SCOTTISH STATUTORY INSTRUMENTS

2018 No. 176

ANIMALS

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

Made - - - -	*24th May 2018*
Laid before the Scottish Parliament - - - -	*29th May 2018*
Coming into force - -	*30th June 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1A of schedule 2 of the European Communities Act 1972(**1**) and section 56(1) and (2) of the Finance Act 1973(**2**) 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 the EU Control Regulation and the EU Implementing Regulation (as those instruments are defined in regulation 2(1)) to be construed as references to those instruments as amended from time to time.

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

(**1**) 1972 c.68. Paragraph 1A of schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by Part 1 of the schedule of the European Union (Amendment) Act 2008, (c.7).

(**2**) 1973 c.51. 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 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister were, so far as exercisable 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.

not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation), as amended from time to time(**3**);

"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(**4**);

"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(**5**); and

"veterinary officer" means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State(**6**).

(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.

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(**7**).

(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.

(**3**) OJ L 300, 14.11.2009, p.1, as last amended by Regulation (EU) 2017/625 (OJ L 95, 7.4.2017, p.1).
(**4**) 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).
(**5**) 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).
(**6**) 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).
(**7**) S.S.I. 2013/307 as amended by S.S.I. 2015/393.

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.

St Andrew's House,
Edinburgh
24th May 2018

FERGUS EWING
A member of the Scottish Government

SCHEDULE Regulation 4

ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS: FEES

Table 1

Fees payable by the operator of an establishment or plant for an application for approval under Articles 24 and 44 of the EU Control Regulation		
Column 1 *Activity*	*Column 2* *Fee (£) for applications received on or after 30th June 2018*	*Column 3* *Fee (£) for applications received on or after 30th June 2019*
Time spent by a veterinary officer travelling to and from premises for the purpose of carrying out the activities specified in this Table and Table 2	21 per quarter hour or part quarter hour spent, up to a maximum of 126	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Time spent by an officer employed by the Scottish Ministers or the Secretary of State other than a veterinary officer travelling to and from premises for the purposes of carrying out the activities specified in this Table and Table 2	14 per quarter hour or part quarter hour spent, up to a maximum of 84	14 per quarter hour or part quarter hour spent, up to a maximum of 84
Consideration of an application for approval of a rendering plant that includes a site visit of up to 60 minutes	892	1785
Consideration of an application for approval of an establishment or plant carrying out the transformation of animal by-products and/or derived products into compost that includes a site visit of up to 60 minutes	475	951
Consideration of application for approval of an establishment or plant carrying out the transformation of animal by-products and/or derived products into biogas that includes a site visit of up to 60 minutes	475	951
Consideration of an application for approval of an establishment or plant carrying out the handling of animal by-products after their collection, by way of operations such as sorting, cutting, chilling, freezing, salting, removal of hides and skins, or removal of specified risk material, that includes a site visit of up to 60 minutes	242	485
Consideration of an application for approval of an establishment or plant carrying out the storage of animal by-products and or derived products that includes a site visit of up to 60 minutes	242	485

Fees payable by the operator of an establishment or plant for an application for approval under Articles 24 and 44 of the EU Control Regulation		
Column 1 *Activity*	*Column 2* *Fee (£) for applications received on or after 30th June 2018*	*Column 3* *Fee (£) for applications received on or after 30th June 2019*
Consideration of an application for approval of an incinerator plant that includes a site visit of up to 60 minutes	198	395
Consideration of an application for approval of an establishment or plant manufacturing pet food that includes a site visit of up to 60 minutes	198	395
Time spent by a veterinary officer for the purpose of carrying out activities specified in this Table after the first 60 minutes of a site visit to assess suitability for approval	8 per quarter hour or part quarter hour spent	16 per quarter hour or part quarter hour spent
Time spent by an officer employed by the Scottish Ministers or the Secretary of State (other than a veterinary officer) for the purpose of the administration of additional visits and connected activities	3 per quarter hour or part quarter hour spent	6 per quarter hour or part quarter hour spent
Additional administrative fee for production of invoices for additional visits and connected activities	7 per invoice	13 per invoice

Table 2

Fees payable by the operator of an establishment or plant for official control inspection site visits undertaken under Article 45 of the EU Control Regulation		
Column 1 *Activity*	*Column 2* *Fee (£) for inspection site visits undertaken on or after 30th June 2018*	*Column 3* *Fee (£) for inspection site visits undertaken on or after 30th June 2019*
Time spent by a veterinary officer for the purpose of an inspection site visit that lasts longer than 30 minutes	8 per quarter hour or part quarter hour spent	16 per quarter hour or part quarter hour spent
Time spent by an officer employed by the Scottish Ministers or the Secretary of State (other than a veterinary officer) for the purpose of an inspection site visit that lasts longer than 30 minutes	4 per quarter hour or part quarter hour spent	8 per quarter hour or part quarter hour spent

Fees payable by the operator of an establishment or plant for official control inspection site visits undertaken under Article 45 of the EU Control Regulation		
Column 1 *Activity*	*Column 2* *Fee (£) for inspection site visits undertaken on or after 30th June 2018*	*Column 3* *Fee (£) for inspection site visits undertaken on or after 30th June 2019*
Time spent organising an inspection site visit and dealing with any action points arising from the visit by an officer employed by the Scottish Ministers or the Secretary of State (other than a veterinary officer)	3 per quarter hour spent or part quarter hour spent	6 per quarter hour spent or part quarter hour spent
Fee for the carrying out of the first 30 minutes of an inspection site visit where either an annual or biennial inspection of an approved or registered establishment or plant is required under the EU Control Regulation	78 per visit	157 per visit
Annual fee for the carrying out of the first 30 minutes of each of four inspection site visits to inspect an approved or registered establishment or plant where quarterly inspections are required under the EU Control Regulation	281 per year	561 per year
Annual fee for the carrying out of the first 30 minutes of each of twelve inspection site visits of an approved or registered establishment where monthly inspections are required under the EU Control Regulation	829 per year	1658 per year

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the introduction of fees payable for services provided by the Scottish Ministers.

The fees in regulation 4 and the schedule are fees payable by operators of establishments and plants that are required to be approved for the purposes of Regulation (EC) No 1069/2009 (OJ L 300, 14.11.2009, p.1) 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.

The fees in regulation 5 are fees payable in respect of the delivery of blank pet passport identification documents to authorised veterinarians for the purpose of the issuing a pet passport in accordance with Regulation (EU) No 576/2013 (OJ L 178, 28.6.2013, p.1).

A business and 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.