

POLICY NOTE

THE ANIMAL HEALTH (MISCELLANEOUS FEES) (SCOTLAND) REGULATIONS 2018

SSI 2018/177

Introduction

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by paragraph 1A of schedule 2 to the European Communities Act 1972 and section 56(1) and (2) of the Finance Act 1973 and section 10(3)(c) of the Animal Health and Welfare Act 1984. The instrument is subject to negative procedure.

Policy Objective

The purpose of this instrument is to revise the fees, currently set out in The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013, that apply to certain statutory functions delivered by the Scottish Ministers. Under an Agency Agreement made under section 93 of the Scotland Act 1998, these services are currently delivered by the Animal & Plant Health Agency (APHA) on behalf of the Scottish Ministers. APHA, as an Executive Agency of the Department of Environment, Food and Rural Affairs (DEFRA), also has responsibility for delivering statutory functions in England and Wales. The instrument also revokes the 2013 Fees Regulations, subject to savings.

Relevant Legislation

- Bovine Embryos

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995 implement a raft of EC requirements pertaining to the collection, production and transfer of embryos. Collectively, these measures guard against the risk of disease which could arise from the collection and transfer of embryos and help to facilitate trade. The specific, chargeable services provided by the APHA to industry are the licensing of bovine embryo (collection, production and transfer) teams and storage centres.

- Bovine Semen

The Bovine Semen (Scotland) Regulations 2007 implement the requirements of Directive 2003/43/EC (amending Directive 88/407/EEC) and contain provisions to control the collection, processing and storage of bovine semen. They establish two regimes: one by which semen may be collected and processed for trade with other EU Member States, and one by which bovine semen may be collected for use in the UK.

Controls on bovine semen are necessary to prevent the spread of certain animal diseases transmitted through semen which could impact on the economic wellbeing of the livestock sector. The APHA licences artificial insemination centres, approves and samples donor animals and controls the conditions under which semen is collected, identified and traced. A fee is charged for the delivery of these services.

- Porcine Semen

The Artificial Insemination of Pigs (EEC) Regulations 1992 implement the provisions of Council Directive 90/429/EEC in relation to exports to Member States and the approval of semen collection centres which engage in intra-community trade in porcine semen. Controls on the collection, processing and movement of semen for the domestic only market is governed by The Artificial Insemination of Pigs (Scotland) Regulations 1964. The APHA licences Artificial Insemination Centres, approves and samples donor animals and controls the conditions under which semen is collected, identified and traced.

- The Poultry Health Scheme (PHS)

The PHS provides for a system of registration and approvals, for which the APHA charge a fee, which allows establishments to export live birds and hatching eggs whilst minimising the risk of spreading certain disease that would impact on the economic wellbeing of the poultry industry. The scheme was established under Council Directive 2009/158/EC and partially transposed by the Trade in Animals and Related Products Regulations 2012.

- Salmonella National Control Programmes (NCPs)

The Salmonella National Control Programmes (NCPs) safeguard public health by seeking to reduce the incidence of salmonella at the farm level in breeding chickens, laying hens, broiler chickens and turkeys and more widely across the food chain. Under the NCPs the APHA undertakes statutory inspection, official sampling and sample examination activities, as well as private laboratory proficiency testing. A fee is charged for these services.

- Border Inspection Posts (BIPs)

The controls on live animals imported from third countries are based on EU provisions. The requirements for the inspection of live animal consignments at border inspection posts arriving from third countries are implemented by and set out in The Trade in Animals and Related Products (Scotland) Regulations 2012. The APHA has responsibility for undertaking these inspections.

Consultation

From October 2015 to December 2015 the APHA ran a GB-wide public consultation on its proposal to revise existing fees. The consultation was open to all to respond to. APHA contacted some 350 organisations directly by letter and/or e-mail to alert them to the consultation. Only 20 responses were received to the consultation.

In 2014, prior to the formal consultation, the APHA invited stakeholders to share their views on proposals to revise existing fees through Defra's Dialogue App tool and via a dedicated mailbox, with a presentation on the proposals placed on the now archived AHVLA website. The feedback from this pre-consultation engagement helped to inform APHA's formal consultation paper which can be found here:

https://consult.defra.gov.uk/apha/apha-seeks-views-on-revised-fees-for-statutory-se/supporting_documents/Tranche%201%20Consultation%20Document.pdf

APHA's consultation report can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697798/charging-first-consultation-report.pdf

Impact Assessments

A Business & Regulatory Impact Assessment (BRIA) has been prepared to support the introduction of this instrument.

Financial Effects

The annex to this note provides a more detailed breakdown of the chargeable activities and shows the new vs old fees. However, in summary, the changes are as follows.

Bovine Embryos: GB-wide, an overall increase in costs to the bovine embryo industry of approximately £5,000 a year relative to the baseline (approx. £1,000 in Scotland based on a 17% market share).

Bovine Semen: GB-wide, an overall increase in costs to the bovine semen industry of approximately £74,000 a year relative to the baseline (approx. £24,000 in Scotland based on a 32% market share).

Porcine Semen: GB-wide, an overall increase in costs to the porcine semen industry of £65,000 a year relative to the baseline (approx. £15,000 in Scotland based on a 23% market share).

Poultry Health Scheme: GB-wide, an overall reduction in costs to the poultry industry of approx. £6,000 a year relative to the baseline (approx. £2000 in Scotland based on a 33% market share).

Salmonella National Control Programmes: GB-wide, an overall increase in costs to the poultry industry of approx. £14,500 a year relative to the baseline (approx. £1,000 in Scotland based on a 6% market share).

Border Inspection Posts: GB-wide, an overall increase in costs to the imports sector of approx. £70,000 a year relative to the baseline (approx. £8,000 in Scotland based on an 11% market share).

Post-implementation review

An annual review of the impact of the revised fees on the various sectors will be undertaken by APHA. Additionally, APHA will be routinely engaging with stakeholders in the course of delivering the aforementioned services and will assess the impact of its revised fee structure on an ongoing basis. Additionally, given the need to ensure that the fees set continue to meet the cost of providing the services, it is anticipated that any future formal consultation on revising fees will provide opportunity to gather further evidence on the impact of charging.

Animal Health & Welfare Division
Directorate for Agriculture & Rural Economy
Scottish Government

Bovine Embryos – Fees Comparison

Fees payable in connection with activities for the purpose of The Bovine Embryo (Collection, Production and Transfer) Regulations 1995		
<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (50% FCR) £</i>
Time spent by a veterinary officer when carrying out activities listed in this Table (in addition to each of the fees listed below)	16 per quarter hour or part quarter hour spent ↑	23 per half hour or part half 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 each of the fees listed below)	21 per quarter hour or part quarter hour spent ↑	Not previously charged for
Considering an application for approval of or re-approval of: (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 ↓	A – D was 60 E – was 168
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 ↓	86
Considering an application for re-approval of a laboratory or a store following any alterations	25 ↓	71
Carrying out routine inspection of records of a single bovine embryo production, collection or transfer team, and re-inspection of a single laboratory or store	17 ↓	70
Carrying out 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 ↓	41

Bovine Semen – Fees Comparison

Fees payable by applicants and operators in connection with activities for the purposes of the 2007 Regulations		
<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (50% FCR) £</i>
Time spent by a veterinary officer carrying out the licensing or approval activities in this Table (in addition to each of the fees listed in column 2 below)	16 per quarter hour or part quarter hour spent ↑	23 per half hour or part half hour spent
Time spent by a veterinary officer travelling to and from premise for the purposes of the activities specified in column 1 of this Table (in addition to the other fees listed below)	21 per quarter hour, or part quarter hour spent, up to a maximum of 126 ↑	Travel time not previously charged for
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 ↓	38
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in an EC collection centre	26 ↓	Variable fee depending on animal age – either 187 or 368
Considering an application made under regulation 4 of the 2007 Regulations for a licence to operate an EC quarantine centre	29 ↓	114
Considering an application made under regulation 4 of the 2007 Regulations for a licence to operate: (a) an EC collection centre, (b) domestic collection centre, (c) an EC storage centre, or (d) a domestic storage centre	27 ↓	Collection centre was 146. Storage centre was 63.
Conducting an examination of a bovine semen centre under regulation 40 of the 2007 Regulations	17 ↑	14
Conducting a routine examination of an approved bovine animal for domestic or EC use	23 ↑	Not previously charged for

Porcine Semen – Fees Comparison

Fees payable in connection with activities for the purposes of the 1964 Regulations and the 1992 Regulations		
<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (50% FCR) £</i>
Time spent by a veterinary officer carrying out the licensing or approval activities in this Table, in addition to each of the fees listed in column 2 below (in this Table the “time fee”) unless otherwise specified	16 per quarter hour or part quarter hour spent. ↑	23 per half hour or part half hour spent.
Time spent by a veterinary officer travelling to and from premises for the purpose of the activities specified below (in addition to the other fees listed in column 2 of this Table)	21 per quarter hour or part quarter hour spent, up to a maximum of 126. ↑	Travel time not previously charged for.
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 ↓	92
Routine testing of boars		
Routine testing of a boar at an artificial insemination centre	23 per boar ↑↓	140 for up to a max of 10 boars, then 19 per additional boar.
Operation of an artificial insemination centre		
Considering an application from an operator for an artificial insemination centre licence or approval	27 ↓	29
Considering an application for approval of an alteration to licensed premises or approved premises (in accordance with conditions attached to the licence)	25 ↓	29
Routine examination of an artificial insemination centre	17 ↑	9

Poultry Health Scheme – Fees Comparison

Fees for registration and approval of an establishment for the purposes of the poultry health scheme		
<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (50% FCR) £</i>
Time spent by a veterinary officer carrying out the licensing or approval activities in this Table (in this table the “time fee”), in addition to the fees listed in column 2 below unless otherwise specified.	16 per quarter hour or part quarter hour spent. ↑	23 per half hour or part half 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 the activities specified in column 1.	21 per quarter hour or part quarter hour spent, up to a max of 126. ↑	Travel time not previously charged for.
Annual registration as a poultry health scheme member.	55 (time fee does not apply) ↓	61
Approval for 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 ↓	233
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 ↓	183
Additional site re-approval where a scheme member applies at the same time for multiple sites, and the inspection is carried out by a veterinary officer.	31 ↑	Not previously charged for
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) ↓	74
Additional site re-approval where a scheme member 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) ↑	Not previously charged for

Salmonella National Control Programmes – Fees Comparison

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>Activity</i>	<i>New Fee £</i>	<i>Current Fee (100% FCR) £</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. ↓	23 per half hour or part half 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. ↑	Travel time not previously charged for.
Taking an official control sample from a chicken laying flock.	32 ↓	60
Taking an official control sample from a chicken or turkey breeding flock.	52 ↓	87 (turkey) 96 (chicken)
Taking an official control sample from a chicken broiler flock or turkey fattening flock.	72 ↓	87 (turkey) 89 (chicken)
Examination of an official control sample in a laboratory.	14 per sample examined (time fee does not apply). ↓	15 per sample examined.

Fees payable by the operator of a laboratory in relation to approval under Article 12 of Regulation (EC) No 2160/2003			
<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (100% FCR) £</i>	
Processing an application for an initial laboratory approval or a biennial renewal of a laboratory approval	73 ↑	43	
Conducting inspections and quality assurance based upon the number of tests for which the laboratory is approved	one test	350 ↓	642
	two tests	361 ↓	661
	three tests	372 ↓	681
	four tests	384 ↓	700
Conducting collaborative testing required to obtain and maintain approvals as a testing laboratory	for <i>salmonella</i>	34 per test ↓	37 per test

Fees payable by the person in charge of poultry flocks for conducting tests under point 4(b) of Part D of Annex II of Regulation (EC) No 2160/2003

<i>Activity</i>	<i>New Fee £</i>	<i>Current Fee (100% FCR) £</i>
Conducting tests on seven dust and faecal samples taken from each flock	15 per sample tested	15
Conducting bacteriological sampling and testing of the caeca and oviducts of 300 birds in each flock	2,470 ↓	3560
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs of each flock	3,080 ↑	2310

Border Inspection Posts – Fees Comparison

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>Inspection of type of animal and checking documents</i>	<i>New Fee per consignment £</i>	<i>Old fee £</i>
Poultry and small game birds	65 ↑	44
Poultry eggs	38 ↑	Not previously charged for
Ratites	65 ↑	44
Captive birds	64 ↑	44
Live fish, aquatic animals and bees	32 ↓	40
Rabbits and rodents	29 ↓	44
Other insects, invertebrates, reptiles and amphibians	26 ↓	40
Pets unaccompanied by a declaration	57 ↑	44
Equidae	62 ↑	54
Farmed livestock including cattle, sheep, goats, camelids, pigs and wild boar	146 ↑	54
Animals not covered by any other category mentioned above	55 ↑	44
Transshipment check of documents	52 ↑	44

Fees for extra inspection checks due to non-compliances or additional control measures		
<i>Person undertaking extra inspection checks</i>	<i>Fee per quarter hour or per part hour spent £</i>	<i>Old Fee £</i>
Veterinary Officer – out of hours checks	17 ↑	Not previously charged for
Veterinary officer - checks during a weekend or a public holiday	23 ↑	Not previously charged for
Veterinary officer – checks at all other times	11 ↑	Not previously charged for
Time spent by a veterinary officer travelling to and from premises	16, up to a maximum of 64 per visit ↑	Not previously charged for

Additional fees for certain inspections		
<i>Period when inspection conducted</i>	<i>New Fee £</i>	<i>Old Fee £</i>
Out of hours inspection	140 per load ↑	Not previously charged for
Inspection during a weekend or a public holiday	185 per load ↑	Not previously charged for
Time spent by a veterinary officer travelling to and from premises	16 per quarter or part quarter hour spent, up to a maximum of 64 per visit ↑	Not previously charged for