

2018 No. 177

ANIMALS

**The Animal Health (Miscellaneous Fees) (Scotland) Regulations
2018**

<i>Made</i> - - - -	<i>24th May 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>29th May 2018</i>
<i>Coming into force</i> - -	<i>30th June 2018</i>

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(a), section 56(1) and (2) of the Finance Act 1973(b) and section 10(3)(c) of the Animal Health and Welfare Act 1984(c) 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 Regulation (EC) No 2160/2003(d) and Council Directive 2009/158/EC(e) (as those instruments are defined in regulation 2), 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 Health (Miscellaneous Fees) (Scotland) Regulations 2018 and come into force on 30th June 2018.

(2) These Regulations extend to Scotland only.

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- (a) 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).
- (b) 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.
- (c) 1984 c.40. The power in section 10(3)(c) is exercised in relation to regulation 6 and schedule 3, regulation 7 and schedule 4 and regulation 8 and schedule 5 of this instrument. See section 10(8) for the definition of “appropriate Minister”. The functions, so far as exercisable within devolved competence, were 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.
- (d) OJ L 325, 12.12.2003, p.1, as last amended by Regulation (EU) 2016/429 (OJ L 84, 31.3.2016, p.1).
- (e) OJ L 343, 22.12.2009, p.74, as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105). The instrument is repealed subject to savings by Regulation (EU) 2016/429 (OJ L 84, 31.3.2016, p.1).

Interpretation

2. In these Regulations—

“the 1964 Regulations” means the Artificial Insemination of Pigs (Scotland) Regulations 1964(a);

“the 1992 Regulations” means the Artificial Insemination of Pigs (EEC) Regulations 1992(b);

“the 1995 Regulations” means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995(c);

“the 2007 Regulations” means the Bovine Semen (Scotland) Regulations 2007(d);

“the 2012 Regulations” means the Trade in Animals and Related Products (Scotland) Regulations 2012(e);

“artificial insemination centre” means premises—

(a) in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations; or

(b) which are approved under regulation 2(2) or (3) of the 1992 Regulations;

“border inspection post” means a port or airport approved as such by the European Commission(f);

“consignment” means a quantity of animals of the same species, covered by the same veterinary certificate or document;

“Council Directive 2009/158/EC” means Council Directive 2009/158 EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs, as amended from time to time(g);

“load” means one or more consignments of animals of the same country of origin that have arrived on the same means of transport and which are presented by a person responsible for their importation for checking at the border inspection post at the same time;

“out of office hours” means before 0830 hours or after 1700 hours on a weekday;

“poultry health scheme” means the scheme for the approval of establishments and laboratories and the annual inspection of approved establishments under Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC(h);

“public holiday” means New Year’s Day, 2nd January, Good Friday, the first Monday in May, the first Monday in August, Christmas Day and Boxing Day;

“Regulation (EC) No 2160/2003” 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 amended from time to time(i);

“third country” means a country other than a member State;

“veterinary officer” means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State(j); and

(a) S.I. 1964/1171 as disappplied by S.I. 1992/3161.

(b) S.I. 1992/3161.

(c) S.I. 1995/2478 to which there is an amendment not relevant to these Regulations.

(d) S.S.I. 2007/330 to which there is an amendment not relevant to these Regulations.

(e) S.S.I. 2012/177, as amended by S.S.I. 2012/198 and S.S.I. 2015/401.

(f) The European Commission periodically publishes lists of border inspection posts. The list of approved border inspection posts is laid down in Commission Decision 2009/821/EC (OJ L 296, 12.11.2009, p.1) as last amended by Commission Implementing Decision (EU) 2018/313 (OJ L 60, 2.3.2018, p.40) and is periodically reviewed and amended.

(g) OJ L 343, 22.12.2009, p.74, as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105). The instrument is repealed subject to savings by Regulation (EU) 2016/429 (OJ L 84, 31.3.2016, p.1).

(h) See paragraph 3 of Part 1 of schedule 2 of the 2012 Regulations.

(i) OJ L 325, 12.12.2003, p.1, as last amended by Regulation (EU) 2016/429 (OJ L 84, 31.3.2016, p.1).

(j) 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 Agreements) (Specification) Order 2013 (S.I. 2013/3157).

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966^(a).

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 Scottish Ministers think fit, having regard to any reasonable costs incurred by them in connection with the application.

Salmonella National Control Programmes (zoonoses): fees

4.—(1) This regulation and schedule 1 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the control of *salmonella* in accordance with the relevant National Control Programme^(b) established by or under Regulation (EC) No 2160/2003.

(2) In schedule 1—

- (a) the fees payable by the person in charge of a chicken or turkey holding for the activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table;
- (b) the fees payable by the operator of a laboratory for the activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table; and
- (c) the fees payable by the person in charge of poultry flocks for the activities specified in column 1 of Table 3 are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in schedule 1 have the same meanings as they have in Regulation (EC) No 2160/2003.

Poultry health scheme: fees

5.—(1) This regulation and schedule 2 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the poultry health scheme.

(2) In schedule 2—

- (a) the fees payable by an applicant for approval and registration activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table; and
- (b) the fees payable by the operator of a laboratory for activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table.

Bovine semen: fees

6.—(1) This regulation and schedule 3 set out the fees payable to the Scottish Ministers on demand by applicants and operators for activities conducted by the Scottish Ministers for the purposes of the 2007 Regulations.

(2) In schedule 3, the fees payable by applicants and operators for the activities specified in column 1 of that Table are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in schedule 3 have the same meanings as they have in the 2007 Regulations.

(a) 1966 c.36.

(b) There are *salmonella* National Control Programmes for egg layers, breeders, broiler chickens and turkeys that are designed to reduce the prevalence of different types of *salmonella* that are of public health significance in line with EU targets.

Porcine semen: fees

7.—(1) This regulation and schedule 4 set out the fees payable to the Scottish Ministers on demand in connection with the issue of licences or approvals and tests or examinations carried out by the Scottish Ministers under—

- (a) the 1964 Regulations; or
- (b) the 1992 Regulations.

(2) In schedule 4, the fees payable by the applicant for, or the holder of, the licence or approval for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

Bovine embryo (collection, production and transfer): fees

8.—(1) This regulation and schedule 5 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to an application for an approval or in relation to the holder of an approval for the purposes of the 1995 Regulations.

(2) In schedule 5, the fees payable by an applicant for, or the holder of, an approval under the 1995 Regulations for activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in schedule 5 have the same meanings as they have in the 1995 Regulations.

Checking consignments of live animals from third countries at border inspection posts: fees

9.—(1) This regulation and schedule 6 set out the fees payable to the Scottish Ministers on demand where an inspection of a consignment of live animals from a third country is carried out at a border inspection post in accordance with regulation 13 (procedure on importation) of the 2012 Regulations.

(2) The fees payable in respect of the inspection of a consignment of live animals from third countries and checking importation documentation at a border inspection post specified in column 1 of Table 1 in schedule 6 are specified in the corresponding entry in column 2 of this Table.

(3) In addition to the fees payable in respect of an inspection by virtue of paragraph (2), the fees payable for carrying out an inspection during a period specified in column 1 of Table 2 in schedule 6 are specified in the corresponding entry in column 2 of that Table.

(4) In addition to the fees payable in respect of an inspection by virtue of paragraph (2), the fees payable in respect of an extra inspection check due to non-compliance or additional control measures carried out by a person specified in column 1 of Table 3 in schedule 6 are specified in the corresponding entry in column 2 of that Table.

Revocation and saving

10. The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013(a) are revoked except regulations 1 and 5 (amendment of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009(b)).

FERGUS EWING

A member of the Scottish Government

St Andrew's House,
Edinburgh
24th May 2018

(a) S.S.I. 2013/151.

(b) S.S.I. 2009/229, as last amended by S.S.I. 2013/151.

SCHEDULE 1

Regulation 4

Salmonella National Control Programmes (zoonoses): fees

Table 1

Fees payable by the person in charge of a chicken or turkey holding from which an official control sample is taken, processed and examined for the purposes of Regulation (EC) No 2160/2003	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent obtaining an official control sample for examination in a laboratory (in this Table the “time fee”) in addition to the fees specified in column 2 below unless otherwise specified	9 per quarter hour or part quarter hour spent
Time spent travelling to and from premises for the purpose of obtaining an official control sample (in addition to any other fees specified in column 2)	14 per quarter hour or part quarter hour spent, up to a maximum fee of 84
Taking an official control sample from a chicken laying flock	32
Taking an official control sample from a chicken or turkey breeding flock	52
Taking an official control sample from a chicken broiler flock or turkey fattening flock	72
Examination of an official control sample in a laboratory	14 per sample examined (time fee does not apply)

Table 2

Fees payable by the operator of a laboratory in relation to an approval under Article 12 of Regulation (EC) No 2160/2003		
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	
Processing an application for an initial laboratory approval or a biennial renewal of a laboratory approval	73	
Conducting inspections and quality assurance based upon the number of tests for which the laboratory is approved	one test	350
	two tests	361
	three tests	372
	four tests	384
Conducting collaborative testing required to obtain and maintain approvals as a testing laboratory	for <i>salmonella</i>	34 per test

Table 3

Fees payable by the person in charge of poultry flocks for conducting tests under point 4(b) of Part D of Annex II to Regulation (EC) No 2160/2003	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Conducting tests on seven dust and faecal samples taken from each flock	99
Conducting bacteriological sampling and testing of the caeca and oviducts of 300 birds in each flock	2,470
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs of each flock	3,080

SCHEDULE 2

Regulation 5

Poultry health scheme: fees

Table 1

Fees for registration and approval of an establishment for the purposes of the poultry health scheme	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer carrying out the registration or approval activities specified in this column of this Table below (in this Table the “time fee”), in addition to the fees specified in column 2 below unless otherwise specified	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from the premises of a poultry health scheme member (in this Table a “scheme member”) for the purposes of carrying out the activities specified in this column below (in addition to any other fees specified in column 2)	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Annual registration as a poultry health scheme member	55 (time fee does not apply)
Approval for the first year of a scheme member’s flock or hatchery, or combined flock and hatchery on one site, where the inspection is carried out by a veterinary officer	27
Annual re-approval of a scheme member’s flock or hatchery, or combined flock and hatchery on one site, where the inspection is carried out by a veterinary officer	56
Additional site re-approval of a scheme member’s flock or hatchery, or combined flock or hatchery who applies at the same time for multiple sites, and the inspection is carried out by a veterinary officer	31
Annual re-approval of a scheme member’s flock or hatchery, or combined flock and hatchery on one site, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	54 (time fee does not apply)
Additional site re-approval of a scheme member’s flock or hatchery, or combined flock or hatchery who applies at the same time for multiple sites, and the inspection is carried out by a veterinary surgeon who is not a veterinary officer	29 (time fee does not apply)

Table 2

Fees payable by the operator of a laboratory in relation to an approval for the purposes of the poultry health scheme	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Processing an application for an initial laboratory approval or an annual renewal of a laboratory approval	73
Proficiency test in respect of <i>Salmonella</i> bacteriology (<i>pullorum</i> , <i>gallinarum</i> and <i>arizonae</i>)	131 per test
Proficiency test in respect of <i>Salmonella</i> serology (<i>pullorum</i> and <i>gallinarum</i>)	321 per test
Proficiency test in respect of <i>Mycoplasma</i> chicken serology (<i>gallisepticum</i>)	321 per test

Proficiency test in respect of <i>Mycoplasma</i> culture (<i>gallisepticum</i> and <i>meleagridis</i>)	281 per test
Proficiency test in respect of <i>Mycoplasma</i> turkey serology (<i>gallisepticum</i> and <i>meleagridis</i>)	336 per test

SCHEDULE 3

Regulation 6

Bovine Semen: fees

Fees payable by applicants and operators in connection with activities for the purposes of the 2007 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer carrying out the licensing or approval activities specified in this column of this Table (in addition to the fees specified in column 2 below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purposes of carrying out the licensing approval activities specified in this column of this Table below (in addition to any other fees specified in column 2 below)	21 per quarter hour, or part quarter hour spent, up to a maximum of 126
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in a domestic collection centre or at unlicensed premises, or an application under regulation 10 of the 2007 Regulations for approval of the use of a bovine animal for collection of its semen or for use as a teaser animal at unlicensed premises	20
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in an EC collection centre	26
Considering an application under regulation 4 of the 2007 Regulations for a licence to operate an EC quarantine centre	29
Considering an application under regulation 4 of the 2007 Regulations for a licence to operate: <ul style="list-style-type: none"> (a) an EC collection centre; (b) domestic collection centre; (c) an EC storage centre; or (d) a domestic storage centre 	27
Conducting an examination of a bovine semen centre under regulation 40 of the 2007 Regulations	17
Conducting a routine examination of an approved bovine animal for domestic or EC use	23

SCHEDULE 4

Regulation 7

Porcine semen: fees

Fees payable in connection with activities for the purposes of the 1964 Regulations or the 1992 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer carrying out the licensing or approval activities specified in this column of this Table below, in addition to the fees specified in column 2 below (in this Table the “time fee”) unless otherwise specified	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of carrying out the licensing or approval activities specified in this column of this Table below (in addition to any other fees specified in column 2 of this Table)	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Application for approval of boars to provide semen for the purposes of artificial insemination	
Considering an application for the approval of a boar under regulation 2(1) of the 1964 Regulations for the purpose of the collection of semen	31 per boar
Routine testing of boars	
Routine testing of a boar at an artificial insemination centre	23 per boar
Operation of an artificial insemination centre	
Considering an application from an operator for an artificial insemination centre licence or approval	27
Considering an application for approval of an alteration to licensed premises or approved premises (in accordance with conditions attached to the licence)	25
Routine examination of an artificial insemination centre	17

SCHEDULE 5

Regulation 8

Bovine embryo (collection, production and transfer): fees

Fees payable in connection with activities for the purpose of the 1995 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer when carrying out activities specified in this column of this Table below (in addition to each of the fees specified in column 2 below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purposes of the activities listed in this Table (in addition to any other fees listed in column 2 below)	21 per quarter hour or part quarter hour spent
Considering an application for approval of or re-approval of: <ul style="list-style-type: none"> (a) a bovine embryo transfer team; (b) a store under regulation 13 of the 1995 Regulations; (c) a store under regulation 16 of the 1995 Regulations; (d) a store and its supervisor under regulations 16 and 19 of the 1995 Regulations; or (e) a single bovine embryo collection or production team (with or without an inspection of a laboratory) 	28
Considering an application for approval of each additional laboratory or store from the same applicant where the inspection is completed on the same day	9
Considering an application for re-approval of a laboratory or a store following any alterations	25
Carrying out a routine inspection of records of a single bovine embryo production, collection or transfer team, and re-inspection of a single laboratory or store	17
Carrying out a routine inspection of records of each additional bovine embryo production, collection or transfer team, and re-inspection of each additional laboratory or store	4 for each additional team and laboratory or store

SCHEDULE 6

Regulation 9

Checking consignments of live animals from third countries at border inspection posts: fees

Table 1

Fees for inspecting consignments of live animals from third countries and checking importation documentation at border inspection posts in accordance with regulation 13 of the 2012 Regulations	
<i>Column 1</i> <i>Inspection of type of animal and checking documents</i>	<i>Column 2</i> <i>Fee (£) per consignment</i>
Poultry and small game birds	65
Poultry eggs	38
Ratites	65
Captive birds	64
Live fish, aquatic animals and bees	32
Rabbits and rodents	29
Other insects, invertebrates, reptiles and amphibians	26
Pets unaccompanied by a declaration	57
Equidae	62
Farmed livestock including cattle, sheep, goats, camelids, pigs and wild boar	146
Animals not covered by any other category mentioned above	55
Transshipment check of documents	52

Table 2

Additional fees for conducting inspections and checks as mentioned in Table 1 when carried out during certain periods	
<i>Column 1</i> <i>Period when inspection and check conducted</i>	<i>Column 2</i> <i>Fee (£)</i>
Out of hours inspection or check	140 per load
Inspection or check during a weekend or a public holiday	185 per load
Time spent by a veterinary officer travelling to and from premises	16 per quarter hour or part quarter hour spent, up to a maximum of 64

Table 3

Fees for extra inspection checks due to non-compliances or additional control measures	
<i>Column 1</i> <i>Person undertaking extra inspection checks</i>	<i>Column 2</i> <i>Fee (£) per quarter hour or per part quarter hour spent</i>
Veterinary Officer – out of hours checks	17
Veterinary officer – checks during a weekend or a public holiday	23
Veterinary officer – checks at all other times	11
Time spent by a veterinary officer travelling to and from premises	16, up to a maximum of 64

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations partially revoke and replace the Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013. They make provision for the fees payable to the Scottish Ministers in the field of animal health.

Regulation 3 sets out the circumstances in which the Scottish Ministers must refund the fees paid to the applicant on determination of their refund in relation to the application.

Regulation 4 and schedule 1 set out the fees payable in relation to activities under Regulation (EC) No 2160/2003 concerning *Salmonella* National Control Programmes.

Regulation 5 and schedule 2 set out the fees payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EEC, which is partially transposed by paragraph 3 of Part 1 of schedule 2 of the Trade in Animals and Related Products (Scotland) Regulations 2012.

Regulation 6 and schedule 3 set out the fees payable in relation to activities required under Regulation (EC) No 2160/2003 and in accordance with the Bovine Semen (Scotland) Regulations 2007.

Regulation 7 and schedule 4 set out the fees payable in relation to licences and approvals for the purpose of obtaining porcine semen in accordance with the Artificial Insemination of Pigs (Scotland) Regulations 1964 or the Artificial Inseminations of Pigs (EEC) Regulations 1992.

Regulation 8 and schedule 5 set out the fees payable in relation to approvals for the purposes of the collection, production and transfer of bovine embryos in accordance with the Bovine Embryo (Collection, Production and Transfer) Regulations 1995.

Regulation 9 and schedule 6 set out the fees payable in relation to inspections of consignments of live animals at border inspection posts in accordance with the Trade in Animals and Related Products (Scotland) Regulations 2012.

Regulation 10 revokes the Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013 (other than regulations 1 and 5).

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.

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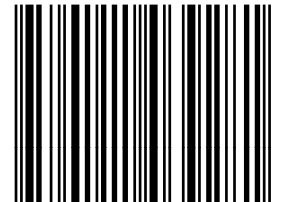
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