

2009 No. 326

ANIMALS

ANIMAL HEALTH

**The Zoonoses and Animal By-Products (Fees) (Amendment)
Regulations (Northern Ireland) 2009**

Made - - - - 25th September 2009

Coming into operation - 22nd October 2009

The Department of Agriculture and Rural Development is a department designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for references to 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(c) and for certain provisions of other Community instruments to be construed as references to that Regulation and those provisions as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2(d) to, the European Communities Act 1972 and section 56(1), (2) and (5) of the Finance Act 1973(e).

In accordance with section 56(1) and (5) of the Finance Act 1973, the Department of Finance and Personnel consents to the making of these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 22nd October 2009.

(2) The Interpretation Act (Northern Ireland) 1954(f) applies to these Regulations as it applies to an Act of the Assembly.

(a) S.I. 2000/2812

(b) 1972 c 68

(c) O.J. No.L 325, 12.12.2003, p.1 as last amended by Commission Regulation (EC) No. 213/2009

(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(e) 1973 c. 51.

(f) 1954 c. 33 (N.I.)

Amendment of the Zoonoses and Animal By-Products (Fees) Regulations (Northern Ireland) 2008

2.—(1) The Zoonoses and Animal By-Products (Fees) Regulations 2008(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “the European Regulation” substitute—

““the European Regulation” 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 last amended by Commission Regulation (EC) No. 213/2009 and as amended from time to time;”

(b) for the definition of “official control samples” substitute—

““official control samples” means samples taken by the Department under—

- (i) point 2.1.2.2 of the Annex to Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003 as last amended by Commission Regulation (EC) No. 213/2009 and as amended from time to time; or
- (ii) point 2.1 of the Annex to Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 1003/2005 as amended from time to time; or
- (iii) point 1 of the Annex to Commission Regulation (EC) No. 646/2007 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers and repealing Regulation (EC) No. 1091/2005 as amended from time to time.”.

(c) omit the definition of “the Scheme”.

(3) For regulation 3 (fees) substitute—

“Fees

3. The fees specified in column (2) of the Schedule shall be paid to the Department by the person specified in column (3) in respect of the activities specified in column (1) and shall be paid within 14 days of demand.”.

(4) For the Schedule substitute the Schedule set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 25th September 2009.



C McMaster

A senior officer of the Department of Agriculture and Rural Development

The Department of Finance and Personnel consents to regulation 2(4) and the Schedule.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th September 2009.



Jack Layberry

A senior officer of the Department of Finance and Personnel

SCHEDULE

Regulation 2(4)

Schedule to be substituted for the Schedule to the Zoonoses and Animal By-Products (Fees) Regulations (Northern Ireland) 2008

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SCHEDULE

Regulation 3

Fees payable to the Department

<i>Activities</i>	<i>Fee</i>	<i>Fee to be paid by:</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
Taking or supervising the taking of official control samples.	£41.61 for the first ½ hour (or part thereof) of each visit plus £10.79 per ½ hour (or part thereof) thereafter.	The person in charge of the holding
Examination of official control samples	£15.00	The person in charge of the holding
Inspecting a laboratory for the purpose of Regulation 21 of the 2003 Regulations or Article 12 of the European Regulation for—		The operator of the laboratory
(a) one test	£418.50	
(b) three tests	£428.50	
Processing of an application for approval of a laboratory under Regulation 21 of the 2003 Regulations or Article 12 of the European Regulation	£11.00	The operator of the laboratory
Processing of annual registration documentation in respect of a laboratory approved under Regulation 21 of the 2003 Regulations or Article 12 of the European Regulation	£25.00	The operator of the laboratory

Administering a quality control test under Regulation 21 of the 2003 Regulations or Article 12 of the European Regulation for—		The operator of the laboratory
(i) <i>Salmonella</i>	£37.00	
(ii) <i>Enterobacteriaceae</i>	£57.00	
(iii) <i>Clostridium perfringens</i>	£57.00”	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in Northern Ireland, amend the Zoonoses and Animal By-Products (Fees) Regulations (Northern Ireland) 2008.

They make provision for the Department to charge fees for activities required under Commission Regulation (EC) No 1003/2005, Commission Regulation (EC) No. 1168/2006, Commission Regulation (EC) No. 646/2007, Regulation (EC) No 2160/2003 and the Animal By-Products Regulations (Northern Ireland) 2003. The activities and the fees are listed in the Schedule.

A regulatory impact assessment, which includes compliance cost assessment of the effect that these Regulations are likely to have on business costs, has been placed in the Library of the Assembly. Copies may be obtained from the Department of Agriculture and Rural Development, Animal Disease Control and Trade Policy Branch, Room 715, Dundonald House, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SB.

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