

## SCHEDULE 4

Regulations 5(5), 9(4) and 33(1)

### The Poultry Health Scheme

## PART I

### MEMBERSHIP

1. Any reference to 'the Directive' in this Part of this Schedule is a reference to Council Directive [90/539/EEC](#) (on animal health conditions governing intra-Community trade in, and imports from third countries, of poultry and hatching eggs)(1).

2. An application for an establishment to become a member of the Poultry Health Scheme must be accompanied by the registration fee, the details of which are set out in Part 2 of this Schedule.

3. The National Assembly must only grant membership of the Poultry Health Scheme to an establishment if —

- (a) it is satisfied, following an inspection by a veterinary inspector, that—
  - (i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and
  - (ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and
- (b) the operator of the establishment, having been notified that the National Assembly is satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive must consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he or she believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the National Assembly must issue the establishment's membership certificate, which must include the establishment's membership number.

6. The operator of an establishment that is a member of the Poultry Health Scheme must pay the annual membership fee each year.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Poultry Health Scheme, and generally to ensure compliance with the Directive, a veterinary inspector must carry out an annual inspection of the establishment, and any additional inspections the National Assembly considers necessary.

8. The National Assembly —

- (a) must suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to 'withdrawal' in that Chapter must be read as references to 'revocation' for the purposes of this paragraph);
- (b) may suspend or revoke membership if—

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(1) OJNo. L303, 30.10.90, p. 6), as amended by and as read with the provisions listed in paragraph 6 of Part I of Schedule 3.

- (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
- (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
- (iii) if ownership or control of an establishment changes; or
- (iv) if the operator has not paid the annual membership fee.

## **PART II**

### **REGISTRATION FEE**

1. The National Assembly must—
  - (a) determine the registration fee on the basis of the cost attributable to each application of the items listed in paragraph 3; and
  - (b) publish the current registration fee on the website of the Department for Environment, Food and Rural Affairs<sup>(2)</sup>.
2. The registration fee must be payable to the National Assembly in respect of each establishment for which an application is made and is non-refundable.
3. The items referred to in paragraph 1(a) are —
  - (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
    - (i) any person involved directly in processing applications for membership of the Poultry Health Scheme;
    - (ii) any person engaged in managing the processing of such applications; and
    - (iii) any veterinary inspector who carries out a veterinary inspection at an applicant establishment;
  - (b) recruiting and training the staff referred to in sub-paragraph (a);
  - (c) travel and related incidental expenses incurred in processing applications for membership (including inspecting establishments), except where incurred by a person attending his normal place of work;
  - (d) office accommodation, equipment and services for the staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
  - (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;
  - (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub-paragraph (a); and
  - (g) any other incidental expenses incurred in connection with the processing of applications for membership of the Poultry Health Scheme.

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(2) [www.defra.gov.uk](http://www.defra.gov.uk).

## PART III

### ANNUAL MEMBERSHIP FEE

4. There are two rates for the annual membership fee; a higher rate which includes the cost of an annual veterinary inspection by a veterinary inspector employed by the Department for Environment, Food and Rural Affairs, and a lower rate which does not include the cost of such an inspection.
5. The lower rate is payable —
  - (a) the first time the annual membership fee is paid (the cost of the first annual veterinary inspection having been included in the registration fee); and
  - (b) in subsequent years where the operator of the establishment has elected for the inspection to be carried out by a veterinary inspector who is not employed by the Department for Environment, Food and Rural Affairs (in which case the cost of the inspection is payable directly to the inspector by the operator).
6. The National Assembly must—
  - (a) determine the two rates of the annual membership fee on the basis of the cost attributable to each establishment of the items listed in paragraph 8; and
  - (b) publish the current rates of the annual membership fee on the website of the Department for Environment, Food and Rural Affairs.
7. The annual membership fee is payable to the National Assembly in respect of each establishment and is non-refundable.
8. The items referred to in paragraph 6(a) are —
  - (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
    - (i) any person directly involved in the administration of the Poultry Health Scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
    - (ii) any person engaged in managing the administration of the Poultry Health Scheme;
    - (iii) any veterinary inspector employed by the Department for Environment, Food and Rural Affairs who carries out the annual veterinary inspection of an establishment or additional inspections during the year;
  - (b) recruiting and training the staff referred to in sub-paragraph (a);
  - (c) travel and related incidental expenses incurred in the administration of the Poultry Health Scheme (including veterinary inspections of establishments), except where incurred by a person attending his or her normal place of work;
  - (d) office accommodation, equipment and services for staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
  - (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting that protective clothing;
  - (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub-paragraph (a); and
  - (g) any other incidental expenses incurred in connection with the administration of the Poultry Health Scheme.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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