

2007 No. 577

ANIMALS

ANIMAL HEALTH

**The Zoonoses and Animal By-Products (Fees) (Scotland)
Regulations 2007**

Made - - - - - *20th December 2007*

Laid before the Scottish Parliament *21st December 2007*

Coming into force - - - *28th January 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and sections 56(1) and (2) of the Finance Act 1973(b), and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 and come into force on 28th January 2008.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“the 2003 Regulations” means the Animal By-Products (Scotland) Regulations 2003(c);

“the European Regulation” means Regulation (EC) No. 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents(d);

“official control samples” means samples taken under point 2.1.2. of the Annex to Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003(e).

(a) 1972 c.68. Regulation 4 of this instrument is made in exercise of the power in section 2(2), which was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”), and section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51). The function conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) 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 by virtue of section 53 of the 1998 Act. The requirement to obtain the consent of the Treasury was removed by section 55 of the 1998 Act.

(c) S.S.I. 2003/411.

(d) O.J. No. L 325, 12.12.2003 p.1 as last amended by Council Regulation (EC) No. 1791/2006 of 20th November 2006.

(e) O.J. No. L 170, 1.7.2005, p.12.

Fees

3.—(1) The Scottish Ministers may charge such fees as they consider will enable them to meet any reasonable expenses incurred by them in—

- (a) taking or supervising the taking of official control samples;
- (b) examining official control samples;
- (c) processing an application for approval of a laboratory under regulation 21 of the 2003 Regulations or Article 12 of the European Regulation;
- (d) processing the approval documentation further to an application referred to in subparagraph (c);
- (e) processing a renewal application from a laboratory under regulation 21 of the 2003 Regulations or Article 12 of the European Regulation;
- (f) inspecting a laboratory for the purpose of regulation 21 of the 2003 Regulation or Article 12 of the European Regulation;
- (g) administering a quality control test under regulation 21 of the 2003 Regulations or Article 12 of the European Regulation.

(2) Fees are payable to the Scottish Ministers by—

- (a) the person in charge of a holding where official control samples are taken or examined in respect of the activities in paragraph (1)(a) and (b); and
- (b) the operator of the laboratory in respect of the activities in paragraph (1)(c) to (g).

Revocation

4. The Poultry Breeding Flocks, Hatcheries and Animal By-Products (Fees) (Scotland) Order 2002(a) is revoked.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
20th December 2007

(a) S.S.I. 2002/529.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Poultry Breeding Flocks, Hatcheries and Animal By-Products (Fees) (Scotland) Order 2002.

They make provision for the Scottish Ministers to charge fees for activities required under Commission Regulation (EC) No. 1003/2005, Regulation (EC) No. 2160/2003, and the Animal By-Products (Scotland) Regulations 2003. The activities are listed in regulation 3(1).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that these Regulations are likely to have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Rural Directorate, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

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