
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

**The Animal By-Products and Animal Health
(Miscellaneous Fees) (Scotland) Regulations 2023**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal By-Products and Animal Health (Miscellaneous Fees) (Scotland) Regulations 2023 and come into force on 1 July 2023.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“veterinary officer” means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State⁽¹⁾,

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966⁽²⁾.

Refund of fees

3. Where an application, for which a fee is payable under these Regulations, is withdrawn before its determination, the Scottish Ministers must refund to the applicant such proportion of any fee paid in respect of that application as the Scottish Ministers think fit, having regard to any reasonable costs incurred by them in connection with the application.

Animal by-products and derived products: fees

4.—(1) This regulation and schedule 1 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers for the purposes of the Control Regulation.

(2) In schedule 1—

(a) the fees payable by an operator of an establishment or plant in relation to an activity specified in column 1 of Table 1 are specified in the corresponding entries in columns 2, 3 and 4 of that Table, and

(b) the fees payable in respect of official controls, by an operator of an establishment or plant in relation to an activity specified in column 1 of Table 2 are specified in the corresponding entries in columns 2, 3 and 4 of that Table.

(3) In this regulation and schedule 1—

(1) By virtue of an agreement under section 93 of the Scotland Act 1998, the Secretary of State may exercise specified functions as listed in the schedule of the Scotland Act 1998 (Agency Agreements) (Specification) Order 2013 (S.I. 2013/3157) on behalf of the Scottish Ministers.

(2) 1966 c. 36.

- (a) “the Control Regulation” means Regulation (EC) 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption⁽³⁾,
 - (b) words and expressions defined in Article 3 (definitions) of the Control Regulation have the same meaning as they have in the Control Regulation.
- (4) In schedule 1—
- (a) “approval” includes a conditional approval under Article 44(2) (procedure for approval) of the Control Regulation,
 - (b) words and expressions defined in Article 2 (definitions) of, and Annex 1 (definitions as referred to in Article 2) to, the Implementing Regulation⁽⁴⁾ have the same meaning as they have in the Implementing Regulation.

Salmonella control programmes (zoonoses): fees

5.—(1) This regulation and schedule 2 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to control programmes established by or under Regulation (EC) 2160/2003.

- (2) In schedule 2—
- (a) the fees payable by the person in charge of a flock for the activities specified in column 1 of Table 1 are specified in the corresponding entries in columns 2, 3 and 4 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 columns 2, 3 and 4 of that Table, and
 - (c) the fees payable by the person in charge of a flock for the activities specified in column 1 of Table 3 are specified in the corresponding entries in columns 2, 3 and 4 of that Table.
- (3) In this regulation and in schedule 2 “Regulation (EC) 2160/2003” means Regulation (EC) 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents⁽⁵⁾.

Poultry health scheme: fees

6.—(1) This regulation and schedule 3 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the poultry health scheme.

- (2) In schedule 3—
- (a) the fees payable by an applicant for approval and registration activities specified in column 1 of Table 1 are specified in the corresponding entries in columns 2, 3 and 4 of that Table, and
 - (b) the fees payable by the operator of a laboratory for activities specified in column 1 of Table 2 are specified in the corresponding entries in columns 2 and 3 of that Table.
- (3) In this regulation and in schedule 3 “poultry health scheme” means the scheme governing the export or movement of birds or hatching eggs to the EU, Northern Ireland or specified non-EU countries, as described in the Poultry Health Scheme (PHS) Handbook published by the Secretary of State on 22 July 2021⁽⁶⁾.

(3) EUR 2009/1069 as amended by S.I. 2019/588 and S.I. 2020/1388.

(4) Annex 1 of the Implementing Regulation was amended by S.I. 2020/1388.

(5) EUR 2003/2160, as amended by S.I. 2019/740.

(6) A copy of the Poultry Health Scheme (PHS) Handbook is accessible online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012365/phs-handbook.pdf. A hard copy can be obtained by writing to the Animal and Plant Health Agency, Poultry Health Scheme team, Customer Service Centre – One Health, Level 1, County Hall, Spetchley Road, Worcester, WR5 2NP or by emailing CSCOneHealthPHS@apha.gov.uk. By virtue of an agreement under section 93 of the Scotland Act 1998 (c. 46), the Secretary of State may exercise specified functions as listed

Bovine semen: fees

7.—(1) This regulation and schedule 4 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers for the purposes of the 2007 Regulations.

(2) In schedule 4, the fees payable by applicants and operators for the activities specified in column 1 of the Table are specified in the corresponding entries in columns 2, 3 and 4 of that Table.

(3) In this regulation and in schedule 4 “the 2007 Regulations” means the Bovine Semen (Scotland) Regulations 2007(7).

(4) In schedule 4 words and expressions used in the 2007 Regulations have the same meaning as they have in the 2007 Regulations.

Porcine semen: fees

8.—(1) This regulation and schedule 5 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers for the purposes of the 1964 Regulations or the 1992 Regulations.

(2) In schedule 5, the fees payable by an applicant for, or the holder of, a licence or approval for the activities specified in column 1 of the Table are specified in the corresponding entries in columns 2, 3 and 4 of that Table.

(3) In this regulation and in schedule 5—

(a) “the 1964 Regulations” means the Artificial Insemination of Pigs (Scotland) Regulations 1964(8),

(b) “the 1992 Regulations” means the Artificial Insemination of Pigs (EEC) Regulations 1992(9).

(4) In schedule 5, “artificial insemination centre” means premises—

(a) licensed under regulation 4(1) (licensing of artificial insemination centres) of the 1964 Regulations, or

(b) approved under regulation 2(2) or (3) (trade in porcine semen) of the 1992 Regulations.

Bovine embryo (collection, production and transfer): fees

9.—(1) This regulation and schedule 6 set out fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers for the purposes of the 1995 Regulations.

(2) In schedule 6, the fees payable by an applicant for, or the holder of, an approval under the 1995 Regulations for activities specified in column 1 of the Table are specified in the corresponding entries in columns 2, 3 and 4 of that Table.

(3) In this regulation and in schedule 6, “the 1995 Regulations” means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995(10).

(4) In schedule 6, words and expressions used in the 1995 Regulations have the same meaning as they have in the 1995 Regulations.

in the schedule of the Scotland Act 1998 (Agency Agreements) (Specification) Order 2013 (S.S.I. 2013/3157) on behalf of the Scottish Ministers.

(7) S.S.I. 2007/330 as amended by S.S.I. 2013/151, S.S.I. 2019/71 and S.S.I. 2023/93.

(8) S.I. 1964/1171.

(9) S.I. 1992/3161, as amended by S.I. 2019/782.

(10) S.I. 1995/2478, as amended by S.I. 2018/942 and S.I. 2019/782.

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

10.—(1) This regulation and schedule 7 set out fees payable to the Scottish Ministers on demand in relation to official controls performed on a consignment of live animals from a third country at a border control post in accordance with—

- (a) regulation 13 (procedure on importation) of the 2012 Regulations,
- (b) Chapter 5 (official controls on animals and goods entering Great Britain) of the Official Controls Regulation, together with relevant implementing and delegated acts, and
- (c) Article 37(1) (checks for entitlement to the conventional rate of duty for purebred breeding animals entering Great Britain from a third country) of Regulation (EU) 2016/1012.

(2) In schedule 7, the fees payable by the operator responsible for a consignment, or the operator’s representative, in relation to official controls performed on a consignment of live animals from a third country at a border control post specified in column 1 of Table 1 are specified in the corresponding entry in columns 2 and 3 of that Table.

(3) In addition to the fees payable in relation to official controls by virtue of paragraph (2), the fees payable by the operator responsible for the consignment, or the operator’s representative, for official controls performed during a period specified in column 1 of Table 2 in schedule 7 are specified in the corresponding entry in columns 2 and 3 of that Table.

(4) In addition to the fees payable in relation to official controls by virtue of paragraph (2), the fees payable by the operator responsible for the consignment, or the operator’s representative, in relation to an extra inspection check by a veterinary officer due to non-compliance or intensified official controls, specified in column 1 of Table 3 in schedule 7 are specified in the corresponding entry in columns 2 and 3 of that Table.

(5) The fees payable in relation to official controls by virtue of paragraphs (2) and (3) apply instead of the amounts provided for in Part 1 of Annex 4 (fees or charges for the official controls on consignments of live animals entering Great Britain from a third country) to the Official Controls Regulation.

(6) In this regulation and in schedule 7—

- (a) “the 2012 Regulations” means the Trade in Animals and Related Products (Scotland) Regulations 2012⁽¹¹⁾,
- (b) “the Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products⁽¹²⁾,
- (c) “Regulation (EU) 2016/1012” means Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof⁽¹³⁾,
- (d) words and expressions defined in Articles 2 (official controls and other official activities) and 3 (definitions) of the Official Controls Regulation have the same meaning as they have in the Official Controls Regulation.

(7) In schedule 7—

- (a) “load” means one or more consignments of animals, conveyed by the same means of transport and coming from the same territory or third country, and which are presented

(11) S.S.I. 2012/177. Regulation 13 was substituted by S.S.I. 2019/412, and amended or modified by S.S.I. 2020/458, S.S.I. 2021/297, S.S.I. 2021/432 and S.I. 2022/1322.

(12) EUR 2017/625, as amended by S.I. 2020/1481, S.S.I. 2021/342, S.S.I. 2022/90, S.I. 2022/621, S.I. 2022/846 and S.I. 2022/1315.

(13) EUR 2016/1012. Article 37 was amended by S.I. 2019/117.

for official controls at a border control post at the same time by a person responsible for their importation,

- (b) “out of office hours” means before 0830 hours or after 1700 hours on a weekday,
- (c) “public holiday” means New Year’s Day, 2 January, Good Friday, the first Monday in May, the first Monday in August, Christmas Day and Boxing Day.

Revocations

11. The following regulations are revoked—

- (a) the Animal By-Products and Pet Passport Fees (Scotland) Regulations 2018(14),
- (b) the Animal Health (Miscellaneous Fees) (Scotland) Regulations 2018(15),
- (c) regulation 25 of the Official Controls (Agriculture etc.) (Scotland) Regulations 2019(16),
- (d) regulation 16 of the Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019(17).

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(14) S.S.I. 2018/176.
(15) S.S.I. 2018/177.
(16) S.S.I. 2019/412.
(17) S.I. 2019/740.