
WELSH STATUTORY INSTRUMENTS

2005 No. 3370 (W.267)

FOOD, WALES

**The Meat (Official Controls)
(Charges) (Wales) Regulations 2005**

Made - - - - 6 December 2005

Coming into force - - 1 January 2006

The National Assembly for Wales, being designated ^{F1} for the purposes of section 2(2) of the European Communities Act 1972 ^{F2} in relation to measures relating to food (including drink) including the primary production of food, in exercise of the powers conferred by that section, after open and transparent public consultation during the preparation of these Regulations as 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 ^{F3}, makes the following Regulations:

F1 [S.I. 2005/1971.](#)

F2 [1972 c. 68.](#)

F3 OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

Title, commencement and application

1. The title of these Regulations is the Meat (Official Controls) (Charges) (Wales) Regulations 2005, they come into force on 1 January 2006, and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“accounting period” (“*cyfnod cyfrifyddu*”) means a period of less than a year determined by the Agency;

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“agreed slaughterhouse staff costs” (“*costau staff lladd-dy a gytunwyd*”) means, in respect of any slaughterhouse at which poultry or lagomorphs are slaughtered—

- (a) the proportion (expressed as a sum of money) of the salaries (including overtime payments and employers' National Insurance contributions and superannuation contributions) paid to the staff at that slaughterhouse in respect of an accounting period

that the Agency and the operator of the slaughterhouse agree as being attributable to any such staff assisting with official controls by carrying out certain tasks there during that period under Article 5.6 of Regulation 854/2004; plus

(b) 25% of that sum;

“cutting plant” (“*safle torri*”) means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which—

(a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection) Regulations 1995 ^{F4} or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 ^{F5};

“cutting up” (“*torri*”) has the meaning that it bears in Regulation 853/2004 and “cut up” is be construed accordingly;

“Directive 2004/41” (“*Cyfarwyddeb 2004/41*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 854/2004” (“*Rheoliad 854/2004*”), “Regulation 882/2004” (“*Rheoliad 882/2004*”), “Regulation A” (“*Rheoliad A*”), “Regulation B” (“*Rheoliad B*”), “Regulation C” (“*Rheoliad C*”), “Regulation D” (“*Rheoliad D*”) and “Regulation E” (“*Rheoliad E*”) have the meanings respectively given to them in Schedule 1;

“employers' National Insurance contributions” (“*cyfraniadau Yswiriant Gwladol cyflogwyr*”) means those social security contributions for which employers are liable under Part I of the Social Security Contributions and Benefits Act 1992 ^{F6};

“establishment” (“*sefydliad*”) has the meaning given to it in Article 2.1(c) of Regulation 852/2004;

“food business operator” (“*gweithredydd busnes bwyd*”) has the meaning given to it in Regulation 178/2002;

“fresh meat” (“*cig ffres*”) has the meaning given to it in point 1.10 of Annex I to Regulation 853/2004;

“game” (“*anifeiliaid hela*”) has the meaning that it bears in Regulation 853/2004 and includes “farmed game”, “wild game”, “small wild game”, “large wild game” and “large wild game” as defined by that Regulation.

“game-handling establishment” (“*sefydliad trin anifeiliaid hela*”) means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which—

(a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995 ^{F7};

“game meat” (“*cig anifeiliaid hela*”) has the meaning that it bears in Regulation 853/2004;

“lagomorph” (“*lagomorff*”) is construed in accordance with the definition of the term “lagomorphs” in point 1.4 of Annex I to Regulation 853/2004;

“meat” (“*cig*”) has the meaning given to it in point 1.1. of Annex I to Regulation 853/2004;

“official controls” (“*rheolaethau swyddogol*”) means the controls that the Agency performs under Regulation 854/2004 for the verification of compliance with—

- (a) Articles 3, 4.1(a), 5, 7 and (save insofar as it relates to minced meat and eggs) 8 of Regulation 854/2004; and
- (b) the requirements of the Welfare of Animals (Slaughter or Killing) Regulations 1995^{F8} insofar as such verification relates to the welfare of animals slaughtered for human consumption in slaughterhouses;

“official controls charge” (“*ffi rheolaethau swyddogol*”) means the charge calculated in accordance with Schedule 2 and notified in accordance with regulation 3(1), (2) or (3);

“operator” (“*gweithredydd*”) means a food business operator who is carrying on the business of a slaughter house, game-handling establishment or cutting plant or the operator's duly authorised representative;

“poultry” (“*dofednod*”) has the meaning given to it in point 1.3 of Annex I to Regulation 853/2004;

“placing on the market” (“*rhoi ar y farchnad*”) has the meaning given to it in Article 3.8 of Regulation 178/2002;

“premises” (“*mangre*”) means any slaughterhouse, cutting plant or game-handling establishment;

“slaughterhouse” (“*lladd-dy*”) means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved under Article 31.2 of Regulation 882/2004; or
- (b) (although lacking the approval or conditional approval that it requires under Article 4.3 of Regulation 853/2004) was, on 31 December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995; and

“verification” (“*gwirhad*”) means checking, by examination and the provision of objective evidence.

F4 [S.I. 1995/539](#), revoked with effect from 1st January 2006 by [S.I. 2005/2059](#)

F5 [S.I. 1995/540](#), revoked with effect from 1st January 2006 by [S.I. 2005/2059](#).

F6 [1992 c. 4](#).

F7 [S.I. 1995/2148](#), revoked with effect from 1 January 2006 by [S.I. 2005/3292](#) (W.252).

F8 [S.I. 1995/731](#).

Charges

3.—(1) The Agency must, subject to the following provisions of this regulation, notify the operator of each slaughterhouse, game-handling establishment and cutting plant in which official controls have been exercised in any accounting period of an official controls charge in respect of those official controls as soon as possible after the end of that period.

(2) Where the Agency cannot comply with paragraph (1) because it has insufficient information available to it to enable it to calculate the official controls charge for any accounting period in respect of any such premises as are specified in that paragraph, it must notify the operator of those premises of an interim charge, being such amount as the Agency estimates (having regard to the information it has) the official controls charge to be.

(3) Where the Agency has notified an operator of an interim charge in accordance with paragraph (2), and sufficient information becomes available to the Agency to calculate the official controls charge, it must calculate that charge and—

- (a) where it exceeds the interim charge, notify the operator of the final charge, being the amount by which the official controls charge exceeds the interim charge; or
 - (b) subject to paragraph (6), where it is less than the interim charge, credit to the operator the amount by which the interim charge exceeds the official controls charge.
- (4) Any charge notified to an operator under paragraph (1), (2) or (3) will be payable by the operator to the Agency on demand.
- (5) Where any agreed slaughterhouse staff costs have been used to calculate a charge falling to be notified to an operator under paragraph (1), (2) or (3), those costs must be set off against the amount of that charge in calculating the actual charge notified thereunder, provided that no refund may be made to the relevant operator.
- (6) Where under paragraph (3)(b) a sum is to be credited to an operator, the Agency may if it so determines pay such sum to the operator concerned instead of crediting it to the operator.

Withdrawal of official controls

4. Where the Agency has had judgment entered against an operator of any premises for any sum which is payable under regulation 3(4) and the operator fails within a reasonable time thereafter to satisfy the judgment, the Agency may (regardless of any other legal remedy open to it) refuse to exercise any further official controls at those premises until the judgment has been satisfied.

Information

- 5.—(1) Any person must on demand being made by the Agency, supply—
- (a) such information as the Agency may reasonably require for the purpose of calculating the official controls charge or notifying an operator of it; and
 - (b) such evidence as the Agency may reasonably require to enable it to verify information supplied under sub-paragraph (a) of this paragraph.
- (2) Any person who—
- (a) in purported compliance with paragraph (1), knowingly or recklessly furnishes information which is false or misleading in a material particular; or
 - (b) without reasonable excuse, fails to comply within a reasonable time with a demand made under that paragraph,

is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

6. The Meat (Hygiene and Inspection) (Charges) Regulations 1998 ^{F9} are revoked.

<p>F9 S.I. 1998/2095, amended by S.I. 2000/656, S.I. 2001/1302 (W.79) and S.I. 2001/3831 (W.317).</p>
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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 ^{F10}.

6 December 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

F10 1998 c. 38.
