

WELSH STATUTORY INSTRUMENTS

2013 No. 1241 (W. 133)

ANIMALS, WALES

ANIMAL HEALTH

The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013

<i>Made</i>	- - - -	29 May 2013
<i>Laid before the National Assembly for Wales</i>	- -	31 May 2013
<i>Coming into force</i>	- -	24 June 2013

The Welsh Ministers are designated ^{M1} for the purposes of making Regulations under section 2(2) of the European Communities Act 1972 ^{M2} (“the 1972 Act”) in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for references to EU instruments in these Regulations to be construed as references to those instruments as amended from time to time.

In accordance with section 56(1) and (2) of the Finance Act 1973 ^{M3}, the Treasury consent to the making of these Regulations.

In accordance with section 10(3)(c) of the Animal Health and Welfare Act 1984 ^{M4}, the relevant fees have been approved by the Treasury.

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of, and paragraph 1A of Schedule 2 ^{M5} to, the 1972 Act;
- (b) section 56(1) and (2) of the Finance Act 1973 ^{M6};
- (c) section 1 of the Animal Health Act 1981 ^{M7}; and
- (d) section 10(3)(c) of the Animal Health and Welfare Act 1984 ^{M8} ^{F1}.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Marginal Citations

M1 [S.I. 2010/2690](#).

- M2** 1972 c.68; section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)\(a\)](#) and the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [section 3\(3\)](#) and Part 1 of the Schedule.
- M3** 1973 c.51. The Welsh Ministers may exercise this power by virtue of section 59(5) of the [Government of Wales Act 2006 \(c.32\)](#).
- M4** 1984 c.40.
- M5** Paragraph 1A was inserted into Schedule 2 by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#).
- M6** 1973 c.51. The Welsh Ministers may exercise this power by virtue of section 59(5) of the [Government of Wales Act 2006 \(c.32\)](#).
- M7** 1981 c.22. Functions of the Ministers under section 1 of the 1981 Act were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales, by virtue of [S.I. 1999/672](#). Functions of the Secretary of State were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales, by virtue of [S.I. 2004/3044](#). Those functions, exercisable in relation to Wales by the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c.32\)](#).
- M8** 1984 c.40; section 10(8) defines the “appropriate Minister” as meaning the Secretary of State in relation to Wales for the purposes of section 10. The functions of the Secretary of State, insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of [S.I. 1999/672](#). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c.32\)](#).

Title, application and commencement

- 1.—(1) The title of these Regulations is the Animal Health (Miscellaneous Fees) (Wales) Regulations 2013.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 24 June 2013.

Interpretation

^{F1}2.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Refund of Fees

^{F1}3.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Salmonella national control programmes (zoonoses): amendment and fees

- 4.—(1) The Control of Salmonella in Poultry (Wales) Order 2008 ^{M9} is amended as follows.
- (2) In article 2 (interpretation), in the appropriate place in the alphabetical order insert the following definitions—
 - ““Commission Regulation (EU) No 200/2010” (“*Rheoliad y Comisiwn (EU) Rhif 200/2010*”) means Commission Regulation (EU) No 200/2010 implementing Regulation (EC) No

[2160/2003](#) of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*^{M10};

“Commission Regulation (EU) No 517/2011” (“*Rheoliad y Comisiwn (EU) Rhif 517/2011*”) means Commission Regulation (EU) No 517/2011 implementing Regulation (EC) No [2160/2003](#) of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No [2160/2003](#) and Commission Regulation (EU) No 200/2010^{M11}.”

(3) In article 3 (competent authority), for paragraphs (a) and (b) (but not the “and” at the end) substitute—

- “(a) Commission Regulation (EU) No 200/2010;
- (b) Commission Regulation (EU) No 517/2011;”.

(4) In the Schedule—

- (a) in paragraph 8 (method of sampling during the laying period)—
 - (i) for “Commission Regulation (EC) No [1003/2005](#)” substitute “ Commission Regulation (EU) No 200/2010 ”, and
 - (ii) for “Commission Regulation (EC) No [1168/2006](#)” substitute “ Commission Regulation (EU) No 517/2011 ”; and
- (b) in paragraph 12 (duties on the person in charge of a laboratory)—
 - (i) in sub-paragraph (3)(a), for “3.1.2 of the Annex to Commission Regulation (EC) No [1003/2005](#)” substitute “ 3.1.3 of the Annex to Commission Regulation (EU) No 200/2010 ”,
 - (ii) in sub-paragraph (3)(b), for “3.1.3” substitute “ 3.1.4 ”, and
 - (iii) in sub-paragraph (4)(a), for “Commission Regulation (EC) No [1168/2006](#)” substitute “ Commission Regulation (EU) No 517/2011 ”.

Marginal Citations

- M9** [S.I. 2008/524](#) (W.50).
- M10** OJ No. L 61, 11.3.2010, p.1, amended by Commission Regulation (EU) No. 517/2011 (OJ No. L 138, 26.5.2011, p.45).
- M11** OJ No. L 138, 26.5.2011, p.45.

^{F1}5.

- F1** Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Poultry Health Scheme: fees

^{F1}6.

- F1** Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Bovine semen: fees

7.—(1) The Bovine Semen (Wales) Regulations 2008^{M12} (“the 2008 Regulations”) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 41 substitute—

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

(3) Omit regulation 42.

^{F1}(4)

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Marginal Citations

M12 [S.I. 2008/1040 \(W.110\)](#).

Porcine semen: fees

^{F1}8.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Bovine embryo (collection, production and transfer): fees

^{F1}9.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Checking consignments of live animals at border inspection posts: fees

^{F1}10.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Revocations

^{F1}11.

F1 Regulations revoked (except regs. 1, 4, 7(1)-(3)) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Wales\) Regulations 2018 \(S.I. 2018/650\)](#), **reg. 10**

Alun Davies
Minister for Natural Resources and Food, one of
the Welsh Ministers

We consent

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

Changes to legislation: There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013. (See end of Document for details)

F1 SCHEDULE 1

Regulation 5

...

F1
...

F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...

F1	F1	
...	...	
F1	F1	F1
...
	F1	F1

	F1	F1

	F1	F1

F1	F1	
...	...	

F1	F1
...	...
F1	F1
...	...

Changes to legislation: There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013. (See end of Document for details)

F1
...

F1 SCHEDULE 2

Regulation 6

...

F1
...

F1
...

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

F1 F1
... ..

Changes to legislation: There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013. (See end of Document for details)

F1	F1
...	...

F1SCHEDULE 3

Regulation 7(4)

...

F1		
F1		
...		
	F1	
	...	
F1	F1	F1
...
	F1	F1

F1	F1	
...	...	
F1	F1	F1
...
	F1	F1

F1	F1	
...	...	
F1	F1	F1
...
	F1	F1

F1	F1	
...	...	
F1	F1	F1
...

F1SCHEDULE 4

Regulation 8

...

F1
F1
...

Changes to legislation: There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013. (See end of Document for details)

	F1	
	...	
F1	F1	F1
...
	F1	F1

F1		
...		
F1	F1	
...	...	
F1	F1	
...	...	
F1		
...		
F1	F1	F1
...
	F1	F1

F1	F1	F1
...
F1	F1	
...	...	
F1	F1	
...	...	

^{F1}SCHEDULE 5

Regulation 9

...

F1	
F1	
...	
F1	F1

Changes to legislation: There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013. (See end of Document for details)

...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...
F1	F1
...	...

^{F1}SCHEDULE 6

Regulation 10

...

F1

...

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for consolidation and increase of several fees payable to the Welsh Ministers in the field of animal health into one statutory instrument. The fees are collected by an executive agency of the Department for Environment, Food and Rural Affairs known as the Animal Health and Veterinary Laboratories Agency (AHVLA). They apply in relation to Wales. The fees in regulation 4 and Schedule 1 are payable in relation to activities required under Regulation (EC) No 2160/2003 and in accordance with salmonella national control programmes for poultry. The Control of Salmonella in Poultry (Wales) Order 2008 (S.I. 2008/524 (W.50)) is amended by regulation 4.

The fees in regulation 6 and Schedule 2 are payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EC and the Trade in Animals and Related Products Regulations (Wales) 2011 (S.I. 2011/2379 (W.252)).

The fees in regulation 7 and Schedule 3 are payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (Wales) Regulations 2008 (S.I. 2008/1040 (W.110)), which are amended by regulation 7.

The fees in regulation 8 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 9 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 10 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 (Wales) Regulations 2011 (S.I. 2011/2379 (W.252)).

These Regulations revoke existing fee instruments in relation to animal health (regulation 11).

The fee levels provided for in this instrument form part of a phased move towards full cost recovery of fees as explained in the Explanatory Memorandum. Some fees are substantially increased from existing fees because they have remained unchanged for many years. A detailed comparison of the existing and new fees is provided in an annex to the Explanatory Memorandum. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained by emailing endemics@wales.gsi.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013.