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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 445**

**The Products of Animal Origin (Third  
Country Imports) (Scotland) Regulations 2002**

**PART IX**

**CHARGES FOR VETERINARY CHECKS**

**Payment of charges**

**48.**—(1) A charge, calculated in accordance with regulations 49 and 50 and Schedule 5 and subject to regulation 53, shall be made for veterinary checks carried out at a border inspection post within Scotland.

(2) The charge shall be made by and payable to the Scottish Ministers, a local authority or the Agency, whichever is responsible, pursuant to regulations 4 and 5, for executing and enforcing these Regulations at the border inspection post where the veterinary check is carried out.

**Calculation of charges**

**49.** The charges imposed for veterinary checks under regulation 48 shall be sufficient to cover the costs listed in Part I of Schedule 5 and shall be calculated in accordance with Part II, III, IV or V, as the case may be, of Schedule 5.

**Conversion of charges to sterling**

**50.** Charges expressed in euros in Schedule 5 shall be converted to pounds sterling at the rate of conversion published in the “C” Series of the Official Journal of the European Communities in September of the calendar year preceding that in which the relevant veterinary check was carried out.

**Liability for charges**

**51.** The person responsible for a consignment shall pay on demand the charge made for any veterinary check carried out on the consignment.

**Information relating to charges**

**52.**—(1) The Scottish Ministers, a local authority or the Agency shall, if so requested in writing, supply to any person who presents products pursuant to regulation 18, or to any organisation representing such persons, details of the calculations which they or it uses to determine charges for veterinary checks and shall take into account any representations made by such person or organisation in determining such charges.

(2) If requested in writing so to do by the Scottish Ministers or the Agency, a local authority shall provide the Scottish Ministers or the Agency, as the case may be, with such information as they or it may require relating to the calculation of charges for veterinary checks, and with copies of any written representations made by persons or organisations referred to in paragraph (1).

### **Appeals against charges**

**53.**—(1) Any person who has paid a charge for a veterinary check to a local authority may, within 28 days of the charge being paid, appeal on the ground that the amount of the charge is unreasonable—

- (a) to the Scottish Ministers, where the charge is for a veterinary check carried out otherwise than in relation to any function of the Agency; and
- (b) to the Agency, where the charge is for a veterinary check carried out in relation to any function of the Agency.

(2) Where there is an appeal under paragraph (1), the Scottish Ministers or the Agency, as the case may be, shall afford an opportunity to the appellant and to the local authority to make representations and if, on consideration of the circumstances and such representations, they are satisfied that the amount of the charge is unreasonable, they shall so inform the local authority, and the local authority shall recalculate the amount of the charge in accordance with any directions given by the Scottish Ministers or the Agency and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

(3) Any person who has paid a charge for a veterinary check to the Scottish Ministers or the Agency may, within 28 days of the charge being paid, appeal to an independent person appointed by the Scottish Ministers on the ground that the amount of the charge is unreasonable.

(4) The terms of appointment and the remuneration of the independent person referred to in paragraph (3) shall be determined by the Scottish Ministers.

(5) Where there is an appeal under paragraph (3), the independent person shall afford an opportunity to the appellant and to the Scottish Ministers to make representations and if, on consideration of the circumstances and such representations, he or she is satisfied that the amount of the charge is unreasonable, he or she shall so inform the Scottish Ministers, and the Scottish Ministers shall recalculate the amount of the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

(6) Any person who is aggrieved by a decision referred to in paragraphs (3) or (5) may, within the period of 28 days after the date when that person is notified of the outcome of that decision, appeal to the sheriff by way of summary application, and the sheriff may on consideration of the circumstances and of any representations made to him or her, make such order as the sheriff thinks fit.