

2013 No. 151

ANIMALS

ANIMAL HEALTH

**The Animal Health (Miscellaneous Fees and Amendments)
(Scotland) Regulations 2013**

<i>Made</i> - - - -	<i>15th May 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>17th May 2013</i>
<i>Coming into force</i> - -	<i>24th June 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a), section 56(1) and (2) of the Finance Act 1973(b), section 10(3)(c) of the Animal Health and Welfare Act 1984(c) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the references in these Regulations to Regulation (EC) No 2160/2003(d), Council Directive 2009/158/EC(e) and Commission Regulation (EU) Nos 200/2010(f), 517/2011(g) and 200/2012(h) to be construed as references to those instruments as amended from time to time.

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- (a) 1972 c.68. The powers in section 2(2) are exercised in relation to regulations 5 and 11 of this instrument. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act, and amended by the 2008 Act, Schedule, Part 1.
- (b) 1973 c.51. The powers in section 56 are exercised in relation to regulation 4 and Schedule 1, regulation 6 and Schedule 2, and regulation 10 and Schedule 6 of this instrument. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister were, so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury was removed by section 55 of that Act. Section 56(1) of the Finance Act 1973 was amended by S.I. 2011/1043.
- (c) 1984 c.40. The power in section 10(3)(c) is exercised in relation to regulation 7 and Schedule 3, regulation 8 and Schedule 4 and regulation 9 and Schedule 5 of this instrument. See section 10(8) for the definition of “appropriate Minister”. The functions, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury was removed by section 55 of that Act.
- (d) OJ L 325, 12.12.2003, p.1 as last amended by Commission Regulation (EU) No 1086/2011 (OJ L 281, 28.10.2011, p.7).
- (e) OJ L 343, 22.12.2009, p.74 as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).
- (f) OJ L 61, 11.3.2010, p.1, amended by Commission Regulation (EU) No 517/2011 (OJ No L 138, 26.6.2011, p.45).
- (g) OJ L 138, 26.5.2011, p.45.
- (h) OJ L 71, 9.3.2012, p.31.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013 and extend to Scotland only.

(2) They come into force on 24th June 2013.

Interpretation

2. In these Regulations—

“Council Directive 2009/158/EC” means Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs, as amended from time to time;

“Regulation (EC) No 2160/2003” means Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents, as amended from time to time;

“veterinary officer” means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State; and

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966^(a).

Refund of fees

3. If any application for which a fee is payable under these Regulations is withdrawn before its determination, the Scottish Ministers may refund to the applicant such proportion of any fee paid in respect of that application as Ministers think fit, having regard to any reasonable costs incurred by them in connection with the application.

Salmonella: fees and amendments

4.—(1) This regulation and Schedule 1 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the control of *Salmonella* in accordance with the relevant National Control Programme^(b) established by or under Regulation (EC) No 2160/2003.

(2) In Schedule 1—

(a) the fees payable by the person in charge of a chicken or turkey holding for the activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table;

(b) the fees payable by the operator of a laboratory for the activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table; and

(c) the fees payable by the person in charge of poultry flocks for the activities specified in column 1 of Table 3 are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in Schedule 1 have the same meanings as they have in Regulation (EC) No 2160/2003.

5.—(1) The Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009^(c) is amended as follows.

(2) In article 2 (interpretation)—

(a) omit the definitions of “Commission Regulation (EC) No. 1003/2005”, “Commission Regulation (EC) No. 1168/2006” and “Commission Regulation (EC) No. 646/2007”; and

(a) 1966 c.36.

(b) There are Salmonella National Control Programmes for egg layers, breeders, broiler chickens and turkeys that are designed to reduce the prevalence of different types of *Salmonella* that are of public health significance in line with EU targets.

(c) S.S.I. 2009/229 to which there is an amendment not relevant to these Regulations..

(b) after the definition of “Commission Regulation (EC) No. 1177/2006” insert—

““Commission Regulation (EU) No 200/2010” means Commission Regulation (EU) No 200/2010 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*, as amended from time to time;

“Commission Regulation (EU) No 517/2011” means Commission Regulation (EU) No 517/2011 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 2160/2003 and Commission Regulation (EU) No. 200/2010, as amended from time to time;

“Commission Regulation (EU) No 200/2012” means Commission Regulation (EU) No 200/2012 concerning a Union target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in flocks of broilers, as provided for in Regulation (EC) No. 2160/2003 of the European Parliament and of the Council, as amended from time to time;”.

(3) In articles 3(b) (competent authority), 8(1) (sampling) and 9(1) (submission of samples to an approved laboratory), for “Commission Regulation (EC) No. 1003/2005” substitute “Commission Regulation (EU) No 200/2010”.

(4) In articles 3(c), 8(2) and 9(1), for “Commission Regulation (EC) No. 1168/2006” substitute “Commission Regulation (EU) No 517/2011”.

(5) In articles 3(e), 8(3) and 9(1), for “Commission Regulation (EC) No. 646/2007” substitute “Commission Regulation (EU) No 200/2012”.

(6) In article 12(2) (duties of the person in charge of a laboratory), for “paragraph 3 of the Annex to Regulation (EC) No. 646/2007” substitute “point 3 of the Annex to Commission Regulation (EU) No 200/2012”.

Poultry health scheme: fees

6.—(1) This regulation and Schedule 2 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the poultry health scheme.

(2) In Schedule 2—

- (a) the fees payable by applicants for approval and registration activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table; and
- (b) the fees payable by the operator of a laboratory for activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table.

(3) In this regulation and Schedule 2—

“poultry health scheme” means the scheme for—

- (a) the approval of establishments and laboratories; and
 - (b) the annual inspection of approved establishments,
- for the purposes of Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC(a).

Bovine semen: fees

7.—(1) This regulation and Schedule 3 set out the fees payable to the Scottish Ministers on demand by applicants and operators for activities conducted by the Scottish Ministers under the 2007 Regulations.

(a) See paragraph 3 of Part 1 of Schedule 2 to the Trade in Animals and Related Products (Scotland) Regulations 2012 (S.S.I. 2012/177).

(2) In Schedule 3, the fees payable by applicants and operators for activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) In this regulation and Schedule 3, “the 2007 Regulations” means the Bovine Semen (Scotland) Regulations 2007(a).

(4) Words and expressions used in Schedule 3 have the same meanings as they have in the 2007 Regulations.

Porcine semen: fees

8.—(1) This regulation and Schedule 4 set out the fees payable to the Scottish Ministers on demand in connection with the issue of licences or approvals and tests or examinations carried out under—

- (a) the 1964 Regulations; or
- (b) the 1992 Regulations.

(2) The fees payable by the applicant or holder of the licence or approval for activities specified in column 1 of the Table in Schedule 4 are specified in the corresponding entries in column 2 of that Table.

(3) In Schedule 4, “artificial insemination centre” means premises—

- (a) in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations; or
- (b) which are approved under regulation 2(2) or (3) of the 1992 Regulations.

(4) In this regulation and Schedule 4—

“the 1964 Regulations” means the Artificial Insemination of Pigs (Scotland) Regulations 1964(b); and

“the 1992 Regulations” means the Artificial Insemination of Pigs (EEC) Regulations 1992(c).

Bovine embryo (collection, production and transfer): fees

9.—(1) This regulation and Schedule 5 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to an application for an approval or a holder of an approval under the 1995 Regulations.

(2) In Schedule 5, the fees payable by applicants for, or holders of, approvals under the 1995 Regulations for activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) In this regulation and Schedule 5, “the 1995 Regulations” means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995(d).

(4) Words and expressions used in Schedule 5 have the same meanings as they have in the 1995 Regulations.

Checking consignments of live animals from third countries at border inspection posts: fees

10.—(1) The fees specified in this regulation and Schedule 6 are payable to the Scottish Ministers on demand where an inspection of a consignment of live animals from a third country is carried out at a border inspection post in accordance with regulation 13 (procedure on importation) of the Trade in Animals and Related Products (Scotland) Regulations 2012(e).

(a) S.S.I. 2007/330 to which there is an amendment not relevant to these Regulations.

(b) S.I. 1964/1171 as disappplied by S.I. 1992/3161.

(c) S.I. 1992/3161.

(d) S.I. 1995/2478 to which there is an amendment not relevant to these Regulations.

(e) S.S.I. 2012/177, as amended by S.S.I. 2012/198.

(2) The fees payable in respect of the inspection of a consignment of live animals of a type specified in column 1 of the Table in Schedule 6 are specified in the corresponding entries in column 2 of that Table.

(3) Paragraph (4) applies where the inspection is undertaken (whether in whole or in part)—

- (a) during a weekend;
- (b) after 1700 hours but before 0830 hours on a weekday; or
- (c) during a public holiday.

(4) Where this paragraph applies, a fee of £80 is payable for every load subject to inspection in addition to any fee payable under Schedule 6.

(5) In this regulation and Schedule 6—

“border inspection post” means a port or airport approved as such by the European Commission^(a);

“consignment” means a quantity of animals of the same species, covered by the same veterinary certificate or document;

“load” means one or more consignments of animals from the same country of origin that have arrived on the same means of transport and that have been presented by a person responsible for their importation for checking at the border inspection post at the same time;

“public holiday” means New Year’s Day, 2nd January, Good Friday, the first Monday in May, the first Monday in August, Christmas Day and Boxing Day; and

“third country” means a country other than a member State.

Agency arrangements

11.—(1) The Scottish Ministers may arrange, with the agreement of the Secretary of State, for any of their functions of requiring payment of any fees under these Regulations to be exercised on their behalf by the Secretary of State.

(2) An arrangement under this regulation must be in writing and be signed by, or on behalf of, the Scottish Ministers and the Secretary of State and such an arrangement may be subject to such conditions (including conditions as to financial arrangements) as may be agreed from time to time.

Revocations

12. The Regulations specified in column 2 of Schedule 7 are revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

RICHARD LOCHHEAD
A member of the Scottish Government

St Andrew’s House,
Edinburgh
15th May 2013

(a) The European Commission periodically publishes lists of border inspection posts. The list of approved border inspection posts is laid down in Commission Decision 2009/821/EC (OJ L 296, 12.11.2009, p.1) as last amended by Commission Implementing Decision 2012/762/EU (OJ L 336, 8.12.2012, p.94) and is periodically reviewed and amendments made.

SCHEDULE 1

Regulation 4

Salmonella National Control Programme (Zoonoses): Fees

Table 1

Fees payable by the person in charge of a chicken or turkey holding from which an official control sample is taken, processed and examined for the purposes of Regulation (EC) No 2160/2003	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent in obtaining an official control sample for examination in a laboratory (in addition to fees specified below)	23 per half hour or part half hour spent
Taking an official control sample from a chicken laying flock	60
Taking an official control sample from a chicken breeding flock	96
Taking an official control sample from a chicken broiler flock	89
Taking an official control sample from a turkey fattening or breeding flock	87
Examination of an official control sample in a laboratory	15 per sample examined

Table 2

Fees payable by the operator of a laboratory in relation to approval under Article 12 of Regulation (EC) No 2160/2003		
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	
Processing an application for an initial laboratory approval or an annual renewal of a laboratory approval	43	
Conducting inspections and quality assurance based upon the number of tests for which the laboratory is approved	one test	642
	two tests	661
	three tests	681
	four tests	700
Conducting collaborative testing required to obtain and maintain approval as a testing laboratory	For <i>Salmonella</i>	37 per test

Table 3

Fees payable by the person in charge of poultry flocks for conducting tests under point 4(b) of Part D of Annex II of Regulation (EC) No 2160/2003	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Conducting tests on seven dust and faecal samples taken from each flock	15 per sample tested
Conducting bacteriological sampling and testing of the caeca and oviducts of 300 birds in each flock	3,560
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs of each flock	2,310

SCHEDULE 2

Regulation 6

Poultry health scheme: Fees

Table 1

Fees for registration and approval of an establishment for the purposes of the poultry health scheme	
<i>Column 1</i> Activity	<i>Column 2</i> Fee (£)
Time spent by a veterinary officer carrying out the licensing or approval activities in this Table (in this Table, the “time fee”), in addition to the fees listed below unless otherwise specified in column 2 that this time fee does not apply	23 per half hour or part half hour spent
Annual registration as a poultry health scheme member (in this Table, a “scheme member”)	61 (time fee does not apply)
Approval for first year of a scheme member’s flock or hatchery	210
Approval for first year of a scheme member’s combined flock and hatchery on one site where the inspection is carried out by a veterinary officer	233
Annual re-approval of a scheme member’s flock or hatchery, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	74 (time fee does not apply)
Annual re-approval of a scheme member’s combined flock and hatchery on one site, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	78 (time fee does not apply)
Annual re-approval of a scheme member’s flock or hatchery, where the inspection is carried out by a veterinary officer	178
Annual re-approval of a scheme member’s combined flock and hatchery on one site, where the inspection is carried out by a veterinary officer	183

Table 2

Fees payable by the operator of a laboratory in relation to an approval for the purposes of the poultry health scheme	
<i>Column 1</i> Activity	<i>Column 2</i> Fee (£)
Processing an application for an initial laboratory approval or an annual renewal of a laboratory approval	43
Proficiency test in respect of <i>Salmonella</i> bacteriology (<i>pullorum</i> , <i>gallinarum</i> and <i>arizonae</i>)	131 per test
Proficiency test in respect of <i>Salmonella</i> serology (<i>pullorum</i> , <i>gallinarum</i>)	336 per test
Proficiency test in respect of <i>Mycoplasma</i> chicken serology (<i>gallisepticum</i>)	336 per test
Proficiency test in respect of <i>Mycoplasma</i> culture (<i>gallisepticum</i> and <i>meleagridis</i>)	281 per test
Proficiency test in respect of <i>Mycoplasma</i> turkey serology (<i>gallisepticum</i> and <i>meleagridis</i>)	336 per test

SCHEDULE 3

Regulation 7

Bovine semen: Fees

Fees payable by applicants and operators in connection with activities for the purposes of the 2007 Regulations		
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	
Time spent carrying out the licensing or approval activities in this Table (in addition to each of the fees listed below)	veterinary officer	23 per half hour or part half hour spent
	person who is employed by the Scottish Ministers or the Secretary of State other than as a veterinary officer	12 per half hour or part half hour spent
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in a domestic collection centre or at unlicensed premises, or an application under regulation 10 of the 2007 Regulations for approval of the use of a bovine animal for collection of its semen or for use as a teaser animal at unlicensed premises	38	
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in an EU collection centre	Bovine animal aged 6 months or under	187
	Bovine animal aged over 6 months and in a same sex group	187
	Bovine animal aged over 6 months and in a mixed sex group	368
Considering an application made under regulation 4 of the 2007 Regulations for a licence to operate an EU quarantine centre	114	
Considering an application made under regulation 4 of the 2007 Regulations for a licence to operate an EU collection centre	146	
Considering an application made under regulation 4 of the 2007 Regulations for a licence to operate an EU storage centre	63	

Fees payable by applicants and operators in connection with activities for the purposes of the 2007 Regulations

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Conducting an examination of a bovine semen centre under regulation 40 of the 2007 Regulations	14

SCHEDULE 4

Regulation 8

Porcine semen: fees

Fees payable in connection with activities for the purposes of the 1964 Regulations(s) and the 1992 Regulations(t)		
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	
1. Time spent carrying out the licensing or approval activities in this Table, in addition to each of the fees listed below (in this Table the “time fee”) unless specified in column 2 that this time fee is not applicable	veterinary officer	23 per half hour or part half hour spent
	person who is employed by the Scottish Ministers or the Secretary of State other than as a veterinary officer	12 per half hour or part half hour spent
<i>Application for approval of boars to provide semen for the purpose of artificial insemination</i>		
2.		
(a) Considering an application for the approval of a boar under regulation 2(1) of the 1964 Regulations for the purpose of the collection of permitted semen which will not be subject to intra-EU trade	92	
(b) Considering an application for the approval of each additional boar examined at the same time	19 (time fee does not apply)	
<i>Routine testing of boars</i>		
3. Routine testing of boars at an artificial insemination centre from which semen is not subject to intra-EU trade	up to a maximum of 10 boars	140
	each additional boar tested on the premises	19

(s) S.I. 1964/1171 as disappplied by S.I. 1992/3161.

(t) S.I. 1992/3161.

<i>Operation of an artificial insemination centre</i>	
4.	
(a) Considering an application from an operator for an artificial insemination centre licence or approval	29
(b) Considering an application for approval of an alteration to licensed premises (in accordance with conditions attached to the licence)	29
(c) Routine examination of an artificial insemination centre	9

SCHEDULE 5

Regulation 9

Bovine embryo (collection, production and transfer): fees

Fees payable in connection with activities for the purposes of the 1995 Regulations(u)	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent when carrying out inspections (in addition to the basic fees listed in this Table where the relevant facilities, premises or records require inspection)	23 per half hour or part half hour spent
Considering an application for approval of a single bovine embryo collection or production team where there is inspection of one laboratory	131
Considering an application for approval of each additional laboratory or store from the same applicant where that laboratory or store is located more than 8 kilometres away from other embryo teams inspected for approval	86
Considering an application for approval of an additional laboratory or store from the same applicant when the inspection is done on the same day and the laboratory or store is located 8 kilometres or less from other embryo teams inspected for approval	27
Considering an application for approval of: - a bovine embryo transfer team; or - a store under regulation 13 of the 1995 Regulations; - a store under regulation 16 of the 1995 Regulations; or - a store and its supervisor under regulations 16 and 19 of the 1995 Regulations,	60
Considering an application for re-approval of a laboratory or a store following any alterations	71
Carrying out routine inspection of records of a single bovine embryo production, collection or transfer team and re-inspection of a single laboratory or store	70
Carrying out routine inspection of records of each additional bovine embryo production, collection or transfer team, and re-inspection of each additional laboratory or store	41 for each additional team and laboratory or store
Considering an application for approval of a bovine embryo collection team or production team with no inspection of a laboratory	168

(u) S.I. 1995/2478, to which there is an amendment not relevant to these regulations.

SCHEDULE 6

Regulation 10

Checking consignments of live animals from third countries at border inspection posts: fees

Fees for inspecting consignments of animals from third countries and checking importation documentation at border inspection posts in accordance with regulation 13 of the Trade in Animals and Related Products (Scotland) Regulations 2012(v)	
<i>Column 1</i>	<i>Column 2</i>
<i>Inspection of type of animal and checking documents</i>	<i>Fee (£) per consignment</i>
Poultry, ratites and small game birds	44
Live fish, aquatic animals and reptiles	40
Rabbits and rodents	44
Captive birds	44
Bees, other insects and invertebrates	40
Pets unaccompanied	44
Equidae	54
Farmed livestock including cattle, sheep, goats, camelids, pigs and wild boar	54
Animals not covered by any other category	44
Transshipment check of documents	44

(v) S.S.I. 2012/177, as amended by S.S.I. 2012/198.

SCHEDULE 7

Regulation 12

<i>Column 1</i> <i>Reference</i>	<i>Column 2</i> <i>Title</i>	<i>Column 3</i> <i>Extent of revocation</i>
S.I. 1995/2479	The Bovine Embryo (Collection, Production and Transfer) (Fees) Regulations 1995	The whole Regulations
S.I. 1997/639	The Animals (Third Country Imports) (Charges) Regulations 1997	The whole Regulations
S.S.I. 2007/330	The Bovine Semen (Scotland) Regulations 2007	Regulations 41 and 42
S.S.I. 2007/421	The Porcine Semen (Fees) (Scotland) Regulations 2007	The whole Regulations
S.S.I. 2009/230	The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009	The whole Regulations
S.S.I. 2009/416	The Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009	The whole Regulations
S.S.I. 2010/88	The Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2010	The whole Regulations
S.S.I. 2011/171	The Animal By-Products (Enforcement) (Scotland) Regulations 2011	Schedule 2, paragraphs 48 to 50
S.S.I. 2012/176	The Poultry Health Scheme (Fees) (Scotland) Regulations 2012	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to consolidate and increase fees payable to the Scottish Ministers in the field of animal health. The powers in section 2(2) of the European Communities Act 1972 are exercised in relation to regulation 5 and 11 of these Regulations.

Regulation 4 and Schedule 1 set out the fees payable in relation to activities required under Regulation (EC) No 2160/2003 and in accordance with Salmonella National Control Programmes for poultry.

Regulation 5 amends the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 to update references to relevant EU instruments.

Regulation 6 and Schedule 2 set out the fees payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EC, which is partially transposed by the Trade in Animals and Related Products (Scotland) Regulations 2012, Schedule 2, Part 1, paragraph 3.

Regulation 7 and Schedule 3 set out the fees payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (Scotland) Regulations 2007.

Regulation 8 and Schedule 4 set out the fees payable in relation to licences and approvals for the purpose of obtaining porcine semen in accordance with the Artificial Insemination of Pigs (Scotland) Regulations 1964 and the Artificial Insemination of Pigs (EEC) Regulations 1992.

Regulation 9 and Schedule 5 set out the fees payable in relation to approvals for the purpose of the collection, production and transfer of bovine embryos in accordance with the Bovine Embryo (Collection, Production and Transfer) Regulations 1995.

Regulation 10 and Schedule 6 set out the fees payable in relation to inspections of consignments of live animals at border inspection posts in accordance with the Trade in Animals and Related Products (Scotland) Regulations 2012.

Regulation 11 enables the Scottish Ministers to enter into agency arrangements with the Secretary of State in respect of any of their functions under these Regulations of requiring payment of fees.

Regulation 12 and Schedule 7 revoke the Bovine Embryo (Collection, Production and Transfer) (Fees) Regulations 1995, the Animals (Third Country Imports) (Charges) Regulations 1997, the Porcine Semen (Fees) (Scotland) Regulations 2007, the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009, the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009, the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2010, the Poultry Health Scheme (Fees) (Scotland) Regulations 2012, and particular fees provisions of the Bovine Semen (Scotland) Regulations 2007 and the Animal By-Products (Enforcement) (Scotland) Regulations 2011.

The fees set out in this instrument form part of a phased move towards full cost recovery, as explained in the Policy Note. Some fees are substantially increased from existing fees. A detailed comparison of the existing and new fees is provided in an annex to the Policy Note.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XG.