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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 423**

**ANIMALS**

**ANIMAL HEALTH**

**The Zoonoses and Animal By-Products (Fees)  
(Scotland) Amendment (No. 2) Regulations 2008**

*Made* - - - - 17th December 2008  
*Laid before the Scottish  
Parliament* - - - - 18th December 2008  
*Coming into force* - - 25th January 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(1), and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment (No. 2) Regulations 2008 and come into force on 25th January 2009.

**Amendment to the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007**

2.—(1) The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007(2) are amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 3(1) (fees), after sub-paragraph (g) insert—

“(h) conducting tests under point 4(b)(i), (ii) or (iii) of part D of Annex II to the European Regulation.”.

(3) In regulation 3(2), for sub-paragraph (a), substitute—

“(a) the person in charge of a holding where—

(i) official control samples are taken or examined in respect of the activities in paragraph (1)(a) and (b); or

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(1) 1973 c. 51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820). The functions of the Minister in charge of the department were transferred to the Scottish Ministers, in so far as within devolved competence, by virtue of section 53 of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The requirement to obtain the consent of the Treasury was removed by section 55 of the 1998 Act.

(2) S.S.I. 2007/577, as amended by S.S.I. 2008/378.

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**Status:** This is the original version (as it was originally made).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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(ii) tests are conducted in respect of the activities in paragraph (1)(h); and”.

St Andrew’s House,  
Edinburgh  
17th December 2008

*MICHAEL W RUSSELL*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 (“the 2007 Regulations”).

Regulation 2(2) extends the list of activities for which fees can be charged by the Scottish Ministers under the 2007 Regulations.

Regulation 2(3) provides that fees charged in respect of the additional activities inserted at regulation 2(2) shall be payable to the Scottish Ministers by the person in charge of a holding where tests are conducted for the purposes of those activities.

These Regulations are required to be made in order to take into account Commission Regulation (EC) No. 1237/2007 (O.J. No. L 280, 24.10.2007, p.5) which amends part D of Annex II to Regulation (EC) No. 2160/2003 of the European Parliament and of the Council (O.J. No. L 325, 12.12.2003, p.1) (“the 2003 European Regulation”).

That amendment provides for optional testing to be requested by farmers in order to exclude false-positive initial results from tests carried out in furtherance of the national control programme provided for under Commission Regulation (EC) No. 1168/2006 (O.J. No. L211, 1.8.2006, p.4).

The 2003 European Regulation is implemented in Scotland by the Control of Salmonella in Poultry (Scotland) Order 2008 (S.S.I. 2008/266) (“the Poultry Order”).

A full Regulatory Impact Assessment has not been produced for this instrument. However, an Assessment was produced to coincide with the Poultry Order. That Regulatory Impact Assessment is relevant to the costs associated with this amending instrument. A copy has been placed in the Scottish Parliament Reference Centre. Copies can be obtained from the offices of the Scottish Government Environment and Rural Affairs Department at Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.