

S.I. No. 74 of 2004.

EUROPEAN COMMUNITIES (FEES FOR HEALTH INSPECTIONS AND  
CONTROLS OF FRESH MEAT) REGULATIONS 2004

I, JOE WALSH, Minister for Agriculture and Food in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Council Directive 85/73/EEC of 29 January 1985<sup>1</sup> (as amended by Council Directive 96/43/EC of 26 June 1996<sup>2</sup> and Council Directive 97/79/EC of 18 December 1997<sup>3</sup>) so far as it relates to meat, hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Fees for Health Inspections and Controls of Fresh Meat) Regulations 2004.

2. (1) In these Regulations—

"abattoir" has the meaning assigned to it by the Abattoirs Act 1988 (No. 8 of 1988);

"abattoir licence" has the meaning assigned to it by the Abattoirs Act 1988;

"animal" means an animal to which the Council Directive applies;

"approved cold store" means an establishment approved by the Minister under regulation 4 of the Fresh Meat Regulations or regulation 4 of the Fresh Poultrymeat Regulations as a cold store;

"approved cutting plant" means an establishment approved by the Minister under regulation 4 of the Fresh Meat Regulations or regulation 4 of the Fresh Poultrymeat Regulations as a cutting plant;

"approved farmed game meat establishment" means an establishment approved by the Minister under regulation 8 of the Rabbit Meat and Farmed Game Meat Regulations.

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<sup>1</sup> O.J. No. L32 of 5.2.1985, p. 14

<sup>2</sup> O.J. No. L162 of 1.7.1996, p. 1

<sup>3</sup> O.J. No. L024 of 30.1.1998, p 31

"approved meat production plant" means an establishment approved or registered by the Minister under—

(a) regulation 4 or 14 of the Meat Product Regulations, or

(b) regulation 4, 7 or 8 of the Minced Meat Regulations;

"approved meat slaughterhouse" means a premises registered in a register of slaughtering premises within the meaning of the Agricultural Production (Fresh Meat) Act 1930 (No. 10 of 1930);

"approved poultry slaughterhouse" means an establishment approved by the Minister under regulation 4 of the Fresh Poultrymeat Regulations as a slaughterhouse;

"approved rabbit meat slaughterhouse" means an establishment approved by the Minister under regulation 4 of the Rabbit Meat and Farmed Game Meat Regulations;

"approved wild game establishment" means an establishment approved by the Minister under regulation 4 of the Wild Game Regulations as a wild game processing house;

"authorised officer" means a person appointed as an authorised officer under regulation 14(1);

"Council Directive" means Council Directive 85/73/EEC of 29 January 1985 as amended by Council Directive 96/43/EC of 26 June 1996 and Council Directive 97/79/EC of 18 December 1997;

"Fresh Meat Regulations" means the European Communities (Fresh Meat) Regulations 1997 (S.I. 434 of 1997);

"Fresh Poultrymeat Regulations" means the European Communities (Fresh Poultrymeat) Regulations 1996 (S.I. No. 3 of 1996);

"inspector" means—

(a) a veterinary examiner within the meaning of the Meat Products Regulations or the Minced Meat Regulations;

(b) an auxiliary or official veterinarian within the meaning of the Fresh Poultrymeat Regulations, the Rabbit Meat and Farmed Game Meat Regulations or the Wild Game Regulations, or

(c) an assistant, veterinary examiner or veterinary inspector within the meaning of the Fresh Meat Regulations;

and, in regulation 14, includes an inspector within the meaning of the Diseases of Animals Act, 1966 (No. 6 of 1966)

“invoice” has the meaning assigned to it by the European Communities (Late Payments in Commercial Transaction) Regulations 2002 (S.I. No. 388 of 2002)

"meat" includes bovine meat, sheep meat, pig meat, poultry meat, rabbit meat, farmed game meat and wild game meat;

"Meat Products Regulations" means the European Communities (Meat Products and other Products of Animal Origin) Regulations 1995 (S.I. No. 126 of 1995);

"Minced Meat Regulations" means the European Communities (Minced Meat and Meat Preparations) Regulations 1996 (S.I. No. 243 of 1996);

"Minister" means Minister for Agriculture and Food

"occupier", in relation to an establishment or premises, however described, means—

(a) the holder of the exporter's licence under section 12, or a permit under section 17, of the Agricultural produce (Fresh Meat) Act 1930,

(b) the holder of a licence under section 24 of the Pigs and Bacon Act 1935 (No. 24 of 1935),

(c) the holder of an approval under regulation 4 of the Fresh Poultrymeat Regulations, regulation 4 or 14 of the Meat Product Regulations or regulation 4, 7 or 8 of the Minced Meat Regulations,

(d) the holder of an approval for a cold store or cutting plant under regulation 4 of the Fresh Meat Regulations,

(e) the holder of an approval under regulation 4 or 8 of the Rabbit Meat and Farmed Game Meat Regulations,

(f) the holder of an approval under regulation 4 of the Wild Game Regulations,

in relation to that establishment or premises;

"poultry" means broilers, hens, turkeys, ducks, geese or guinea fowl;

"Rabbit Meat and Farmed Game Meat Regulations" means the European Communities (Rabbit Meat and Farmed Game Meat) Regulations 1995 (S.I. No. 278 of 1995);

"real inspection costs", in relation to an establishment or premises, means the costs incurred by the Minister in the provision of the veterinary controls and inspections referred to in Chapter I of Annex A of the Annex to the Council Directive in relation to the establishment or premises, and includes any costs of administration incurred by the Minister in the provision of those controls and inspections;

"Wild Game Regulations" means the European Communities (Wild Game) Regulations 1995 (S.I. No. 298 of 1995);

(2) A word or expression used in these Regulations that is also used in the Council Directive has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Directive.

(3) In these Regulations—

(a) a reference to a regulation is a reference to a regulation in these Regulations, unless it is indicated that a reference to some other Regulations, is intended,

(b) a reference to a paragraph or subparagraph is a reference to a paragraph of the regulation, or subparagraph of the paragraph, in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and

(c) a reference to the schedule is a reference to the Schedule to these Regulations, unless it is indicated that a reference to some other Schedule is intended.

3. (1) The Minister shall be paid a fee by the occupier of—

(a) an approved meat slaughterhouse of an amount specified in Part I of the Schedule in respect of each animal slaughtered in the slaughterhouse,

(b) an approved poultry slaughterhouse of an amount specified in Part II of the Schedule in respect of poultry slaughtered in the slaughterhouse,

(c) an approved rabbit meat establishment, approved farmed game meat establishment or approved wild game establishment of an amount specified in Part II of the Schedule in respect of rabbits, small game birds or ground game slaughtered in the establishment concerned,

(d) an approved farmed game establishment or an approved wild game establishment of an amount specified in Part III of the Schedule in respect of wild boar or ruminants slaughtered in the establishment concerned,

(e) an approved cutting plant of 3 euro per tonne of meat entering the cutting plant, or

(f) an approved cold store or an approved meat product plant, of the real inspection costs in relation to the premises

(2) Where the real inspection costs (including, in the case of wild boar, the cost of the trichoscopic examination referred to in regulation 6(3) of the Wild Game Regulations) in relation to an establishment or premises for a month exceed the amount of the fees that, but for this paragraph, would be payable under paragraph (1) (a), (b), (c) or (d) by the occupier of the establishment or premises, the Minister may charge a fee of an amount not exceeding the real inspection costs.

(3) Where the real inspection costs in the relation to an establishment or premises for a month are less than the amount that would be payable under paragraph (1)(a) (b), (c) or (d) by the occupier of the premises, the Minister may charge a fee of an amount not exceeding the real inspection costs, subject to the amount not being less than 55 per cent of the amount payable under paragraph (1)(a), (b), (c) or (d).

(4) Where—

(a) an animal, poultry or game bird slaughtered in an establishment or premises referred to in paragraph (1)(a), (b), (c) or (d) is, at the time of slaughter, the property of a person other than the occupier of the establishment or premises, or establishment or premises, or

(b) meat or a meat product in an establishment or premises referred to in paragraph (1)(c) is the property of a person other than the occupier of the premises,

the occupier of the establishment or premises may recover from that person as a simple contract debt in any court of competent jurisdiction the amount charged by the Minister in respect of such animal, poultry or gamebird or meat or meat product inspected.

4. (1) Subject to the Council Directive, the Minister may enter into an agreement with the occupier of an establishment or premises for payment of fees.

(2) An agreement under paragraph (1) may provide for the giving of security, of such a nature as may be specified in the agreement, by the occupier of the establishment or premises to the Minister.

5. (1) Subject to paragraph (2) and (3), a holder of an abattoir licence shall pay the Local Authority in whose functional area an abattoir is situated a fee of an amount specified in Part I, Part II or part III of the Schedule as appropriate in respect of each animal slaughtered in the abattoir.

(2) Where the real inspection costs exceed the amount of the fees payable under paragraph (1) by the holder of an abattoir licence, the Local Authority may charge the licence holder a fee of an amount not exceeding the real inspection costs.

(3) Where the real inspection costs in relation to an abattoir are less than the amount of the fees payable under paragraph (1) the Local Authority may charge the licence holder a fee of an amount not exceeding the real inspection costs, subject to the amount not being less than 55 per cent of the amount of the fees which would be payable under paragraph (1).

(4) A fee under this regulation shall be paid to the Local Authority concerned not later than 28 days after the end of the month in which the animal concerned is slaughtered.

(5) Fees due and payable by a person to a Local Authority under this regulation may be recovered by the authority from the person as a simple contract debt in any court of competent jurisdiction.

(6) In this regulation "Local Authority" means

- (a) the corporation of a county borough or the council of a county or
- (b) any body, persons or person established or appointed by or under statute to perform all or any of the functions of the corporation of a county borough or the council of a county

6. A fee under regulation 3(1)(a), (b), (c) or (d) shall become due on the date on which the animal, poultry or game bird concerned is slaughtered, a fee under regulation 3(e) shall become due on the date on which the meat enters the cutting premises, and a fee under regulation 3(1)(f), or 3(2) or (3) shall become due on the date on which the veterinary inspection or control concerned took place.

7. (1) The Minister may, in respect of each month, prepare an invoice for every establishment or premises, being an approved meat slaughterhouse, approved poultry slaughterhouse, approved rabbit meat establishment, approved farmed game meat establishment, approved wild game establishment, approved cutting plant, approved cold store or an approved meat product plant, in respect of which fees under regulation 3 become due during that period.

(2) An invoice for an establishment or premises shall specify the occupier of the establishment or premises and the amount of the fees that become due by such occupier under regulation 3 during the period concerned in respect of the establishment or premises.

8. The invoice shall be sent to the person to whom it relates and, where so sent—

(a) the amount of the fees specified in the invoice shall be payable by the person to the Minister not later than 30 days from the date of the receipt by the person of the invoice unless, within that period, the person shows to the satisfaction of the Minister either that no such fees or fees of amounts other than those specified in the invoice are payable by him or her to the Minister in respect of the period to which the invoice relates.

(b) if the person shows pursuant to paragraph (a) that an amount other than the amount specified in the invoice is payable by him or her, the first mentioned amount shall be payable by the person to the Minister in accordance with paragraph (a) and if any sum in excess of the first mentioned amount has been paid by the person to the Minister pursuant to the invoice, that sum shall be repaid by the Minister to the person,

(c) if, at any time after the invoice is issued, the Minister becomes satisfied that an amount other than the amount specified in the invoice is payable, the Minister may revoke the invoice and issue a new invoice which shall be paid within 1 month of issue by the person to whom it is addressed.

9. For the purposes of these Regulations, an invoice sent by post or an electronic transmission comprising an invoice shall be taken to have been received in the normal course of the post or that transmission service unless the contrary is shown.

10. Where a fee is not paid, the Minister may direct inspectors not to perform the functions, or specified functions, in relation to which those fees are payable until the fee is paid.

11. (1) Where the whole or part of a fee payable by a person to the Minister under these Regulations is not paid within the time specified in regulation 8, the Minister may charge interest in accordance with the European Communities (Late Payments in Commercial Transactions) Regulations 2002.

12. (1) A fee or interest due to the Minister under these Regulations by a person, may be recovered from that person by the Minister as a simple contract debt in any court of competent jurisdiction.

(2) The Public Officers Fees Act, 1879, shall not apply to a fee or interest under these Regulations.

13. (1) The Minister may appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer or inspector, when exercising a power conferred on him or her by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his or her appointment as an authorised officer or inspector.

14. (1) An authorised officer may, for the purposes of these Regulations and the Council Directive—

(a) at all reasonable times, enter any premises or place (other than a dwelling) in which he or she reasonably believes that the business of a meat slaughterhouse, poultry slaughterhouse, rabbit meat establishment, farmed game meat establishment, cutting plant, cold store, meat product plant or abattoir is carried on,

(b) inspect the premises or place and examine and inspect any meat, animal, poultry or game bird found there,

(c) examine any books, documents or other records (in whatever form kept) found on the premises and take copies of any such records or of extracts therefrom, extract information from data (within the meaning of the Data Information Act, 1988 (No. 25 of 1988) so found and take extracts from any data information (within the meaning of that Act) so found, and

(d) require any person at the premises or place and the occupier or person in charge thereof, and any person employed in connection therewith, to give to the authorised officer such information and to produce to him or her such books, certificates, documents and other records (in whatever form kept) that as the authorised officer or inspector may reasonably require for the purposes of his or her functions.

(2) A person who obstructs or impedes an authorised officer or inspector in the exercise of a power or, without reasonable excuse, does not comply with a requirement, under this regulation or who in purported compliance with such a requirement gives information to an authorised officer or inspector that he or she knows to be false or misleading in a material respect shall be guilty of an offence is liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months, or both.

15. An offence under these Regulations may be prosecuted by the Minister.

16. The European Communities (Fees for Health Inspections and Controls of Fresh Meat) Regulations 1999 (No. 339 of 1999) are revoked.



## *SCHEDULE*

(Regulations 3 and 5)

### **PART I**

#### *1. Bovine animals*

—4.75 euro per animal for adult bovine animals,

—2.50 euro per animal for young bovine animals.

#### *2. Solipeds and Equidae*

—4.40 euro per animal.

#### *3. Pigs*

—0.50 euro per animal of less than 25 kilograms carcass weight,

—1.30 euro per animal of a carcass weight equal to or greater than 25 kilograms.

#### *4. Sheep and Goats*

—0.175 euro per animal of less than 12 kilograms carcass weight,

—0.35 euro per animal of a carcass weight between 12 and 18 kilograms,

—0.50 euro per animal of a carcass weight equal to or greater than 18 kilograms.

### **PART II**

#### *5. Poultry*

—0.01 euro per bird for broilers, other young poultry of less than 2 kilograms carcass weight and cast hens.

—0.02 euro per bird for other young poultry of a carcass weight between 2 and 5 kilograms.

—0.04 euro per bird for other heavy adult poultry of a carcass weight equal to or greater than 5 kilograms.

*6. Rabbits, small game birds and ground game*

—0.01 euro per rabbit, small game bird or ground game of less than 2 kilograms carcase weight.

—0.02 euro per rabbit, small game bird or ground game of a carcase weight between 2 and 5 kilograms.

—0.04 euro per rabbit, small game bird or ground game of a carcase weight equal to or greater than 5 kilograms.

**PART III**

*7. Wild Boar*

—0.5 euro per animal of less than 25 kilograms carcase weight,

—1.30 euro per animal of a carcase weight equal to or greater than 25 kilograms.

*8. Ruminants*

—0.175 euro per animal of less than 12 kilograms carcase weight,

—0.35 euro per animal of a carcase weight between 12 and 18 kilograms weight,

—0.5 euro per animal of a carcase weight equal to or greater than 18 kilograms.

GIVEN under my Official Seal, this 19th day of January, 2004.

JOE WALSH,

Minister for Agriculture and Food

## Explanatory Note

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

This Statutory Instrument updates the provisions for the payment of fees due to the Department of Agriculture for meat inspections in accordance with a revised accounting system introduced in August 2003. This S.I. provides for a billing period of a calendar month. It also sets a due date for payments of 30 days to bring it into line with the provisions for charging interest for outstanding debts, in the European Communities (Late Payment in Commercial Transactions) Regulations 2002, S.I. No. 388 of 2002.

It is no longer necessary to provide for a Certificate of Indebtedness as an invoice is now issued in all cases.