legislation is to come into force across the EU on 1 January 2006. This legislation will repeal and replace the current legislation applicable to meat hygiene. The national measures implementing the EU legislation will therefore be revoked. However, the EU Directive setting out the relevant inspection charges provisions is being preserved for the time being by the new hygiene legislation (as if the references in it to the current legislation applicable to meat hygiene were references to the corresponding requirements in the new EC hygiene Regulations) and therefore this instrument will be needed to carry forward the charging requirements in England.

7.3 Over 80 interested parties in England were consulted on the draft instrument. Ten responses were received and none gave rise to the need for its provisions to be amended.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Instrument as it does not adversely impact on business, charities or voluntary bodies.

9. Contacts

9.1 Olukayode Odukoya at the Food Standards Agency Tel: 020 72768326 or e-mail: olukayode.odukoya@foodstandards.gsi.gov.uk can answer any queries regarding the instrument.