

2005 No. 2715

FOOD

**The Charges for Inspections and Controls (Amendment) (No. 2)
Regulations 2005**

<i>Made</i>	- - - -	<i>28th September 2005</i>
<i>Laid before Parliament</i>		<i>3rd October 2005</i>
<i>Coming into force</i>		<i>31st October 2005</i>

The Secretary of State in exercise of the powers conferred by sections 45 and 48(1)(b) and (c) of the Food Safety Act 1990(a) which are now vested in her(b);

After having had regard, in accordance with section 48(4A) of that Act, to any relevant advice given by the Food Standards Agency;

And after having carried out the consultation 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(c),

Makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Charges for Inspections and Controls (Amendment) (No. 2) Regulations 2005 and come into force on 31st October 2005.

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- (a) 1990 c.16. Sections 45 and 48 were amended by section 40(1) of and Schedule 5 to the Food Standards Act 1999 (c. 28): paragraphs 7, 8 and 20 of that Schedule amended section 45 and paragraphs 7, 8 and 21 amended section 48.
- (b) The powers, so far as they are exercisable in relation to England, were transferred by article 2(6) of the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) to the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, and by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) to the Secretary of State.
In so far as they are exercisable in relation to Scotland, they were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) but the Secretary of State retains a concurrent power to exercise them under section 57(1) of that Act.
In so far as they are exercisable in relation to Wales, they were transferred to the National Assembly for Wales by article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) but the Ministers of the Crown responsible retain a concurrent power to exercise them under paragraph 5 of Schedule 3 to the Government of Wales Act 1998 (c.38); that concurrent power became vested in the Secretary of State in consequence of section 40(1) of and Schedule 5 to the Food Standards Act 1999 (c.28)(see footnote (a) above), but subject to any power of the Minister of Agriculture, Fisheries and Food, saved by regulation 13 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656), to join in making regulations in relation to charges for inspection in relation to residues of veterinary products; that joint power was transferred to the Secretary of State by article 2(3) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002.
- (c) OJ No. L23, 28.1.2000, p. 72.

Amendment

2. The Charges for Inspections and Controls Regulations 1997(a) shall be amended by substitution of the following table for the table in the Schedule:

Regulation 3

<i>(1)</i> <i>Type of creature or product</i>	<i>(2)</i> <i>Charge (£)</i>
Bovine	0.4246
Goat	0.0387
Sheep	0.0387 per carcase
Soliped	0.3058
Swine	0.0831
Game	1.0461
Wild game	1.0461 per tonne
Poultry	0.8297
Eggs	0.0104 per case of 360
Milk	0.0212 per 1000 litres
Salmon	1.8590 per tonne of marketed product
Trout: brown and rainbow	1.5730 per tonne of fish food

28th September 2005

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 1997/2893, amended by S.I. 1998/2880, S.I. 2004/1871 and S.I. 2005/12.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charges for Inspections and Controls Regulations 1997 ('the principal Regulations') which give effect to Article 2 of Council Directive 85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC AND 91/496/EEC (OJ No. L32, 30.1.98, p. 14); that Directive was last amended by Council Directive 97/79/EC (OJ No. L 24, 30.1.98, p. 31). Article 2, as read with Article 5(3) requires member States to ensure that fees covering the actual cost of inspection alternatively the fees provided in Annex B which was inserted by article 1 of Council Directive 96/43/EC amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC (O.J. L162, 1.07.96, p. 1) are collected to cover the cost of inspections and controls.

The inspections and controls to which the fees apply relate to checks for residues of veterinary medicines and other substances in animals and animal products. The changes (by comparison with the principal Regulations), ranging approximately from decreases of 15% to increases of 110%, are itemised in the table below. Other sums are the same as before.

<i>Type of creature or product</i>	<i>Current sum (£)</i>	<i>Replacement sum (£)</i>	
Bovine	0.4143	0.4246	
Goat	0.0184	0.0387	per carcase
Sheep	0.0267	0.0387	
Swine	0.0978	0.0831	
Eggs	0.0083	0.0104	per case of 360
Milk	0.0177	0.0212	per 1000 litres
Salmon	1.6900	1.8590	per tonne of marketed product
Trout: brown and rainbow	1.4300	1.5730	per tonne of fish food

A Regulatory Impact Assessment of the effect of this instrument on the costs of business is available from the Veterinary Medicines Directorate, Woodham Lane, New Haw, Addlestone, Surrey KT15 3LS and copies have been placed in the Library of each House of Parliament.

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