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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 176**

**The Animal By-Products and Pet Passport  
Fees (Scotland) Regulations 2018**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Animal By-Products and Pet Passport Fees (Scotland) Regulations 2018 and come into force on 30th June 2018.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“EU Control Regulation” means Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation), as amended from time to time<sup>(1)</sup>;

“EU Implementing Regulation” means Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive, as amended from time to time<sup>(2)</sup>;

“Regulation (EU) No 576/2013” means Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003<sup>(3)</sup>; and

“veterinary officer” means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State<sup>(4)</sup>.

(2) Expressions used in these Regulations that are also used in the EU Control Regulation or the EU Implementing Regulation have the same meaning in these Regulations as they have in the EU Control Regulation or as the case may be the EU Implementing Regulation, as the context may require.

**Refund of fees**

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 If any application for which a fee is payable under these Regulations is withdrawn before its determination, the Scottish Ministers must refund to the applicant such proportion of any fee paid in respect of that application as the Scottish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

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(1) OJ L 300, 14.11.2009, p.1, as last amended by Regulation (EU) 2017/625 (OJ L 95, 7.4.2017, p.1).

(2) OJ L 54, 26.2.2011, p.1, as last amended by Commission Regulation (EU) 2017/1262 (OJ L 182, 13.7.2017, p.34).

(3) OJ L 178, 28.6.2013, p.1, which is repealed subject to savings by Regulation (EU) 2016/429 (OJ L 84, 31.3.2016, p.1).

(4) By virtue of an agreement under section 93 of the Scotland Act 1998 (c.46), the Secretary of State may exercise specific functions of the Scottish Ministers as listed in the schedule of the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2013 (S.I. 2013/3157).

**Animal by-products and derived products: fees**

4.—(1) This regulation and the schedule set out the fees payable to the Scottish Ministers on demand for the activities conducted by the Scottish Ministers for the purposes of the EU Control Regulation, the EU Implementing Regulation or the Animals By-Products (Enforcement) (Scotland) Regulations 2013(5).

(2) In the schedule—

- (a) the fees payable by an operator of an establishment or plant in relation to an activity specified in column 1 of Table 1 are specified in the corresponding entries in column 2 and 3 of that Table; and
- (b) the fees payable in respect of official controls, by an operator of an establishment or plant in relation to an activity specified in column 1 of Table 2 are specified in the corresponding entries in columns 2 and 3 of that Table.

(3) In the schedule, “approval” includes a conditional approval under Article 44(2) of the EU Control Regulation.

**Pet Passports: fees**

5.—(1) The fees payable by an authorised veterinarian to the Scottish Ministers for 20 blank pet passport identification documents is £56.

(2) The authorised veterinarian is to be charged for postage and packaging where—

- (a) the blank pet passport identification documents are not collected in person; and
- (b) the authorised veterinarian requests that the blank pet passport identification documents be sent by post.

(3) In this regulation—

“authorised veterinarian” means a veterinary surgeon who has been authorised by the Scottish Ministers or the Secretary of State to carry out tasks in accordance with Regulation (EU) No. 576/2013; and

“identification documents” means documents for issue and completion by an authorised veterinarian pursuant to Article 22 of Regulation (EU) No 576/2013 in respect of the non-commercial movement of pet animals within the EU.

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