
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

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

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(1),
- (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(2),

(1) 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.
(2) 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.

- (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⁽³⁾,
 - (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 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.

(3) EUR 2016/1012. Article 37 was amended by [S.I. 2019/117](#).