
STATUTORY INSTRUMENTS

2018 No. 664

ANIMALS, ENGLAND

ANIMAL HEALTH

The Animal Health (Miscellaneous Fees) (England) Regulations 2018

<i>Made</i>	- - - -	<i>24th May 2018</i>
<i>Laid before Parliament</i>		<i>1st June 2018</i>
<i>Coming into force</i>	- -	<i>30th June 2018</i>

The Secretary of State, with the consent of the Treasury, makes these Regulations in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973⁽¹⁾, and so far as relating to regulations 6, 7 and 8 in exercise of the powers conferred by section 10(1) and (3)(c) of the Animal Health and Welfare Act 1984⁽²⁾ and now vested in the Secretary of State⁽³⁾.

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Animal Health (Miscellaneous Fees) (England) Regulations 2018.

(2) These Regulations extend to England and Wales, but apply in relation to England only.

(3) These Regulations come into force on 30th June 2018.

Interpretation

2. In these Regulations—

“the 1964 Regulations” means the Artificial Insemination of Pigs (England and Wales) Regulations 1964⁽⁴⁾;

“the 1992 Regulations” means the Artificial Insemination of Pigs (EEC) Regulations 1992⁽⁵⁾;

(1) 1973 c.51; subsection (1) was amended by S.I. 2011/1043.
(2) 1984 c.40. See subsection (8) for the definition of “appropriate Minister”.
(3) The functions of the former Minister of Agriculture, Fisheries and Food under section 10 were transferred to the Secretary of State by S.I. 2002/794.
(4) S.I. 1964/1172, to which there are amendments not relevant to these Regulations.
(5) S.I. 1992/3161.

“the 1995 Regulations” means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995⁽⁶⁾;

“the 2007 Regulations” means the Bovine Semen (England) Regulations 2007⁽⁷⁾;

“the 2011 Regulations” means the Trade in Animals and Related Products Regulations 2011⁽⁸⁾;

“border inspection post” has the meaning given by regulation 11 of the 2011 Regulations;

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

“poultry health scheme” means the poultry health scheme established under Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽⁹⁾ and implemented by paragraph 4 of Schedule 2 to the 2011 Regulations;

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

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

“veterinary surgeon” means a person registered in the register of veterinary surgeons kept under the Veterinary Surgeons Act 1966⁽¹⁰⁾.

Refund of fees

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

Salmonella national control programmes (zoonoses): fees

4.—(1) Schedule 1 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 established by or under 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⁽¹¹⁾; and accordingly—

- (a) the fees payable by the person in charge of a poultry holding for the activities specified in column 1 of Table 1 in that Schedule 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 in that Schedule are specified in the corresponding entries in column 2 of that table;
- (c) the fees payable by the person in charge of poultry flocks for the activities specified in column 1 of Table 3 in that Schedule are specified in the corresponding entries in column 2 of that table.

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

⁽⁶⁾ S.I. 1995/2478, to which there is an amendment not relevant to these Regulations.

⁽⁷⁾ S.I. 2007/1319, amended by S.I. 2011/454 and 2013/1240.

⁽⁸⁾ S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

⁽⁹⁾ OJ No L 343, 22.12.2009, p. 74, as last amended by Commission Implementing Decision No 2011/879/EU (OJ No L 345, 23.12.2011, p. 105).

⁽¹⁰⁾ 1966 c.36.

⁽¹¹⁾ OJ No L 325, 12.12.2003, p.1, as last amended by Council Regulation (EU) No 517/2013 (OJ No L 158, 10.06.2013, p.1).

Poultry health scheme: fees

5. Schedule 2 sets out the fees payable for activities conducted by the Secretary of State in relation to the poultry health scheme; and accordingly—

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

Bovine semen: fees

6.—(1) Schedule 3 sets out the fees payable for activities conducted by the Secretary of State under the 2007 Regulations; and accordingly the fees payable by applicants and operators for the activities specified in column 1 of the table in that Schedule are specified in the corresponding entries in column 2 of that table.

(2) In regulation 41 of the 2007 Regulations, for “regulation 7(4) of the Animal Health (Miscellaneous Fees) Regulations 2013(12)” substitute “regulation 6(1) of the Animal Health (Miscellaneous Fees) (England) Regulations 2018”.

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

Porcine semen: fees

7. Schedule 4 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 the 1964 Regulations or the 1992 Regulations; and accordingly the fees payable by the applicant or holder of the licence or approval for the activities specified in column 1 of the table in that Schedule are specified in the corresponding entries in column 2 of that table.

Bovine embryo (collection, production and transfer): fees

8.—(1) Schedule 5 set out the fees payable to the Secretary of State for activities in relation to an application for an approval or in relation to a holder of an approval under the 1995 Regulations; and accordingly the fees payable by applicants for, or holders of, approvals under the 1995 Regulations for the activities specified in column 1 of the table in that Schedule are specified in the corresponding entries in column 2 of that table.

(2) 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. Schedule 6 sets out the fees payable where inspections and checks of import documentation are carried out at border inspection posts of consignments of live animals from a third country in accordance with regulation 15 of the 2011 Regulations; and accordingly—

- (a) the fees payable in respect of the inspection of a consignment of live animals specified in column 1 of Table 1 in that Schedule are specified in the corresponding entries in column 2 of that table;

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- (b) the fees payable in respect of inspection undertaken during a period specified in column 1 of Table 2 in that Schedule are specified in the corresponding entry in column 2 of that table, and are payable in addition to any fees payable by virtue of paragraph (a);
- (c) the fees payable in respect of an extra inspection and check of documentation due to non-compliance or additional control measures by a person specified in column 1 of Table 3 in that Schedule are specified in the corresponding entry in column 2 of that table, and are payable in addition to any fees payable by virtue of paragraph (a).

Revocation

10. The Animal Health (Miscellaneous Fees) Regulations 2013 are revoked with the exception of regulations 1, 4, and 7(1) to (3) and Schedule 1.

23rd May 2018

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

We consent

24th May 2018

Andrew Stephenson
Rebecca Harris
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE 1

Regulation 4

Salmonella National Control Programmes (Zoonoses): Fees

Table 1

Fees payable by the person in charge of chicken or turkey holding from which an official 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 in obtaining an official control sample for examination in a laboratory (in this table the “time fee”) (in addition to the fees specified below, unless otherwise specified in column 2)	9 per quarter hour or part quarter hour spent
Time spent by an animal health officer travelling to and from premises for the purpose of activities below	14 per quarter hour or part quarter hour spent, up to a maximum 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 tested (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 for <i>Salmonella</i> as required to obtain and maintain approval as a testing laboratory	34 per test	

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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 Activity</i>	<i>Column 2 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 from each flock	2,470
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs from 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 Activity</i>	<i>Column 2 Fee (£)</i>
Time spent by a veterinary officer carrying out the activities specified in this Table (in this table the “time fee”) (in addition to the fees specified below unless otherwise specified in column 2)	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 purpose of activities below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Annual registration as a scheme member	55 (time fee does not apply)
First year approval of 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 inspection carried out by a veterinary officer	56
Additional site re-approval of a scheme member’s flock or hatchery where a scheme member 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)

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
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)

Table 2

Fees payable by the operator of a laboratory in relation to an approval for the purpose 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 a biennial renewal of a laboratory approval	73
Proficiency test in respect of Salmonella bacteriology (<i>pullorum, gallinarum and arizonae</i>)	131 per test
Proficiency test in respect of Salmonella serology (<i>pullorum, gallinarum</i>)	321 per test
Proficiency test in respect of Mycoplasma chicken serology (<i>gallisepticum</i>)	321 per test
Proficiency test in respect of Mycoplasma culture (<i>gallisepticum and meleagridis</i>)	281 per test
Proficiency test in respect of Mycoplasma turkey serology (<i>gallisepticum and meleagridis</i>)	336 per test

SCHEDULE 3

Regulation 6

Bovine semen: Fees

Fees payable by applicants and operators under 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 specified activities in this Table (in addition to each of the fees specified below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of activities specified below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Considering an application for approval of a bovine animal under regulations 7 or 10 of the 2007 Regulations for use in domestic collection centre or 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

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<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Considering an application for a licence to operate an EC quarantine centre under regulation 4 of the 2007 Regulations	29
Considering an application for a licence to operate an EC or domestic collection centre, or EC or domestic storage centre under regulation 4 of the 2007 Regulations	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 under regulation 33 of the 2007 Regulations	23

Note

Words and expressions used in this Schedule have the same meanings as in the 2007 Regulations.

SCHEDULE 4

Regulation 7

Porcine semen: Fees

Fees payable under the 1964 Regulations and the 1992 Regulations

<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Time spent by a veterinary officer carrying out the activities specified in this Table (in addition to each of the fees specified below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of activities specified below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
<i>Application for approval of a boar to provide semen for the purpose of artificial insemination</i>	
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
<i>Routine testing of a boar</i>	
Routine testing of a boar at an artificial insemination centre ⁽¹⁾	23 per boar
<i>Operation of an artificial insemination centre⁽¹⁾</i>	

(1) “artificial insemination centre” means premises in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations, or which have been approved under regulation 2(2) or (3) of the 1992 Regulations”.

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<i>Column 1</i> Activity	<i>Column 2</i> Fee (£)
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 or approved premises (in accordance with conditions attached to the licence)	25
Routine examination of artificial insemination centre ⁽¹⁾	17

(1) “artificial insemination centre” means premises in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations, or which have been approved under regulation 2(2) or (3) of the 1992 Regulations”.

SCHEDULE 5

Regulation 8

Bovine embryo (collection, production and transfer): fees

Fees payable under the 1995 Regulations

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by veterinary officer when carrying out the activities specified in this table (in addition to each of the fees specified below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of the activities specified below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Considering an application for approval or re-approval of: - a bovine embryo transfer team; - a store under regulation 13 of the 1995 Regulations; - a store under regulation 16 of the 1995 Regulations; - a store and its supervisor under regulations 16 and 19, of the 1995 Regulations; or - 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

(1)

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<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
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
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

SCHEDULE 6

Regulation 9

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

Table 1

Fees for inspecting consignments of animals from third countries and checking importation documentation at border inspection posts in accordance with regulation 15 of the 2011 Regulations

<i>Column 1 Inspection of type of animal and checking documents</i>	<i>Column 2 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	55
Transshipment check of documents	52

Table 2**Additional fees for certain inspections and checks**

<i>Column 1</i> <i>Period when inspection and check conducted</i>	<i>Column 2</i> <i>Fee (£)</i>
Out of hours ⁽¹⁾ inspection and check	140 per load ⁽²⁾
Inspection and check during a weekend or a public holiday ⁽³⁾	185 per load ⁽²⁾
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

- (1) “out of hours” means before 8.30 a.m. or after 5 p.m. on a weekday.
- (2) “load” means one or more consignments of animals from 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.
- (3) “public holiday” means Christmas Day, Good Friday or a bank holiday in England under the Banking and Financial Dealings Act 1971.

Table 3**Fees for extra inspections and checks due to non-compliances or additional control measures**

<i>Column 1</i> <i>Person undertaking extra inspection and check</i>	<i>Column 2</i> <i>Fee (£) per quarter hour or part quarter hour spent</i>
Veterinary officer – out of hours ⁽¹⁾	17
Veterinary officer –at weekends or public holidays ⁽²⁾	23
Veterinary officer – at all other times	11
Time spent by a veterinary officer travelling to and from premises	16, up to a maximum of 64 per visit

- (1) “out of hours” means before 8.30 a.m. or after 5 p.m. on a weekday.
- (2) “public holiday” means Christmas Day, Good Friday or a bank holiday in England under the Banking and Financial Dealings Act 1971.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out fees payable to the Secretary of State in the field of animal health, replacing the existing fees in the Animal Health (Miscellaneous Fees) Regulations 2013 ([S.I. 2013/1240](#)). The fees are collected by the Animal and Plant Health Agency (APHA), an executive agency of the Department for Environment, Food and Rural Affairs.

The fees in regulation 4 and Schedule 1 are payable in relation to activities required under 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 (OJ No L 325, 12.12.2003, p. 1) and in accordance with Salmonella National Control Programmes for poultry.

The fees in regulation 5 and Schedule 2 are payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L No 343, 22.12.2009, p. 74) and the Trade in Animals and Related Products Regulations 2011 ([S.I. 2011/1197](#)).

The fees in regulation 6 and Schedule 3 are payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (England) Regulations 2007 ([S.I. 2007/1319](#)), which are amended by regulation 6(2).

The fees in regulation 7 and Schedule 4 are payable in relation to approvals for the purpose of obtaining porcine semen in accordance with the Artificial Insemination of Pigs (England and Wales) Regulations 1964 ([S.I. 1964/1172](#)) and the Artificial Insemination of Pigs (EEC) Regulations 1992 ([S.I. 1992/3161](#)).

The fees in regulation 8 and Schedule 5 are payable in relation to approvals for the purpose of collection, production and transfer of bovine embryos in accordance with the Bovine Embryo (Collection, Production and Transfer) Regulations 1995 ([S.I. 1995/2478](#)).

The fees in regulation 9 and Schedule 6 are payable in relation to inspection of consignments of live animals at border inspection posts in accordance with the Trade in Animals and Related Products Regulations 2011.

Regulation 10 revokes the existing fee provisions in the Animal Health (Miscellaneous Fees) Regulations 2013.

The fee levels provided for in this instrument represent full cost recovery of fees, and some of the fees are increased from existing fees. A detailed comparison of the existing and new fees is provided in an annex to the accompanying Explanatory Memorandum published at www.legislation.gov.uk.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.