

2008 No. 378

ANIMALS

ANIMAL HEALTH

**The Zoonoses and Animal By-Products (Fees) (Scotland)
Amendment Regulations 2008**

Made - - - - - *19th November 2008*

Laid before the Scottish Parliament *20th November 2008*

Coming into force - - - *12th December 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a), and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2008 and come into force on 12th December 2008.

Amendment to the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007

2. The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007(b) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2

3. In regulation 2 (interpretation) for the definition of “official control samples” substitute—

““official control samples” means samples taken under—

- (a) 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(c); or
- (b) 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(d).”.

(a) 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). The functions of the Minister in charge of the department were transferred to the Scottish Ministers, in so far as within devolved competence, by virtue of section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”). The requirement to obtain the consent of the Treasury was removed by section 55 of the 1998 Act.

(b) S.S.I. 2007/577.

(c) O.J. No. L 170, 1.7.2005, p.12.

(d) O.J. No. L 211, 1.8.2006, p.4.

Amendment of regulation 3

4. In regulation 3(1) (fees)–

(a) for sub-paragraph (d) substitute–

“(d) processing of annual registration documentation in respect of approval of a laboratory under regulation 21 of the 2003 Regulations or Article 12 of the European Regulation;”; and

(b) omit sub-paragraph (e).

MICHAEL RUSSELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
19th November 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 (“the 2007 Regulations”).

Regulation 3 of these Regulations substitutes the definition of “official control samples” in order to include not only samples taken from breeding flocks (as provided in the 2007 Regulations) but also samples taken from laying hens.

Samples are required to be taken from laying hens by Commission Regulation (EC) No 1168/2006 (O.J. No. L 211, 1.8.2006, p.4) (“the 2006 Commission Regulation”).

The 2006 Commission Regulation provides for a national control programme in respect of the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus*, and is implemented in Scotland by the Control of Salmonella in Poultry (Scotland) Order 2008 (S.S.I. 2008/266) (“the Poultry Order”).

The effect of these Regulations is that the Scottish Ministers may charge such fees as they consider will enable them to meet any reasonable expenses incurred by them in the taking of (or supervising the taking of) and examining samples from laying hens, under regulation 3(1)(a) and (b) of the 2007 Regulations.

Regulation 4 of these Regulations amends regulation 3(1) of the 2007 Regulations by omitting paragraph (e) and substituting paragraph (d). The effect of this is to remove the processing fee for a renewal application and to provide for a processing fee for the annual registration documentation in respect of the approval of a laboratory.

A full Regulatory Impact Assessment has not been produced for this instrument. However, an Assessment was produced to coincide with the Poultry Order. That Regulatory Impact Assessment is relevant to the costs associated with this amending instrument. A copy has been placed in the Scottish Parliament Reference Centre. Copies can be obtained from the offices of the Scottish Government, Environment and Rural Affairs Department at Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.

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