SCHEDULE Regulation 15

"SCHEDULE 8 Regulation 20

Quarantine of Captive Birds

PART I

Approvals

1. The Scottish Ministers may, if they are satisfied in all the circumstances that it is appropriate to do so, grant to a quarantine manager an approval in respect of a quarantine centre or a quarantine facility for which the quarantine manager has charge and which at least meets the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007.

2. The Scottish Ministers shall give reasons in writing–

(a) for refusing to grant an approval provided for in this Schedule; and

(b) for attaching conditions to an approval.

3. Notice of a revocation or suspension of an approval shall–

(a) state–

(i) the reasons for the revocation or suspension; and

(ii) the time and date when it is to take effect;

(b) be served upon the quarantine manager–

(i) in person;

(ii) by leaving it at the quarantine centre or quarantine facility concerned; or

(iii) by post addressed to the quarantine manager at the quarantine centre or quarantine facility concerned; and

(c) be copied to the importer and if the importer is not the owner of the birds concerned, so far as is practicable, to the owner birds kept at the quarantine centre or quarantine facility at the date the revocation or suspension is to take effect.

4. Where an approval is revoked or is to be revoked and the continuation of quarantine at the quarantine centre or quarantine facility concerned would in the opinion of a veterinary inspector cause a significant public or animal health risk, the veterinary inspector may issue directions by notice as to the movement or disposal of birds held in quarantine at the time the notice of revocation is stated to take effect, and such notice shall be served and copied to any importer and owner concerned as if it were a notice to which paragraph 3(c) and (d) applied.

PART II

Charges in relation to approvals of avian quarantine centres and facilities, official supervision, sampling and laboratory testing

General charging provisions

1. Using such criteria they consider appropriate in all the circumstances to avoid an over-recovery of costs for which a charge is made under this Schedule, the Scottish Ministers may make a reduced

charge, if during a veterinary inspector's attendance at a quarantine centre or quarantine facility the veterinary inspector undertakes official activity for which a charge may be made to another party under this Schedule.

2. A demand for payment of charges made under this Schedule may be addressed to the importer or quarantine manager concerned, as appropriate, at the importer or quarantine managers' last known address, whether or not it is the address for business.

Charges relating to approvals

3.—(1) The Scottish Ministers may make a charge in connection with the granting, suspension, amendment or revocation of an approval under regulation 20 and this Schedule in accordance with this paragraph.

(2) A fee ("the approval administration fee") may be charged in relation to the receipt and processing of an application for–

(a) an approval;

(b) the lifting of the suspension of an approval; or

(c) the lifting of or amendment of conditions attached to an approval.

(3) The Scottish Ministers shall from time to time determine the fee for each type of application described in sub-paragraph (2) and shall publish the current fee on the website of the Scottish Executive(**1**).

(4) The approval administration fee for any type of application shall represent costs and expenses which the Scottish Ministers reasonably consider attributable to the receipt and processing of an application of that type.

(5) The veterinary inspector rate may be charged for time spent by a veterinary inspector inspecting premises to assess compliance with the minimum approval conditions.

(6) The Scottish Ministers may make a charge at no more than the veterinary inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises for purposes of inspecting them to assess compliance with the minimum approval conditions.

(7) Charges and fees under this paragraph shall be paid by the quarantine manager and shall be due upon written demand.

(8) In this paragraph–

(a) "approval" means an approval as provided for in regulation 20 and this Schedule; and

(b) "minimum approval conditions" means the minimum conditions set out in Annex IV to Commission Regulation (EC) No. 318/2007.

Charges for official veterinary supervision and sampling

4.—(1) The Scottish Ministers shall make a charge at the veterinary inspector rate for time spent by a veterinary inspector at a quarantine centre or quarantine facility in relation to any consignment of captive birds placed in quarantine pursuant to regulation 20–

(a) carrying out official veterinary supervision; or

(b) taking samples.

(2) The Scottish Ministers may make a charge at no more than the inspector rate determined for the purposes of this paragraph for time spent by a veterinary inspector travelling to or from premises to carry out official veterinary supervision or take samples.

(**1**) www.scotland.gov.uk.

(3) The Scottish Ministers may make a charge for the administrative costs of official supervision and the taking of samples ("the consignment administration fee").

(4) The Scottish Ministers shall–

(a) from time to time determine the consignment administration fee in relation to consignments of different types and sizes as representing the costs and expenses which the Scottish Ministers reasonably consider attributable to the administration of official supervision and the taking of samples in relation to a type or size of consignment, including the recovery of costs provided for under this Part; and

(b) publish the current fee on the website of the Scottish Executive.

(5) Charges under this paragraph shall be paid by the importer and shall be due upon written demand.

Charges for testing of samples by the official laboratory

5.—(1) The Scottish Ministers may make a charge for the testing of samples.

(2) The Scottish Ministers shall–

(a) from time to time determine the fee for each type of test as representing the costs and expenses which the Scottish Ministers reasonably consider attributable to the undertaking by the official laboratory of a test of that type; and

(b) publish the current fee on the website of the Scottish Executive.

(3) Charges under this paragraph shall be paid by the importer and shall be due upon written demand.

(4) In this paragraph "testing of samples" means testing and analysis of samples carried out by the official laboratory pursuant to Articles 12 to 15 of and Annex VI to Commission Regulation (EC) No. 318/2007, and includes the removal of tissue post mortem.".