
STATUTORY INSTRUMENTS

2013 No. 1240

ANIMALS

ANIMAL HEALTH

The Animal Health (Miscellaneous Fees) Regulations 2013

<i>Made</i>	- - - -	<i>20th May 2013</i>
<i>Laid before Parliament</i>		<i>31st May 2013</i>
<i>Coming into force</i>	- -	<i>24th June 2013</i>

The Secretary of State is a Minister designated ^{F1} for the purposes of section 2(2) of the European Communities Act 1972 ^{F2} in relation to the common agricultural policy of the European Union.

The Secretary of State, with the consent of the Treasury, makes these Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973 ^{F3} as read with paragraph 1A of Schedule 2 to the European Communities Act 1972, and so far as relating to regulations 7, 8 and 9 in exercise of the powers conferred by section 10(3)(c) of the Animal Health and Welfare Act 1984 ^{F4}.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for any reference to 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 ^{F5}, Council Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ^{F6}, or Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ^{F7}, to be construed as a reference to that Regulation or that Directive as amended from time to time.

- F1** [S.I. 1972/1811](#). The function of the former Minister of Agriculture of making regulations under section 2(2) of the European Communities Act 1972 was transferred to the Secretary of State by the [Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#).

F2 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 \(c.7\)](#), [Part 1](#) of the Schedule. The power of the Secretary of State to make Regulations that extend to Scotland remains exercisable by virtue of section 57(1) of the [Scotland Act 1998 \(c.46\)](#). The power of the Secretary of State to make Regulations that extend to Northern Ireland remains exercisable by virtue of article 2(3) of the [European Communities \(Designation\) \(No 2\) Order 1999 \(S.I. 1999/2027\)](#) and article 2(a) of the [European Communities \(Designation\) Order 2008 \(S.I. 2008/301\)](#). The power of the Secretary of State

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to make Regulations in relation to Wales remains exercisable by virtue of paragraph 5 of Schedule 3 to the [Government of Wales Act 2006 \(c.32\)](#).

F3 [1973 c.51](#). Subsection (6) of section 56 was repealed by the [Statute Law \(Repeals\) Act 1977 \(c.18\)](#).

F4 [1984 c.40](#).

F5 OJ No L325, 12.12.2003, p.1 as last amended by Commission Regulation (EU) No 1086/2011 (OJ No L 281, 28.10.2011, p.7).

F6 OJ No L 224, 18.8.1990, p. 62 as last amended by Commission Implementing Regulation (EU) 176/2012 (OJ No L 61 2.3.2012 p.1).

F7 OJ No. L 343, 22.12.2009, p.74 as last amended by Commission Implementing Decision 2011/879/EU (OJ No. L 343, 12.12.2011 p. 105).

Title, extent, application and commencement

1.—(1) These Regulations may be cited as the Animal Health (Miscellaneous Fees) Regulations 2013.

(2) Regulation 4 extends to England and Wales, Scotland and Northern Ireland.

(3) Subject to paragraph (2) these Regulations extend to England and Wales, but apply in relation to England only.

(4) These Regulations come into force on 24th June 2013.

Interpretation

F8 2.

F8 [Regulations](#) revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Refund of fees

F8 3.

F8 [Regulations](#) revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Control of trade in endangered species: fees

4.—(1) The Control of Trade in Endangered Species (Fees) Regulations 2009 ^{F9} are amended as follows.

(2) In regulation 3—

(a) for paragraph (1) substitute—

“(1) Except where regulation 4 applies, a person who wishes to obtain a permit, certificate or registration specified in an entry in column 1 of the Schedule must pay the fee specified corresponding to that entry in column 2 (for animals) or column 3 (for plants) as the case may be.”;

(b) in paragraph (2) for “regulation 4(2)” substitute “ regulation 4 ”; and

(c) after paragraph (2) insert—

“(3) If any application for which a fee is payable under these Regulations is withdrawn before consideration of the application, the Secretary of State must refund to the applicant

such proportion of any fee paid in respect of that application as the Secretary of State thinks fit, having regard to any reasonable costs incurred by the Secretary of State in connection with the application.”.

(3) For regulation 4 substitute—

“Fee for the issue of additional permits or certificates

4. Where a single application covers more than one specimen and the issue of more than one permit or certificate is required, a fee of £1.50 is payable by the applicant for each additional permit or certificate issued.”.

(4) In regulation 5(2)(b) for “4(2)” substitute “ 4 ”.

(5) In regulation 6(8) for “18, 19, 29 or 63” substitute “ 18, 19 or 29 ”.

(6) For the Schedule substitute the Schedule (fees) set out in Schedule 1 to these Regulations.

F9 [S.I. 2009/496](#).

Salmonella national control programmes (zoonoses): fees

^{F8}**5.**

F8 [Regulations](#) revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Poultry health scheme: fees

^{F8}**6.**

F8 [Regulations](#) revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Bovine semen: fees

7.—(1) The Bovine Semen (England) Regulations 2007^{F10} (“the 2007 Regulations”) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 41 substitute—

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

(3) Omit regulation 42.

^{F8}(4)

F8 [Regulations](#) revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

F10 [S.I. 2007/1319](#), to which there are amendments not relevant to these regulations.

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Porcine semen: fees

^{F8}8.

F8 Regulations revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Bovine embryo (collection, production and transfer): fees

^{F8}9.

F8 Regulations revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Checking consignments of live animals at border inspection posts: fees

^{F8}10.

F8 Regulations revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Revocations

^{F8}11.

F8 Regulations revoked (except regs. 1, 4, 7(1)-(3) and Sch. 1) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(England\) Regulations 2018 \(S.I. 2018/664\)](#), regs. 1(3), **10**

Department for Environment, Food and Rural
Affairs

David Heath
Minister of State

We consent

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

SCHEDULE 1

Regulation 4(6)

Control of trade in endangered species: fees

“SCHEDULE

Regulation 3

FEES

<i>Column 1 Type of permit, certificate or registration</i>	<i>Column 2 Fee for animals (£)</i>	<i>Column 3 Fee for plants (£)</i>
Certificate of origin issued under the Council Regulation	31	
Commercial use certificate issued under Article 10, in accordance with Article 8 of the Council Regulation	31	
Export permit issued in accordance with Article 5 of the Council Regulation	63	74
Re-export certificate issued in accordance with Article 5 of the Council Regulation	37	59
Movement certificate issued under Article 10, in accordance with Article 9 of the Council Regulation	88	88
Pre-issued re-export certificate issued under Article 18 of the Commission Regulation (biological samples)	44	59
Pre-issued re-export certificate issued under Article 19 of the Commission Regulation (dead specimens)	44	59
Import permit issued under Article 4 of the Council Regulation	67	74
Pre-issued export permit issued under Article 18 of the Commission Regulation	72	74
Pre-issued export permit issued under Article 19 of the Commission Regulation	72	74
Pre-issued export permit issued under Article 29 of the Commission Regulation (nursery permits)	Not applicable	74

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Personal ownership certificate issued under Article 37 of the Commission Regulation	74	74
Sample collection certificate issued under Article 44a of the Commission Regulation	74	74
Travelling exhibition certificate issued under Article 30 of the Commission Regulation	74	74
Scientific institution certificate issued under Article 60 of the Commission Regulation	146	195
CITES registration	221	221”

^{F8}SCHEDULE 2

Regulation 5

Salmonella national control programme (zoonoses): Fees

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^{F8}SCHEDULE 3

Regulation 6

Poultry health scheme: Fees

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^{F8}SCHEDULE 4

Regulation 7(4)

Bovine semen: Fees

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^{F8}SCHEDULE 5

Regulation 8

Porcine semen: Fees

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^{F8}SCHEDULE 6

Regulation 9

Bovine embryo (collection, production and transfer): fees

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^{F8}SCHEDULE 7

Regulation 10

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

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for consolidation and increase of fees payable to the Secretary of State in the field of animal health into one statutory instrument. The fees are collected by the Animal Health and Veterinary Laboratories Agency (AHVLA), an executive agency of the Department for Environment, Food and Rural Affairs.

The Control of Trade in Endangered Species (Fees) Regulations 2009 (S.I. 2009/496) is amended by regulation 4. The fees in regulation 4 and Schedule 1 are payable in relation to certificates and permits issued under Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora. Regulation 4 extends to the whole of the United Kingdom; the other provisions of the instrument apply only in England.

The fees in regulation 5 and Schedule 2 are payable in relation to activities required under Regulation (EC) No 2160/2003 and in accordance with Salmonella National Control Programmes for poultry.

The fees in regulation 6 and Schedule 3 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 2011 (S.I. 2011/1197).

The fees in regulation 7 and Schedule 4 are payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (England) Regulations 2007 (S.I. 2007/1319), which are amended by regulation 7.

The fees in regulation 8 and Schedule 5 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 6 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 7 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 Regulations 2011.

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. Full impact assessments of the effect that this instrument will have in relation to fees covered by this instrument are available on the www.gov.uk/defra website.

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