
STATUTORY INSTRUMENTS

2004 No. 1214

**The Products of Animal Origin (Third
Country Imports) (England) Regulations 2004**

PART 10

Charges for Veterinary Checks

Payment of charges

52.—(1) A reasonable charge calculated in accordance with regulations 53 and 54 and Schedule 3 shall be made for veterinary checks carried out on a consignment at a border inspection post.

(2) The charge shall be made by and payable to the Secretary of State, a local authority or the Agency, whichever is responsible, pursuant to regulations 4 and 5, for executing and enforcing these Regulations at the border inspection post where the veterinary checks are carried out.

Calculation of charges

53. The charge for veterinary checks shall cover the costs listed in Part I of Schedule 3 and shall be calculated in accordance with Part II, III, IV or V, as the case may be, of Schedule 3.

Conversion of charges to sterling

54. Charges expressed in euro in Schedule 3 shall be converted to pounds sterling at the rate of conversion published in the “C” Series of the Official Journal of the European Communities in September of the calendar year preceding that in which the relevant veterinary check was carried out.

Liability for charges

55. The person responsible for a consignment shall pay on demand the charge made for the veterinary checks carried out on the consignment.

Information relating to charges

56.—(1) The Secretary of State, a local authority or the Agency shall, if so requested in writing, supply to any person who presents products pursuant to regulation 18, or to any organisation representing such persons, details of the calculations which she or it uses to determine charges for veterinary checks and shall take into account any representations made by such person or organisation in determining such charges.

(2) If requested in writing so to do by the Secretary of State or the Agency, a local authority shall provide the Secretary of State or the Agency, as the case may be, with such information as she or it may require relating to the calculation of charges for veterinary checks, and with copies of any written representations made by persons or organisations referred to in paragraph (1).

Appeals against charges paid to local authorities

57.—(1) Any person who has paid a charge for veterinary checks to a local authority, and any organisation representing such persons, may, within twenty-one days of the charge being made, appeal in writing on the ground that the amount of the charge is unreasonable—

- (a) to the Secretary of State, where the charge is for veterinary checks carried out otherwise than in relation to any function of the Agency; and
- (b) to the Agency, where the charge is for veterinary checks carried out in relation to any function of the Agency.

(2) Where there is an appeal under paragraph (1), the Secretary of State or the Agency, as the case may be, shall consult with the local authority and, if then satisfied that the amount of the charge is unreasonable, shall so inform the local authority, and the local authority shall recalculate the amount of the charge in accordance with any directions given by the Secretary of State or the Agency and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

Appeals against charges paid to the Secretary of State or the Agency

58.—(1) Any person who has paid a charge for veterinary checks to the Secretary of State or the Agency, and any organisation representing such persons, may, within twenty-one days of the charge being made, give notice in writing of his wish to appeal to an independent person appointed by the Secretary of State, or where the charge was paid to the Agency, to an independent person appointed by the Agency on the ground that the amount of the charge is unreasonable.

(2) Where the charge was paid to the Agency, the functions of the Secretary of State in paragraphs (3) to (4) shall be performed by the Agency.

(3) Where an appellant gives notice of his wish to appear before and be heard by an independent person appointed for the purpose—

- (a) the Secretary of State shall appoint an independent person to hear representations and specify a time limit within which representations to that independent person must be made;
- (b) the person so appointed shall not, except with the consent of the appellant, be an officer or servant of the Secretary of State;
- (c) if the appellant so requests, the hearing shall be in public;
- (d) the independent person shall report to the Secretary of State; and
- (e) if the appellant so requests, the Secretary of State shall provide him with a copy of the independent person's report.

(4) If the independent person is satisfied that the amount of the charge is unreasonable, the Secretary of State shall recalculate the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.