
STATUTORY INSTRUMENTS

2013 No. 1240

The Animal Health (Miscellaneous Fees) Regulations 2013

Title, extent, application and commencement

1.—(1) These Regulations may be cited as the Animal Health (Miscellaneous Fees) Regulations 2013.

(2) Regulation 4 extends to England and Wales, Scotland and Northern Ireland.

(3) Subject to paragraph (2) these Regulations extend to England and Wales, but apply in relation to England only.

(4) These Regulations come into force on 24th June 2013.

Interpretation

2.—(1) In these Regulations—

“veterinary officer” means a veterinary surgeon employed as such by the Secretary of State; and

“veterinary surgeon” means a person registered in the register of veterinary surgeons kept under the Veterinary Surgeons Act 1966⁽¹⁾.

(2) In these Regulations, a reference to—

(a) 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,

(b) Council Directive [90/429/EEC](#) laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species, or

(c) Council Directive [2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs,

is to be construed as a reference to that instrument as amended from time to time.

Refund of fees

3. If any application for which a fee is payable under or by virtue of these Regulations is withdrawn before determination of the application, the Secretary of State must refund to the applicant such proportion of any fee paid in respect of that application as the Secretary of State thinks fit, having regard to any reasonable costs incurred by the Secretary of State in connection with the application.

Control of trade in endangered species: fees

4.—(1) The Control of Trade in Endangered Species (Fees) Regulations 2009⁽²⁾ are amended as follows.

(1) [1966 c.36](#).

(2) [S.I. 2009/496](#).

(2) In regulation 3—

(a) for paragraph (1) substitute—

“(1) Except where regulation 4 applies, a person who wishes to obtain a permit, certificate or registration specified in an entry in column 1 of the Schedule must pay the fee specified corresponding to that entry in column 2 (for animals) or column 3 (for plants) as the case may be.”;

(b) in paragraph (2) for “regulation 4(2)” substitute “regulation 4”; and

(c) after paragraph (2) insert—

“(3) If any application for which a fee is payable under these Regulations is withdrawn before consideration of the application, the Secretary of State must refund to the applicant such proportion of any fee paid in respect of that application as the Secretary of State thinks fit, having regard to any reasonable costs incurred by the Secretary of State in connection with the application.”.

(3) For regulation 4 substitute—

“Fee for the issue of additional permits or certificates

4. Where a single application covers more than one specimen and the issue of more than one permit or certificate is required, a fee of £1.50 is payable by the applicant for each additional permit or certificate issued.”.

(4) In regulation 5(2)(b) for “4(2)” substitute “4”.

(5) In regulation 6(8) for “18, 19, 29 or 63” substitute “18, 19 or 29”.

(6) For the Schedule substitute the Schedule (fees) set out in Schedule 1 to these Regulations.

Salmonella national control programmes (zoonoses): fees

5.—(1) Schedule 2 sets out the fees payable for activities conducted by the Secretary of State in relation to the control of *Salmonella* in accordance with the relevant National Control Programme⁽³⁾ established by or under Regulation (EC) No 2160/2003 of the European Parliament and of the Council⁽⁴⁾.

(2) In Schedule 2—

(a) the fees payable by the person in charge of a poultry 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.

Poultry health scheme: fees

6. The following fees are specified in Schedule 3 for activities conducted by the Secretary of State in relation to the poultry health scheme⁽⁵⁾ established under Articles 2 and 6 of, and Annex II

(3) There are salmonella national control programmes for laying chickens producing eggs for human consumption, breeding chickens, 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.

(4) OJ No L 325, 12.12.2003, p. 1, as last amended by Commission Regulation (EU) No 1086/2011 (OJ No L 281, 28.10.2011, p. 7).

(5) The poultry health scheme offers a system of registration and approval enabling establishments to verify compliance with EU legislation so that they are then eligible to export over 20 chicks or hatching eggs to other EU Member States. Additionally it provides for proficiency tests to be carried out on the laboratories that test samples on behalf of poultry health scheme members.

to, Council Directive [2009/158/EC](#) and implemented by paragraph 4 of Schedule 2 to the Trade in Animals and Related Products Regulations 2011⁽⁶⁾—

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

Bovine semen: fees

7.—(1) The Bovine Semen (England) Regulations 2007⁽⁷⁾ (“the 2007 Regulations”) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 41 substitute—

“**41.** The fees payable to the Secretary of State are as provided by regulation 7(4) of the Animal Health (Miscellaneous Fees) Regulations 2013.”.

(3) Omit regulation 42.

(4) The fees specified in column 2 of Schedule 4 to these Regulations are payable for the activities specified in column 1 of that Schedule and words and expressions used in that Schedule and the 2007 Regulations have the same meanings as in the 2007 Regulations.

Porcine semen: fees

8.—(1) Schedule 5 sets out the fees payable to the Secretary of State in connection with the issue of licences or approvals and tests and examinations carried out under—

- (a) the Artificial Insemination of Pigs (England and Wales) Regulations 1964⁽⁸⁾ (“the 1964 Regulations”); or
- (b) the Artificial Insemination of Pigs (EEC) Regulations 1992⁽⁹⁾ (“the 1992 Regulations”).

(2) The fees payable by the applicant or holder of the licence or approval for activities specified in column 1 of the Table in Schedule 5 are specified in the corresponding entries in column 2 of that Table.

(3) In Schedule 5 “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 have been approved under regulation 2(2) or (3) of the 1992 Regulations.

Bovine embryo (collection, production and transfer): fees

9.—(1) This regulation and Schedule 6 set out the fees payable to the Secretary of State for activities in relation to an application for an approval or a holder of an approval under the Bovine Embryo (Collection, Production and Transfer) Regulations 1995⁽¹⁰⁾ (“the 1995 Regulations”).

(2) In Schedule 6, the fees payable by applicants for, or holders of, approvals 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.

⁽⁶⁾ [S.I. 2011/1197](#).

⁽⁷⁾ [S.I. 2007/1319](#), to which there are amendments not relevant to these regulations.

⁽⁸⁾ [S.I. 1964/1172](#), to which there are amendments not relevant to these Regulations.

⁽⁹⁾ [S.I. 1992/3161](#).

⁽¹⁰⁾ [S.I. 1995/2478](#), to which there is an amendment not relevant to these regulations.

Checking consignments of live animals at border inspection posts: fees

10.—(1) The fees specified in this regulation and Schedule 7 are payable where inspections are carried out at border inspection posts of consignments of live animals from a third country in accordance with regulation 15 (procedure on importation) of the Trade in Animals and Related Products Regulations 2011.

(2) The fees payable in respect of the inspection of a consignment of live animals specified in column 1 of the Table in Schedule 7 are specified in the corresponding entry in column 2 of that Table.

(3) Paragraph (4) applies where the inspection of any live animal at a border inspection post is undertaken (whether in whole or in part)—

- (a) during a weekend;
- (b) after 17.00 hours but before 08.30 hours on a weekday; or
- (c) during a public holiday.

(4) Where this paragraph applies, a fee of £80 is payable for every load subject to inspection (in addition to any fee payable under Schedule 7).

(5) In this regulation and Schedule 7—

- (a) “border inspection post” means a port or airport approved as such by the European Commission(**11**);
- (b) “consignment” means a quantity of animals of the same species, covered by the same veterinary certificate or document;
- (c) “load” means one or more consignments of animals from the same country of origin that have arrived on the same means of transport and presented by a person responsible for their importation for checking at the border inspection post at the same time;
- (d) “public holiday” means Christmas Day, Good Friday or a bank holiday in England under the Banking and Financial Dealings Act 1971(**12**); and
- (e) “third country” means a country other than a member State.

Revocations

11. The following are revoked—

- (a) the Bovine Embryo (Collection, Production and Transfer) (Fees) Regulations 1995(**13**);
- (b) the Animals (Third Country Imports) (Charges) Regulations 1997(**14**);
- (c) the Porcine Semen (Fees) (England) Regulations 2007(**15**);
- (d) the Zoonoses and Animal By-Products (Fees) (England) Regulations 2010(**16**); and
- (e) the Poultry Health Scheme (Fees) Regulations 2011(**17**).

(11) 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 No L 296, 12.11.2009, p.1) as last amended by Commission Implementing Decision 2012/762/EU (OJ No L 336, 8.12.2012, p.94).

(12) [1971 c.80](#).

(13) [S.I. 1995/2479](#).

(14) [S.I. 1997/639](#).

(15) [S.I. 2007/2586](#).

(16) [S.I. 2010/1668](#).

(17) [S.I. 2011/1194](#).

14th May 2013

David Heath
Minister of State
Department for Environment, Food and Rural
Affairs

We consent

20th May 2013

Mark Lancaster
Robert Goodwill
Two of the Lords Commissioners of Her
Majesty's Treasury