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STATUTORY INSTRUMENTS

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**2007 No. 954**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Avian Influenza (Fees for the Licensed  
Vaccination of Birds) (England) Regulations 2007**

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|-------------------------------|---------|------------------------|
| <i>Made</i>                   | - - - - | <i>20th March 2007</i> |
| <i>Laid before Parliament</i> |         | <i>26th March 2007</i> |
| <i>Coming into force</i>      | - -     | <i>23rd April 2007</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred on him by section 56(1) and (2) of the Finance Act 1973<sup>(1)</sup>.

The Treasury consent to the making of these Regulations.

**Title, application and commencement**

1.—(1) These Regulations may be cited as the Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007.

(2) These Regulations apply in England only and come into force on 23rd April 2007.

**Fees relating to the vaccination of birds**

2.—(1) The Secretary of State may charge an applicant a fee in respect of any of the expenses set out in paragraph (2) which the Secretary of State reasonably incurs in connection with a licence to—

- (a) vaccinate a bird in a zoo against avian influenza under regulation 9(1)(c) of the Avian Influenza (Preventive Measures) (England) Regulations 2006<sup>(2)</sup> (“the Preventive Measures Regulations”);
- (b) vaccinate poultry, other captive birds or any category of poultry or other captive birds against avian influenza under regulation 7(1)(a) of the Avian Influenza (Vaccination) (England) Regulations 2006<sup>(3)</sup> (“the Vaccination Regulations”);
- (c) move a vaccinated zoo bird under regulation 11(1) of the Preventive Measures Regulations; or

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(1) 1973 c.51.  
(2) S.I. 2006/2701.  
(3) S.I. 2006/2703.

- (d) release a vaccinated zoo bird under regulation 11(5) of those Regulations.
- (2) The expenses are those incurred by the Secretary of State in—
  - (a) issuing, amending or renewing a licence;
  - (b) ensuring the applicant complies with the conditions of a licence;
  - (c) providing vaccine to the applicant;
  - (d) disposing of any vaccine;
  - (e) supplying and applying means of identification to a vaccinated bird;
  - (f) monitoring vaccination at premises the subject of a licence;
  - (g) carrying out surveillance of a bird vaccinated at such premises;
  - (h) sampling and testing samples from any bird which is—
    - (i) at such premises;
    - (ii) at any premises to which a vaccinated bird is moved;
    - (iii) inspected because it is at premises with an epidemiological link with premises where a bird has been vaccinated.
- (3) An applicant must pay all fees charged by the Secretary of State under these Regulations within 14 days of the date of a notice from the Secretary of State requiring him to do so.
- (4) If the Secretary of State introduces compulsory vaccination at any premises before licensed vaccination under regulation 9(1)(c) of the Preventive Measures Regulations or regulation 7(1)(a) of the Vaccination Regulations has been completed there, he must refund an appropriate sum to the applicant.
- (5) An “applicant” is a person who applies for a licence referred to in regulation 2(1).
- (6) “An appropriate sum” is such proportion of any fee paid by an applicant under this regulation as the Secretary of State thinks fit, having regard to any reasonable costs the Secretary of State has incurred in connection with the licence.
- (7) “Compulsory vaccination” is—
  - (a) in the case of vaccination under the Preventive Measures Regulations, vaccination—
    - (i) carried out by the Secretary of State under regulation 9(1)(a) of those Regulations; or
    - (ii) required by him under regulation 9(1)(b) of those Regulations;
  - (b) in the case of vaccination under the Vaccination Regulations, vaccination required by the Secretary of State under regulation 8(1) of those Regulations.

*Ben Bradshaw*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

8th March 2007

We consent

20th March 2007

*Claire Ward*  
*Kevin Brennan*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Changes to legislation:** There are currently no known outstanding effects for the *The Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007*. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations allow the Secretary of State to recover the expenses which he reasonably incurs in connection with licences to vaccinate birds under the Avian Influenza (Preventive Measures) (England) Regulations 2006 (S.I. 2006/2701) and the [Avian Influenza \(Vaccination\) \(England\) Regulations 2006 \(2006/2703\)](#) and with licences to move or release such birds.

Regulation 2(3) requires applicants to pay fees within 14 days of the date of a notice from the Secretary of State. Regulation 2(4) provides for the repayment of fees if the Secretary of State introduces compulsory vaccination before licensed vaccination has been completed at premises.

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available at [www.defra.gov.uk/corporate/publications/default.htm](http://www.defra.gov.uk/corporate/publications/default.htm) and from the Department for Environment, Food and Rural Affairs, Exotic Disease Prevention and Control Division, 1A Page Street, London SW1P 4PQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Avian Influenza (Fees for the Licensed Vaccination of Birds) (England) Regulations 2007.