EXECUTIVE NOTE

THE ZOONOSES AND ANIMAL BY-PRODUCTS (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2008 SSI/2008/378

The above instrument was made in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973. This instrument is subject to negative Parliamentary procedure.

Policy Objective

The main objective of this instrument is to allow the Scottish Ministers to recover costs for services provided in relation to the implementation of the National Control Programme (NCP) for Salmonella in laying flocks.

Background

Section 56(1) and (2) of the Finance Act 1973 permits Government to require the payment of fees or other charges for the provision of any service in pursuance of any Community obligation.

The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 ("the 2007 Regulations") came into force on 28 January 2008.

The 2007 Regulations currently allow Scottish Ministers to recover costs associated with the implementation of the National Control Plan for salmonella in poultry breeding flocks and a scheme under which private laboratories are authorised to test for particular zoonotic organisms or diseases. These activities are required under Commission Regulation (EC) No. 1003/2005, Regulation (EC) No. 2160/2003 and the Animal By-Products (Scotland) Regulations 2003.

The 2007 Regulations require to be amended in order to take account of the new layers NCP (as required under Commission Regulation (EC) 1168/2006) which is to be enforced by virtue of The Control of Salmonella in Poultry (Scotland) Order 2008 ("the Poultry Order").

The Poultry Order enforces NCPs for both breeding and laying flocks of domestic fowl. These NCPs are required under Regulation (EC) 2160/2003, Regulation (EC) 1003/2005 and Regulation (EC) 1168/2006. The main aim of these NCPs is to improve public health through the enhanced detection and control of salmonellas of human health significance at the point of primary production.

The EC Regulations also set Member States a target to reduce the level of infection on holdings each year for a period of 3 years. The reduction targets assigned to individual Member States are based on the findings of EU-wide surveys.

In order to chart progress towards meeting the reduction target specified in the EC Regulations operators of breeding and laying flocks undergo official sampling and testing at predetermined intervals during the life of the flocks. The costs associated with this official sampling and testing need to be recovered by the Scottish Ministers.

Consultation

There has been no consultation on the amending Order as our policy is simply to set fees at such a level as to achieve full cost recovery. Accordingly, decisions on the level of fees to be charged would not alter as a result of consultation. Industry have however been involved in the development of this policy through regular NCP stakeholder meetings.

Additionally, the Regulatory Impact Assessment that was prepared (and consulted on) to coincide with the introduction of the layers NCP made clear Government's intent to recover costs associated with official control sampling and testing.

Financial Effects

The charges presently recovered for services provided under the breeding fowls NCP are not set out on the face of the legislation, but are instead published on the Scottish Government web site. This favoured approach was set out clearly in the Regulatory Impact Assessment (RIA) that accompanied the 2007 Regulations.

This removes the need to bring forward amending legislation every time the level of fees needs to be revised. It also significantly reduces Government costs and the administrative effort associated with the development of new legislation. Any increase in the charges to be levied are discussed beforehand with industry through the NCP stakeholder groups.

In the following tables "the Regulations" means the Animal By-Products (Scotland) Regulations 2003 and "the European Regulation" means Regulation (EC) 2160/2003. These Regulations require certain activities, for which costs can be recovered under the 2007 Regulations.The charges that have applied (across GB) since the introduction of the Breeders NCP in March 2007 are as follows:

Activities	**2007 charge (£)**
(a) taking or supervising the taking of official control samples	Base fee £32 plus investigation fee of £23 per ½ hour (or part thereof).
(b) examining official control samples	18.50
(c) processing of an application for approval of a laboratory under Regulation 21 of the Regulations or Article 12 of the European Regulation	12.50
(d) processing of the approval documentation further to an application referred to in (c).	29.50
(e) processing of an annual renewal application from an approved laboratory *	29.50

(f) inspecting a laboratory, for the purpose of Regulation 21 of the Regulations or Article 12 of the European Regulation, for-	
i) 1 test e.g. *Salmonella* PBFH(S)O or *Salmonella* ABP(S)R	613.50
ii) 2 tests e.g. *Salmonella* PBFH(S)O and *Salmonella* ABP(S)R	632.50
iii) 3 tests e.g. all ABP(S)R, or 2 of ABP(S)R with *Salmonella* PBFH(S)O	651.50
iv) 4 tests e.g. all ABP(S)R and *Salmonella* PBFH(S)O	670.50
(g) administering a quality control test, under Regulation 21 of the Regulations or Article 12 of the European Regulation, for-	
i) *Salmonella* (PBFH(S)O, poultry)	32.00
ii) *Salmonella* (ABP(S)R, isolation and culture)	32.00 57.00
iii) *Enterobacteriaceae* (ABPR, isolation and culture)	57.00
iv) *Clostridium perfringens* (ABPR, isolation and culture)	

From 1 October 2008 the charges to be levied across the UK for official sampling and testing under NCPs will be as follows:

Activities	**2008/2009 Charge (£)**
Taking or supervising the taking of official control samples	£45 plus £25 per ½ hour (or part thereof)
Examination of official control samples	15
Processing an application for approval of a laboratory under Regulation 21 of the Regulations or Article 12 of the European Regulation	13
Processing of annual registration documentation in respect of approval of a laboratory under Regulation 21 of the Regulations or Article 12 of the European Regulation	31
Inspecting a laboratory for the purpose of Regulation 21 of the Regulations or Article 12 of the European Regulation for-	
(a) 1 test	631
(b) 2 tests	650.50
(c) 3 tests	670
(d) 4 tests	689.50

Administering a quality control test under Regulation 21 of the Regulations or Article 12 of the European Regulation for-	
(a) *Salmonella*	37
(b) *Enterobacteriaceae*	67
(c) *Clostridium perfringens*	67

* There is no-longer a fee for processing an annual renewal application from an approved laboratory

SCOTTISH GOVERNMENT RURAL DIRECTORATE